

# SUBMISSION FOR THE TRAINING ON MIGRATION

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## A) Introduction

Migration is a topic which emotionally engages people –it is an issue that for many people is reflected in their everyday reality. For Christians it is an issue with a strong biblical narrative and related to some of the central biblical commandments.

In a human rights training session on migration you are likely to meet participants, who will have both clear ideas and often strong opinions on migration. Even those who will not yet have an opinion on migration will have an idea what migration is and who migrants are – however they will often talk about very different things and different people.

When planning a training session on migration, which is limited in time, it is essential to clarify some key concepts of migration and (already beforehand) decide on the more precise thematic focus of your training. Central categories in this context may include refugees and asylum-seekers, labour migrants, undocumented migrants, persons migrating due to family reunification or trafficked persons.

Depending on your focus, you will have slightly different theological references and distinctly different international, European and national legislative and human rights standards. The importance of different European standards will depend on whether your country is an EU member state and if the migrants in question are EU nationals or not. Your choice of focus theme will also influence whom you might invite as resource person(s) and inform your discussions.

You should also allow enough time and elements for participants to formulate their own issues and concerns relating to migration and to agree on follow-up.

## B) Biblical and theological approaches to Migration

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Migration was a common experience throughout the Old and New Testaments.

Some of the most striking and emblematic examples of faithfulness in both Old and New Testaments are related to migration and hospitality being extended to strangers.

The supreme example of a faithful human response to the directing of God is Abram. He is told, "Leave your country, your people and your father's household and go to the land I will show you" (Genesis 12:1). The history of the Israelites is traced back to this story of emigration and journeying. God's promise of a better life and a better future to Abraham (Genesis 12: 2-3) are not so far from the motivations that still prompt many migrant people to make their journey towards Europe or other world regions.

The language of 'stranger' and 'foreigner' is nothing unfamiliar in the Old Testament period. Their language contains several possible terms for the person who was not *Ezrach*, literally a 'native of the Land' or an Israelite. Each of these terms conveys its own special nuances in meaning. The terms *nokrim* and *zarim* are usually translated 'foreigners' (sometimes 'aliens') and describe foreigners who were feared or loathed by the Israelites. *Gerim* is usually translated 'sojourners' or 'aliens'. The *gerim* were expected to keep the Sabbath (Exodus 20:10) and participate in other festivals. They could be employed (Deuteronomy 29:11) and, above all, were to be protected from abuse (Leviticus 19:33-34). The status of the *ger* contrasts with that of the *toshav*. Both lived among the Israelites but the *ger* had voluntarily embraced the religious and community life of the Israelites. This extension of the communal and societal rights enjoyed by the Israelites reflected their own experience of migration and exile. "You shall treat the alien no differently than the natives born among you, have the same love for him as for yourself; for you too were once aliens in the land of Egypt" (Leviticus 19:33-34). The *ger*, no less than other Israelites, occupied a moral category. The welcome and welfare for aliens was laid out in the Levitical law and included gleaning and tithing laws (Leviticus 19:9-10; Deuteronomy 14:28-29). A response towards the alien, other than one of fear and hostility, was expected of the Israelites by God.

Of course, the experience of being a foreigner in Israel has no direct overlap with the contemporary experience of migration in Europe, arguably even less so in the area of detailed policy making, but it offers revealing insights into the manner in which God expected his people to relate to the 'other'. This attention to the 'other' continues in the New Testament. The Prologue of John's Gospel opens in such a way, "He came unto his own, but his own did not receive him" (John 1:11). Shortly after his birth, Jesus was taken with some urgency by his parents to Egypt. Fleeing the political violence of Herod, Jesus and his parents became refugees. The personal experience of 'otherness' finds its parallels in the parables of Jesus. This leads Mgr. Keith Baltrop, a Roman Catholic leading an agency involved in ministry among migrants in England, to comment that, "The parable of the Good Samaritan invites us to project ourselves imaginatively into the situation of others, as he did with the man who had been robbed, not just patching him up but thinking of all the needs he would have as the situation developed. Many groups who have begun with simple care for homeless people by inviting them into Church and giving them a cup of tea, have gone on to cater for all their needs, such as medical care, drug rehabilitation, alcohol dependency programmes, education, job-finding etc., and the same will be true of our immigrants.

The English sociologist and theologian, Nick Spencer in his book *Asylum and Immigration* (2004) discusses whether it is possible for Churches to urge the adoption by a Government of migration policies that will necessarily be short-term, detailed and circumstantial. He cautiously suggests several guiding principles that are reflected in the themes we have been discussing above.

These principles, he states, may serve the function of delineating a framework within which policy can be shaped. He expounds what these are at length and we merely list them here in a summary form. An appropriate Christian response to policy-makers must therefore pay proper attention to:

- a. The essential unity of the 'one human race' (or humanity).
- b. The reality of nationhood.
- c. The fact that national borders are permeable to people but not necessarily to values.
- d. The loving care and welfare of the alien.

- e. The rights of immigrants.
- f. Reminding immigrants of their responsibilities within the host society.
- g. Urging a willingness to integrate the migrant.
- h. Urging a similar willingness on the part of the migrant to accept integration.
- i. Compassion for the vulnerable.
- j. The Church as a model of cross-cultural community.

### **C) International Legal approaches to Migration**

The international, European and national legal and human rights context varies considerably for the different groups of migrants and depending on the countries of origin/of residence of the migrants.

While important international instruments pertaining to specific groups such as the ILO Migration for Employment Convention or the UN Refugee Convention were drawn up as early as 1949 and 1951 respectively, binding European legislation is mainly related to the area of refugee protection. In the particular case of EU countries and EU nationals (and in some cases nationals of states associated to the EU), a strong framework is provided by the EU legislation and jurisprudence on free movement of EU nationals.

In contrast, several of the more broad instruments such as the 1990 Migrant Workers Convention have been poorly ratified by European countries.

The alignment of national legislation with international standards varies considerably from country to country. In addition, your country may have concluded bi-lateral agreements on migration with other countries. In addition, case law both on European and national level is developing fast. It is therefore often difficult even for experts to keep informed about all details of applicable legislation.

It may in this context be useful to invite an expert to your training in order to explain the exact legal framework regarding your specific country and the different groups of migrants hosted in your country. This expert may come from an UN agency, a national administration, an expert NGO or may be an immigration lawyer.

### **REFERENCE DOCUMENTS**

Among the most relevant international instruments on migration the following should be mentioned:

- 1949 ILO Convention concerning Migration for Employment (ILO convention 97)
- 1951 UN Convention and its 1967 Protocol Relating to the Status of Refugees
- 1975 ILO Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers (ILO Convention 143)
- 1990 UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
- 2000 UN Protocol against the Smuggling of Migrants by Land, Sea or Air, Supplementing the United Nations Convention Against Transnational Organized Crime
- 2000 UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children...

As outlined above, there is far-reaching EU legislation as well as jurisprudence and jurisprudence of the European Court of Human Rights relating to migration. It will however depend on the specific legal system of your country what cases are of relevance for you (for summary overviews see section G).

### **D & E) Best practices & proposals for action to support migrants**

The examples of churches working on the various aspects of migration are manifold: be it assistance to refugees or detained migrants, be it counselling of migrant workers or initiatives to build

intercultural congregations with migrants and migrant-led churches. An important aspect of churches' work on migration is the advocacy for the rights of migrants towards political authorities. Various aspects of churches' work on migration with regards to unity, witness and advocacy were presented at the launch of the year "Migration 2010 – year of European churches responding to migration", and can be found at:

<http://migration.ceceurope.org/migration-2010/>

## **F) Questions which relate to the topic during the training**

A number of questions might come up during training on migration. Among them, you might want to raise the following:

- are international norms sufficiently and correctly implemented in our country? What could we do to make sure they are implemented?
- what specificity do we have as CHURCH to address migration, in relation to activities of state, NGOs and others ?
- how can we promote human rights of migrants in societies increasingly critical about immigration ?

Proposal for a structure for training:

- Welcome
- Interactive exercise on terms or opinions:  
ask participants to complete sentences and write down "a refugee is..." , "a migrant is...";  
ALTERNATIVELY: exercise: for my church the central question on migration is....;  
ALTERNATIVELY: ask people to agree/disagree on statements on refugees;  
(this can also be done as a short version of a "statements game", cf. Domino Manual, Council of Europe, page 85);
- explain the definition of these terms: refer to national, European and International legislation;
- expert input by speaker: depending on the precise issue this could be a speaker of the UNHCR (the UN refugee agency) or ILO (on labour migrants), someone from your national government, an NGO activist or someone from a church organisation on European level or another country;
- Discussion with speaker;
- Discussion and agreement on follow-up (consider issues of advocacy, support and inclusive ministry).

## **G) Resource material for the training on Migration**

*Definitions:*

Churches' Commission for Migrants in Europe/Nova research Institute/World Council of Churches: TALKING ABOUT MIGRANTS: ATTEMPTING TO DEFINE MIGRANT PEOPLE IN EUROPE in "Mapping Migration, mapping Churches responses to it"  
Brussels/Geneva/Gloucester 2008

The Hague Process on Refugees and Migration (THP Foundation)/ UNESCO Section on International Migration and Multicultural Policies: people on the move, handbook of selected terms and concepts. Paris/the Hague 2008

<http://www.thehagueprocess.org/documents/THP-UNESCO-HANDBOOK-version-1.pdf>

*Theology:*

Churches' Commission for Migrants in Europe: Theological Reflections on Migration  
A CCME Reader, Brussels 2008

[http://migration.ceceurope.org/fileadmin/filer/mig/10\\_migration\\_2010/2008\\_CCME\\_Reader-Theological\\_Reflections\\_on\\_Migration.pdf](http://migration.ceceurope.org/fileadmin/filer/mig/10_migration_2010/2008_CCME_Reader-Theological_Reflections_on_Migration.pdf)

Spencer, Nick: Asylum and Immigration A Christian Perspective on a Polarised Debate,  
Carlisle 2004

*International and European Legislation:*

European Commission: ACQUIS OF THE EUROPEAN UNION, TITLE IV OF THE TEC, PART II OF THE TEC, TITLE VI OF THE TEU, Brussels 2009

[http://ec.europa.eu/home-affairs/doc\\_centre/intro/docs/jha\\_acquis\\_1009\\_en.pdf](http://ec.europa.eu/home-affairs/doc_centre/intro/docs/jha_acquis_1009_en.pdf)

(on migration of non-EU citizens to the EU: page 3ff on asylum, immigration, irregular migration...)

European Commission: New legislation will simplify conditions and administrative formalities for applying EU citizens' right to move and reside freely throughout the European Union

[http://ec.europa.eu/justice/policies/citizenship/movement/policies\\_citizenship\\_movement\\_en.htm](http://ec.europa.eu/justice/policies/citizenship/movement/policies_citizenship_movement_en.htm)

(on inner-EU migration)

The Hague Process on refugees and Migration: Compendium of Rights Related to Migration I, The Hague 2008

<http://www.thehagueprocess.org/documents/Compendium-of-Rights-Related-to-Migration.pdf>

The European Convention on Human Right and Migration:

<http://www.yourrights.org.uk/yourrights/rights-of-immigrants/european-convention-on-human-rights/the-european-convention-on-human-rights-and-immigration-law.shtml>

*Methods:*

Domino, A manual to use peer group education as a means to fight racism, xenophobia and intolerance, Strasbourg 1996

[http://www.coe.int/t/dg4/youth/Source/Resources/Publications/Domino\\_en.pdf](http://www.coe.int/t/dg4/youth/Source/Resources/Publications/Domino_en.pdf)

OVERVIEW OF CHURCHES POSITIONS ON MIGRATION IN EUROPE:

[www.ccme.be](http://www.ccme.be)