

The Dispossessed

A brief guide to the Catholic Church's concern for refugees and migrants



The Office for Refugee Policy of the
Catholic Bishops' Conference of England and Wales

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Foreword

Human beings have migrated throughout history. It is not a new phenomenon. In the recent past, the issue of migration was not considered controversial, particularly when numbers were small and governments were able to count on broad electoral support for their immigration policies. Today this has changed; migration has gone to the top of the public policy agenda as a major concern of world politics, including the 'securitisation' of migration issues.

Over the last decade, the countries of the European Union and other developed countries have adopted increasingly punitive measures to deter refugees and migrants from crossing their borders. Today, while the legal framework of refugee protection is under pressure, the support for a new legal framework to protect migrant workers remains lukewarm. While it is tempting to direct all blame at governments, there is plenty of evidence to suggest that their restrictive policies are often a reflection of the xenophobic attitudes of increasing numbers of people in developed countries.

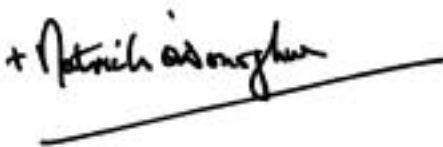
The reasons for migration, forced or voluntary, are often varied and complicated. The causal factors can range from persecution for political, religious, ethnic or social reasons to armed conflicts and civil wars, economic deprivation or environmental disasters. In this confusing situation, it is not always easy to draw a clear distinction between economic and political refugees. Often people flee from economic conditions which derive from a failure of the political process to guarantee an equitable distribution of food, land, jobs or other social services. The cruel reality is that political persecution and economic oppression frequently overlap, prompting many to ask if the time has come to reform the 1951 *UN Refugee Convention*. At a time when the right to asylum is under

threat, it seems to me more important to safeguard existing asylum rights under the *Convention* than to reform the *Convention* itself.

For us as Christians, it is essential to recall that all human beings, regardless of the labels given to them, are entitled to full respect of their human dignity and rights; we are challenged by the Gospels to respond to all 'dispossessed people', extend hospitality and work for justice, peace and reconciliation (cf Mt 13:31; Mk 4:30-32; Lk 13:18), this is also manifested in the *Universal Declaration of Human Rights* (1948).

The latest Instruction from the Pontifical Council for Refugees, Migrants and Itinerants, *Erga migrantes caritas Christi*, once again reminds us of our responsibilities to the various cultures and faith traditions brought together as 'neighbours' by migration.

This publication from the Office for Refugee Policy of the Catholic Bishops' Conference of England and Wales, aims to strengthen the commitment of Catholics working with refugees and migrants. It explores the Catholic Church's foundational documents and social teaching on refugees and migrants and touches on the theological significance of exile in our time.

A handwritten signature in black ink, reading "+ Patrick O'Donoghue", is written above a horizontal line.

Rt Rev Patrick O'Donoghue, the Bishop of Lancaster,
Chairman, Office for Refugee Policy,
Catholic Bishops' Conference of England and Wales

1) The Catholic Bishops' Conference of England and Wales

refugees and migrants – an overview

At the beginning of the 21st century, international migration continues to affect all countries and continents. It has become a major public policy issue impacting on domestic and international politics. Millions of men, women and children are on the move 'as victims of unjust social, economic and political structures of societies, of human rights abuses and of armed conflicts. They need protection, justice and peace, and recognition of their human dignity.'¹ The Catholic Bishops' Conference of England and Wales (CBCEW) takes a principled stand on the migration issue, especially on the rights of those who are persecuted and the internally displaced. Its concerns about migration, including the related issue of race relations, date as far back as the 1960s. In the 1990s, the rights of migrants and refugees were added to the list of concerns.² The Committee for Migrants was established as the principal reference point for migration work within the Conference.

In November 1990, the late Cardinal Basil Hume, Archbishop of Westminster, said that 'protection for those fleeing persecution is a benchmark of a civilised society'. He was referring to the British government's lack of concern for the 160 Eritrean children, victims of Ethiopia's civil war, who

1 Bishop Patrick O'Donoghue, Chairman, Office for Refugee Policy (1997).

2 Currently, there are 15 million refugees worldwide. The majority, about 90%, live in poor countries bordering their homelands; most are women and children. This figure does not include the Palestinian refugees cared for by the United Nations Relief and Works Agency or the internally displaced ie refugees who have not crossed an international border, numbering about 25 million. These people have no law to protect them, only special UNHCR assistance, when requested by the UN General Assembly, with the consent of the country involved.

arrived in the UK in that year. Following the intervention of the Cardinal, Westminster Diocese's Social and Pastoral Action arranged care for many of these children. In 1993, the Office for Refugee Policy (ORP) was established, to enable the CBCEW to respond to migration policy developments in the UK, the European Community and internationally.

The ORP, guided by the Gospels and Catholic Social Teaching:

- Monitors, informs and advises the bishops (and agencies of the Bishops' Conference) on migration policy developments in the UK/EU and worldwide, thus enabling them to respond to/critique these policies and their administration.
- Supports and promotes programmes in the wider world for justice and peace and the recognition of the human rights and the dignity of refugees and migrants.
- Challenges states to uphold international laws and standards that govern the treatment of refugees and migrants, eg the 1951 *UN Refugee Convention* and the 1967 *Protocol*; the 1948 *Universal Declaration of Human Rights*, the 1957 *European Convention on Human Rights* and the 1990 *International Convention on the Protection of the Rights of Migrant Workers and Members of their Families*.³
- Initiates and supports Catholic and ecumenical programmes addressing the pastoral needs, aspirations and rights of refugees and migrants.⁴

³ This Convention came into force on 1 July 2003 after being ratified by 20 countries. The UK has not ratified the Convention.

⁴ The Catholic Refugee Forum was initiated in 1995 to enable dialogue and cooperation between the various Catholic groups and individuals working for and with refugees and migrants. Today, this Forum is an independent body

2) Office for Refugee Policy – basic position on refugees and migrants

- In affirming the rights of immigrants, refugees and migrants, the Church is upholding an ancient biblical and historical mandate. It is fundamental to Christian belief that human beings are made in the image and likeness of God (Gen 1:27). This implies first of all, that it is God Himself who has the divine right over all human beings, whether Jew or Greek, slave or freeman, male or female (Gal 3:28). Refugees and immigrants therefore cannot be seen as mere objects, but as human beings created in the image of God. Central also to the Christian faith is God's revelation of Himself in the human person, Jesus. Jesus, an exile and refugee, who preaches, 'I was a stranger and you welcomed me' and 'Whatever you did for the least of my brothers, you did it for me' (Mt 25:35-40), thus proclaimed and expressed unity and solidarity with all humanity. The social teaching of the Catholic Church, in affirming the sacredness of all human life and the sanctity of creation, further strengthens the commitment to immigrants, migrants and refugees (see Appendix 1).

- Takes the view that migration, both voluntary and involuntary, is a global phenomenon, simultaneously touching all regions and crossing all regional boundaries. Today, as has been the case throughout history, the conditioning factor of migration is a combination of the attraction exerted by the

called the National Catholic Refugee Forum. In addition, several religious and their orders, immigrant chaplaincies, Justice and Peace groups, lay organisations and agencies of the Bishops' Conference respond to the needs of refugees and migrants or campaign on their behalf eg CAFOD, the National Board of Catholic Women, the Catholic Women's League, the Lay Apostolates, the Jesuit Refugee Service, the Servite Order, the Columban Fathers and the Notre Dame Sisters *et al.*

destination countries, and forces which prompt people to move or flee from their countries viz post-colonial and post-cold-war conflicts, gross human rights violations, economic deprivation/food insecurity and environmental/ecological disasters. While the analysis is far from conclusive, many of the phenomena described as causes appear to be features accompanying or aggravated by the globalisation of the free-market economy.⁵

- Recognises the need for ongoing dialogue with policy makers and practitioners so as to shift migration policies from a defensive to a more positive and managed-migration policy framework. The CBCEW/ORP supports Christian advocacy programmes to defend the moral and ethical principles that underpin the migration phenomenon, and campaigns for the upholding of international laws and standards in dealing with refugees and migrants. (See Appendix 2 & 3).
- Promotes a 'culture of solidarity' by encouraging the Catholic community to develop pastoral structures for immigrants, migrants and refugees and support emergency/humanitarian relief and sustainable development programmes in poor countries.
- Subscribes to the view that humanitarian assistance, commendable and imperative as it is, is insufficient in itself. Such programmes must be paralleled with action addressing the root causes for the displacement of people viz wars between or within countries, persecution and generalised violence, the arms trade that militarises societies, the crippling

⁵ To keep the discussion in historical perspective, one ought to note that between 1800 and 1960, Europeans accounted for a disproportionate 80% of international migration. In the 19th century alone, 70 million Europeans emigrated to the United States, Canada, South America and Australia. European Trade Union Institute, December 1993.

debt burden and unfair trade practices that distort the economies of poor countries, the lack of democracy, gross human rights violations and environmental disasters etc.⁶

⁶ International consensus exists on the root causes of refugee flow: see, for example the UN General Assembly Resolution 41/124. In fact, Pope John Paul II stated in his message for the 90th World Day of Migrants and Refugees (2004), that while the Church recognises 'the right to emigrate and the rights of immigrants' it is also important to recognise the 'right not to migrate'.

Basic documents, statements and pronouncements

The Catholic Church's foundational documents on migration; references from the Catechism and the Code of Canon Law; Catholic Social Teaching; documents of the Pontifical Council for Refugees, Migrants and Itinerants; key documents and statements of the CBCEW on migration;⁷ statements of the Synod of Bishops etc. All these documents, statements and pronouncements contain analytical references and pastoral and theological insights for those working for and with refugees and migrants.

3) The Catholic Church's foundational documents on migration

a) Apostolic constitution, *Exsul Familia* (1952)⁸

This document is considered the Magna Carta of the Church's teaching on migration. Pope Pius XII, prompted by the large displacement of people during World War II, set up the Superior Council for Emigrants in the Consistorial Congregation, now Congregation of Bishops, to work with Episcopal Commissions worldwide, for the pastoral care of refugees and migrants. In 1951, Pope Pius XII inspired the

⁷ These include responses to Government policies and legislative programmes regarding refugees and migrants; messages such as those issued for World Migration Day, International Refugee Week and International Human Rights Day; joint analysis and statements with Catholic Church partners in the European Union; Ecumenical documents and statements with Churches Together in Britain and Ireland.

⁸ 'An Apostolic Constitution', when used by the Holy See indicates a document which is a solemn enactment, carrying juridical binding force, an ordinance coming directly from the Pope.

formation of the International Catholic Migration Commission to facilitate better coordination among Catholic organisations working with refugees and migrants.

b) *Gaudium et Spes* (1965)

This Vatican II document – the Pastoral Constitution on the Church in the Modern World – lays heavy stress on the respect for human dignity and equality; it emphasises the international dimension of the common good and the need for international action regarding refugees and migrants: ‘...agencies of the international community should do their part to provide for the various necessities of men...it means the general need to promote the growth of developing nations, to attend to the hardships of refugees scattered throughout the world, or to assist migrants and their families.’ (n.27)

On the other hand, Vatican II also recognised the right of public authorities in a particular context, to regulate the flow of migrants. (n.87)

c) Apostolic letter, *Pastoralis Migratorum Cura* (1969)

‘The pastoral care of migrants has always attracted the motherly attention and solicitude of the Church.’ (p7)

Pope Paul VI, following on from concerns expressed by the Second Vatican Council, urged the Catholic Church to celebrate World Migration Day during Advent ‘at a time and manner determined by local circumstances and the needs of the environment’. The CBCEW designated 3 December of every year as a Day of Prayer for refugees and migrants.

d) Apostolic letter, *Caritatis* (1970)

In view of the increasing significance of human mobility in its various forms, and with the intention of consolidating the dispersed manner in which the Vatican provided assistance,

Pope Paul VI established the Pontifical Commission for Migrants and Itinerant People. This decision was contained in the Apostolic Letter *Caritatis* (par.193-197).

e) Apostolic constitution, *Pastor Bonus* (1988)

Pope John Paul II established the Pontifical Council for the Pastoral Care of Migrants and Itinerant People to 'reflect the universal concern of the Church for the phenomena of human mobility'. This Pontifical Council was elevated from a Commission, following reform of the Roman Curia provided in *Pastor Bonus*. With this elevation, the Council gained legal juridical status with the other Dicasteries in the Roman Curia (Art.2, par.2).

'The Pontifical Council applies the pastoral solicitude of the Church to the particular needs of those who have been forced to abandon their homeland, as well as those who have none. Consequently, the Council closely follows all questions pertaining to this matter.' (Art.149)

The Pontifical Council for the Pastoral Care of Migrants and Itinerant People is the Catholic Church's worldwide point of reference for pastoral outreach to refugees and migrants. In order to monitor and evaluate international migration trends the Pontifical Council organises and promotes meetings, seminars and congresses at the international level; it also publishes *People on the Move*, a journal on refugee and migration studies.⁹

⁹ *People on the Move* is available from the Pontifical Council for the Pastoral Care of Migrants and Itinerant People, 00120, Vatican City.

f) Pontifical Council for Refugees and Itinerant People, Discastery Instruction, *Erga migrantes caritas Christi* (2004)

‘In the face of the widespread migratory phenomena, with aspects profoundly different today from what they were in the past, policies of purely national level would be of little value. No country today may think that it can solve migration problems on its own. Even more ineffective would be purely restrictive policies, which, in turn, would generate still more negative effects, with the risk of increasing illegal entries and circumstances favouring the activities of criminal organisations. International migration must therefore be considered an important structural component of the social, economic and political reality of the world today.’ (n.7-8)

g) The Catechism of the Catholic Church (1993)

‘The more prosperous nations are obliged, to the extent they are able, to welcome the foreigner in search of security and the means of livelihood which he cannot find in his country of origin. Public authorities should see to it that the natural right is respected that places a guest under the protection of those who receive him.’ (n.2241)

‘Human interdependence is increasing and gradually spreading throughout the world. The unity of the human family, embracing people who enjoy equal natural dignity, implies a universal common good. The common good calls for an organisation of the community of nations able to provide for the different needs of men and women. This will involve the sphere of social life to which questions of food, hygiene, education...and certain situations arising here and there, as for example...alleviating the miseries of refugees dispersed throughout the world and assisting migrants and their families to belong. (n.1911)

h) Code of Canon Law (1998)

The Code of Canon Law requests that parish priests be especially attentive towards persons who are far from their own country (Can.529, n.1); it stresses the desirability and obligation whenever possible of arranging specific pastoral care for them (Can.568); it encourages the creation of specific pastoral personalities such as Episcopal vicars (Can.476) and chaplains for migrants (Can.568).

4) Catholic social teaching on refugees and migrants – a summary

The outlook of the Catholic Church on refugees and migrants is covered in key documents of its social teaching. It helps us understand what is required of us, as Christians, to respond to the needs and aspirations of refugees and migrants.

Briefly, it is right to say that the Catholic Church is uncompromising on the rights of refugees: 'While many have already done so, it is desirable that all States become party to the 1951 *Convention on the Status of Refugees* and to the related *Protocol* of 1967 and see to it that they are respected. The exercise of the right to asylum proclaimed by the *Universal Declaration of Human Rights* (Art.14,1) should always be recognised everywhere and not obstructed with deterrent and punitive measures.'¹⁰ However, on the question of migration the view is qualified, 'while the Church upholds the freedom to migrate, this right is not seen as an absolute right of an individual, but limited by the requirements of the common good. The receiving country has the right to exercise a certain control over immigration, in order to safeguard public morals and national security. But restrictions incompatible with

¹⁰ *Refugees: A Challenge to Solidarity*, n.13.

¹¹ *Pastoral Dictionary on Migration and Human Mobility*, T Stark.

natural law and detrimental to international solidarity, or which are used under a pretext of sovereign rights, are not permitted'.¹¹

To illustrate, consider the following documents of Catholic social teaching:

(i) Pope John XXIII's *Mater et Magistra* (1961)

'...our predecessor [Pope Pius XI] reminds governments, both those permitting emigration and those accepting immigrants, that they never permit anything whereby mutual and sincere understanding between states is diminished or destroyed.'

(n.45)

(ii) Pope John XXIII's *Pacem in Terris* (1963)

'Every human being must also have the right to freedom of movement within the confines of his own country, and, when there are just reasons for it, the right to emigrate to other countries and take up residence there. The fact that one is a citizen of a particular state does not detract in any way from his membership of the human family, nor from his citizenship in the world community and his common tie with all men.'

(n.25)

(iii) Pope Paul VI's *Octogesima Advieniens* (1971)

'...it is urgently necessary for people to go beyond a narrowly nationalistic attitude in their regard to foreign workers and to give them a statute which will assure them a right to emigrate, favour their integration, facilitate their professional advancement and give them access to decent housing where,

¹² Eight years later in 1979, the UN General Assembly created a working group to elaborate on the *International Convention for the Protection of Migrant Workers and Members of their Families*; adopted by the General Assembly in 1990 and following ratification by 20 countries, came into force in July 2003.

if such is the case, their families can join them. Linked to this category are the people who, to find work, or to escape a disaster or a hostile climate, leave regions and find themselves without roots among other people.’ (n.17)¹²

(iv) Pope John Paul II’s *Laborem Exercens* (1981)

‘The most important thing is that the person working away from his native land, whether as a permanent emigrant or as a seasonal worker, should not be placed at a disadvantage in comparison with other workers in that society in the matter of working rights.’ (n.23)

(v) Pope John Paul II’s *Sollicitudo Rei Socialis* (1987)

‘...the consequences of this state of affairs are to be seen in the festering of a wound which typifies and reveals the imbalances and the conflicts of the modern world: the millions of refugees for whom war, natural disasters, persecution and discrimination of every kind have deprived them of a home, employment, family and homeland. The tragedy of these multitudes is reflected in the hopeless faces of men, women and children who can no longer find a home in a divided and inhospitable world.’ (n.24)

(vi) Pope John Paul II’s *Centesimus Annus* (1991)

‘...it will be necessary above all to abandon a mentality in which the poor – as individuals and as peoples – are considered a burden, as intruders trying to consume what others have produced. The poor ask for a right to share in enjoying material goods and to make use of their capacity to work, thus creating a world that is more just and prosperous for all. The advancement of the poor constitutes a great opportunity for the moral, cultural and even economic growth of all humanity.’ (n.28)

(viii) Pope John Paul II's *Tertio Millennio Adveniente* (1994)

'...if we recall that Jesus came 'to preach the good news to the poor' (Mt 11:5) how can we fail to lay greater emphasis on the Church's preferential option for the poor and the outcast? Indeed, it has to be said that the commitment to justice and peace in a world like ours, marked by so many conflicts and intolerable social and economic inequalities, is a necessary condition for the preparation and celebration of the Jubilee...' (n.51)

(ix) Pope John Paul II's apostolic travels

In his apostolic journeys worldwide, Pope John Paul II never lets an opportunity pass without calling attention to the plight of refugees and migrants:

In Guatemala (1980): 'I pray the Almighty...to move hearts in the ways of justice, to bless all those who work honestly for good, all those who help the suffering, those who welcome and give a helping hand to the exiled and displaced, those who in any way whatever – as a humanitarian and Christian act – wipe the suffering face of the people of Central America, which is the face of Christ.'

In Costa Rica (1980): 'Those who take care of their neighbours, the refugees, the displaced, build the Church.'

In the Philippines (1981): 'Defending the human dignity of the poor and their hopes for a human future is not a luxury for the Church, nor is it a strategy for opportunism, nor a means for currying favour with the masses. It is a duty because it is God who wishes all human beings to live in accordance with the dignity that he bestowed on them. It is the mission of the Church to travel the path of the person; because we have been redeemed by Christ...The Church will therefore preach the whole Gospel to the poor.'

To Government Authorities and the Diplomatic Corps

(1984): 'It is something repugnant and abnormal for hundreds and thousands of human beings to have to leave their countries because of their race, ethnic origin, political convictions or religion, or because they are in danger of violence or even death from civil strife or political turmoil. Exile seriously violates the human conscience and the norms of life in society; it is clearly contrary to the Universal Declaration of Human Rights and to international law itself.'

To the International Catholic Migration Commission

(1990): '...is it necessary to restate that, for all migrants or refugees as for all other human beings, rights are not based primarily on juridical membership in a determined community, but prior to that, on the dignity of the person?'

5) CBCEW / ORP – selective documents and statements relating to refugees and migrants

the asterisked documents are ecumenical

• The Common Good and Catholic Social Teaching (1997)

'The Church has the right and the duty to advocate a social order in which the human dignity of all is fostered, and to protest when it is in any way threatened.'

'Christ taught us that our neighbour is universal, so loving our neighbour has global dimensions. It demands fair international trading policies, decent treatment of refugees and of the control of the arms trade. Solidarity with our neighbour is also about the promotion of equality of rights and equality of opportunities; hence we must oppose all forms of discrimination and racism.'

- **Concerning the Revision of the British Nationality Law (1979)**

‘The law is a framework for life, and a wise law provides a framework within which men and women of goodwill can more easily pursue a life of justice and peace. In any discussion of nationality, and of legislation bearing on it, we must recognise the fundamental human dignity of each individual and preserve a real concern for everyone involved, but particularly for the minority communities in our midst and for those who are vulnerable or insecure. Those who enjoy a life of peace and security should endeavour to share these blessings with others.’

- **Towards a Fair, Efficient and Humane Asylum System (2003)**

‘Britain has a proud tradition of providing sanctuary to asylum seekers. However, in response to increased asylum arrivals, the government has recently warned that it is reconsidering certain commitments to the 1951 *UN Refugee Convention* and the *European Convention on Human Rights*. We appreciate the evident tension between the right of people to seek asylum and the right of the Government to regulate the admission of foreign nationals. Not least the Government has to ensure that these additional demands do not overstretch the services available to the local communities. While these tensions are not easily resolved, they could at least be mitigated by a fair, efficient and humane asylum system.’

‘Asylum is essentially about providing protection to vulnerable and violated people. At its roots, asylum is a human rights issue. Asylum seekers need protection and recognition of their human dignity. This must be central to the UK’s asylum system.’

• **Any Room at the Inn? – A Reflection on the Reform of The Asylum System (2001)**

‘The most immediate impression is of a system which is uncoordinated, and one in which all participants – decision-makers, judges and legal representatives – work under pressure of time and resources. Our asylum system needs reform; we should take responsibility for it and not blame asylum seekers for all our failures’.

• **On the detention of asylum seekers and the Charter for Immigration Detainees (1993)**

‘Many detainees are asylum seekers who may have already suffered imprisonment and torture in the country from which they have fled. Detention in these and other circumstances can have serious psychiatric and medical consequences particularly when detainees are imprisoned in inhumane conditions. Most Immigration Act detainees have not been charged with any offence, have not been brought before a court, do not have the right to apply for bail, and have no time limit on their detention...we therefore demand the introduction of safeguards.’¹³

‘International standards¹⁴ provide that the detention of asylum seekers should normally be avoided and that, insofar as it occurs, detainees should be able to challenge the lawfulness of their detention and wherever possible, not be held in prison service accommodation.’

¹³ The Charter for Immigration Detainees was produced by the Joint Council for the Welfare of Immigrants and supported by the Catholic Bishops’ Conference of England and Wales, 1993.

¹⁴ United Nations High Commissioner for Refugees (UNHCR), Executive Committee Conclusion 44.

- **The Declining Standards of Refugee Protection in the European Union (1994)**

‘European Union Member States have been working for several months on an EU policy on minimum guarantees for asylum procedures...we have reason to believe that they intend to incorporate exceptions to many of the principles they agree upon. A likely consequence of this approach is that instead of identifying minimum guarantees for a fair and efficient asylum procedure, the present discussions are defining a lowest common denominator. This may lead to agreements which simply codify the existing restrictive differences between them.’

- **In support of the Churches’ Charter for Racial Justice in Europe (1994)***

‘Europe stands at a crossroads in its history. The way it defines itself now will be crucial to future generations of peoples both within and outside its borders. The various cultural and religious traditions which are historically part of Europe are a rich heritage which very many Christians acknowledge and celebrate...There is now a serious risk that Europe may define itself too narrowly in terms of “Fortress Europe”, closing its doors to the outside world, especially to the “Third World” with regard to policies on refugees, immigration, trade and aid. Such matters are of deep concern to Christian people.’

- **In support of the Final Declaration, Second European Ecumenical Assembly (1998)***

‘Many of Europe’s problems come to focus in the fate of those persons who, for very serious reasons, have been forced to leave their homes. The refugee problem is characteristic of the 20th century and is becoming a fundamental issue for all humankind. Though the great majority of refugees are in countries of the so-called “Two-Thirds World”, there are considerable numbers in Europe as well...For many reasons,

no just and humane policy on asylum and immigration at national or supranational level can be found, while intensive work is going on to seal off the individual states, and the Western European community to the outside. Refugees, asylum seekers and migrants are in their different ways showing us that, when it comes to just sharing with one another and with other parts of the world, the rich countries of Europe behave in shockingly weak and egoistic ways.'

• **In solidarity with women and children refugees (2002)**

'The majority of refugees are women and children, stripped of the protection of their governments, homes and their families, they are particularly vulnerable. Early in the new millennium a United Nations resolution committed governments to protect women from the abuses of war and conflict. A follow up Security Council statement reaffirmed its strong support of women in "negotiations and implementation of peace accords, constitutions and strategies for resettlement and rebuilding". It is right therefore that the United Nations High Commissioner for Refugees has dedicated this year's World Refugee Day on 20 June 2002 to women.'

• **Jubilee for Refugees – A Biblical Reflection on Refugees at the Millennium (1999)**

'Refugees are not "problems" which governments have to deal with. They are the victims of struggles for power in social, economic and political life, often forced from their homes by war, political and religious persecution, and human rights abuse. Others are forced to move by famine and economic disaster, sometimes themselves the result of conflict and the lust for power.'

In addition the CBCEW/ORP has also, by way of briefing papers and statements, analysed and commented on national

legislation affecting asylum seekers and immigrants, the treatment of migrant workers (especially the need to ratify the 1990 *International Convention on the Protection of the Rights of Migrants Workers and Members of their Families*), on *Sharing in Solidarity with Other Regions of the World Facing Displacement* and on *Reconciliation between Peoples and Nations and Non-Violent Forms of Conflict Resolution*.

6) Refugees: A Challenge to Solidarity (1992)

In 1992, to mark the 40th anniversary of the establishment of the Office of the United Nations High Commissioner for Refugees (UNHCR), the Pontifical Council for the Pastoral Care of Migrants and Itinerant People and the Pontifical Council 'Cor Unum', published an important summary of the Catholic Church's teaching on refugees and migrants:

'Protection is not a simple concession made to the refugee: he or she is not an object of assistance, but rather a subject of rights and duties. Each country has the responsibility to respect the rights of refugees and assure that they are respected as much as the rights of its own citizens.' (n.11)

'Justice and equity demand that appropriate distinctions be made. Those who flee economic conditions that threaten their lives and physical safety must be treated differently from those who emigrate to improve their positions.' (n.3).

'The exercise of the right to asylum proclaimed by the *Universal Declaration of Human Rights* (art.14) should be recognised everywhere and not obstructed with deterrent and punitive measures. A person applying for asylum should not be interned, unless it can be demonstrated that he or she

represents a real danger, or there are compelling reasons to think that he or she will not report to the competent authorities for due examination of his or her case. Moreover, such people should be helped with access to work and to a just and rapid legal procedure.’ (n.13)

7) The Synod of Bishops, Justice in the World (1971)

The Synod noted that a range of ‘injustices’ were not properly covered in the 1951 UN Refugee Convention. For example, the Synod drew attention to the post-colonial period:

‘To be especially lamented is the condition of so many millions of refugees, and of every group of people suffering persecution – sometimes in institutional form – on racial, ethnic or tribal grounds. This persecution on tribal grounds can at times take on the characteristics of genocide.’ (n.21)

8) The Special Assembly for Europe of the Synod of Bishops (1991)

‘Europe has given the rest of the world much in culture and technology which now constitutes the heritage of world civilisation. But the history of Europe has known many dark moments, among which it is right to mention imperialism and the oppression of many peoples, together with the creaming-off of their resources. In fact, a certain “eurocentrism” is to be rejected, whose consequences can be noticed today...’

‘Great needs are visible, not only in regions of poverty, but, with increasing migrations, they touch the borders of Europe

more and more. Justice and charity demand that so many men and women should be able to find food, work and respect in their own regions and not have to flee their country into unknown exile. At the same time we should be mindful of the need to accept our duty and a mindset should be promoted which can fulfil it, together with concrete ideas which minimise difficulties and rather favour the possibility of integration – with the retention of particular identity – of those who have come to us as migrants. Besides, it cannot be overlooked that often those very nations which accept migrants are themselves short of what they need in order to progress.’ (Chapter 11, para.1&3)

9) The Pope’s annual World Migration Day message

World Migration Day is celebrated by the Catholic Church throughout the world on a day fixed by the respective Episcopal Conferences. Every year the Pope issues an annual message for World Migration Day addressed to all local Churches, especially to Episcopal Conferences who have assigned ‘a day of prayer’ in the calendar for refugees and migrants. Grounded in the scriptures, the message carries an analysis of migration/refugee issues of the day, ideas for international responses to the displacement of people and guidelines for Church actions.

‘If the “dream” of a peaceful world is shared by all, if the refugees’ and migrants’ contribution is properly evaluated, then humanity can become more and more of a universal family and our earth a true “common home”.’¹⁵

¹⁵ Message for World Migration Day, Pope John Paul II (2004).

10) The Vatican and the United Nations

The Vatican is committed to the United Nations System and is represented on various UN bodies. The Holy See for example is a member of the Executive Committee of the UNHCR, the Office of the United Nations High Commissioner for Refugees. It was created by Resolution 428 (V) of the UN General Assembly, and began work on 1 January 1951. It has two main functions: to provide 'international protection' to refugees and to seek 'permanent solutions' for the problems of refugees. Interventions by the Vatican at UNHCR meetings are normally directed at nation-states or the international community and often contain important insights into the role of nation-states and the international community on the needs of refugees and migrants.

'Without doubt you will reflect on the ever-timely importance of the right to asylum, the right to settle in a new country, the right to return freely to one's own homeland. You will take into consideration the fact that, although humanitarian aid is necessary, it is no substitute for political action. In order to solve the refugee problem, the solidarity of all – States, NGOs and individuals – is needed to shatter the silence of indifference, to prevent the genocide of whole populations and to find a political solution to the radical problems threatening large sections of the human family.'¹⁶

¹⁶ Letter to the UN Round Table on Refugees, Pope John Paul II (1992).

Appendix 1

Welcoming the stranger – hospitality in the Bible

By Rev Frank Regan SSC

There is a beautiful story from our own biblical tradition about strangers and hospitality. Abraham was sitting in his tent when he espied Yahweh appearing as three men (Gen 18:1-15). Abraham ran out to greet them and entreated them to stop a while, refresh themselves and snack on some bread. He then ran inside and said to Sarah, 'Quick take three measures of flour, knead it and make some cakes'. He then ran to the herd, chose a fat and tender calf, gave it to the servant to prepare a meal. Hours later he took milk and butter along with the roast beef and presented it to the strangers. Like an attentive host, he stood over them while they ate.

'Where is your wife Sarah?' one of them asked. 'At this time next year I will return and Sarah by then will have a son.' The rest is salvation history. It is in the context of a simple story about receiving strangers that our history as a People of God takes a quantum leap when, from the union of a couple in their seventies, a son is born as a sign and pledge of God's covenantal promise that from Abraham and Sarah the Saviour would someday come.

Hospitality is one of the most highly praised virtues in antiquity. Among nomadic societies, such as Abraham's, it was an unwritten law. The stranger was regarded as divinely protected. The law of Israel enshrined that unwritten norm: 'Do not oppress a stranger for you were one in the land of

Egypt' (Ex 23:9); 'You shall treat the stranger who resides with you no differently than the natives born among you. Have the same love for them as for yourself...' (Lev 19:33-34).

Hospitality is so highly regarded that Job commends himself for it (Job 31:31-32) and Isaiah will say it is more important than fasting, 'Fast by sharing your food with the hungry and bring to your house the unsheltered...' (Is 58:7).

The Jewish philosopher and Holocaust survivor Emanuel Levinas regards the unknown, unfamiliar 'other' as **the** religious question of today. In his essays on Judaism he writes, 'Who are you that faces me? Who are you the stranger, the orphan, the neighbour, the unknown, the one who is always other-than-me?' In facing the other we question our individualism which, says Levinas, cuts us off from the transcendence of the other person. We lose our self-centred focus. 'The other must be closer to God than I.' When Levinas reads the Abraham story he comments: 'The justice rendered to the Other, to my neighbour, gives me an unsurpassable proximity to God'.

God came among us in the person of Jesus Christ. He came seeking hospitality among his own but, 'his own received him not' (Jn 1:11). Luke portrays Jesus as enjoying the hospitality of friends and there he delivers much of his teaching (Lk 7:36-50). Hospitality is one of the focal points of the message of Jesus. He uses the practice to illustrate his teaching on human mercy (Lk 10:29-37), on God's joy over the repentance of the sinner (Lk 15:22-24), and of the eschatological gathering of the nations (Lk 13:22-30). In Matthew, God's forgiveness is illustrated by the gathering in and sitting down to banquet 'of good and bad alike, so that the hall was filled with guests' (Mt 22:10) and at the Last Judgement we shall hear God say, '...I was a stranger and you welcomed me into your

house...Whenever you did this to one of the least of my brothers you did it unto me' (Mt 25:36,40).

Jesus was a stranger, even to his friends; an enigma, a mystery. In a moment of crisis he asks them, 'Who do you say that I am?' (Matt 16:13-20). Levinas's query. After moments of evasion Peter answers, 'You have come among us as one who saves. You are the one we have been waiting for!' What wonderful words. Who of us would not want to hear those very words from our friends? Is it any wonder that shortly afterwards Jesus was transfigured, his countenance made brighter than the sun. And why? Because he was accepted: the totally Other found a place in the hearts and homes of his friends. Levinas is right. The 'Other' is **the** religious question of the day.

Appendix 2

International human rights law

Refugee law is part of international human rights law. There are several human rights laws and standards applicable to refugees and migrants. The UK is a signatory to all, except the Convention on Migrant Workers.

The Universal Declaration of Human Rights (1948)

The UN Convention on Refugees (1951) and the *Protocol Relating to the Status of Refugees* (1967)

The International Covenant on Civil and Political Rights (1966)

The International Covenant on Economic, Social and Cultural Rights (1966)

The UN Convention on the Rights of the Child (1989)

The International Convention on the Elimination of All Forms of Racial Discrimination (1979)

The Convention against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment (1984)

The European Convention for the Protection of Human Rights and Fundamental Rights (1957)

The European Charter on Fundamental Rights (2000)

The International Convention on the Protection of the Rights of Migrant Workers and Members of their Families (1990)

Appendix 3

1951 UN Convention on Refugees and 1967 Protocol

- Defines a refugee as one who: 'owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who not having a nationality and being outside the country of his former habitual residence...is unable or, owing to such fear, is unwilling to return to it'. (Art.1A[2])
- Ensures that refugees cannot be prosecuted on account of their illegal entry, provided they present themselves to the authorities without delay, and show good cause for their illegal entry or presence. (Art.31)
- Enshrines the right to asylum and protection from *refoulement* (forced return to the refugee's country of origin) where his life or freedom would be threatened. (Art.33)

1990 UN Convention for the Protection of Migrants and Members of their Families

'State Parties undertake, in accordance with international instruments concerning human rights, to respect and to ensure to all migrant workers and members of their families within their territories or subject to their jurisdiction the rights provided for in the present Convention without distinction of any kind such as sex, race, colour, language, religion or conviction, political or other opinion, national, ethnic or social origin, nationality, age, economic position, property, marital status, birth or other status.' (Part III, Art.7)

References

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The Challenge to Solidarity, Pontifical Council for the Pastoral Care of Migrants and Itinerant People/Pontifical Council 'Cor Unum', Vatican (1992)

The Call to Hospitality – Catholic Teaching on Refugees, Sandie Cornish, Australian Catholic Social Justice Council/Catholic Bishops' Conference, Australia (2002)

One Hundred Years of Catholic Social Thought - Celebration and Challenge, Editor, John A Coleman SJ, Orbis Books, Maryknoll, USA (1991)

Beyond Borders – Refugees, Migrants and Human Rights in the Post-Cold-War Era, Elizabeth Ferris, World Council of Churches, Switzerland (1993)

Any Room at the Inn? Rt Rev Patrick O'Donoghue, Office for Refugee Policy, Catholic Bishops' Conference of England and Wales, UK (2001)

Jubilee for Refugees: A Biblical Reflection on Refugees at the Millennium, Office for Refugee Policy, Catholic Bishops' Conference of England and Wales, UK (1999)

Collection of International Instruments Concerning Refugees, United Nation High Commissioner for Refugees, Switzerland (1979)

Liturgical resources

Appropriate resources are provided in the liturgical books of the Roman Rite.

The Roman Missal includes a section entitled 'Masses and Prayers for Various Needs and Occasions'. Section 29 is dedicated to Refugees and Exiles (1974)

Scripture readings can be found in the Lectionary (Volume III of the current edition approved for use in England and Wales). This includes texts for Refugees and Exiles.

The Cycle of Prayer, authorised by the CBCEW includes prayers for a number of intentions during the year, associated with particular liturgical seasons. Prayer for refugees and migrants is given as an intention for prayer in the season of Advent and Christmastide and is associated with World Migration Day (3 December).

Stay with Us and A Road to Emmaus, Refugee Worship Resources, CAFOD (1993)

Encountering the Stranger, Misereor Lenten Veil, Misereor, Germany (1994)

Laudate Dominum Omnes Gentes, celebrating refugee Mass together in different languages, Pontifical Council for Migrants and Itinerant People, the Vatican (1995)

The Rosary Book for Refugees, Migrants and Itinerant People, Pontifical Council for Migrants and Itinerant People, Vatican (2004)

Links

Catholic Bishops' Conference of England and Wales

www.catholicchurch.org.uk

The Holy See

www.vatican.va

Catholic Agency for Overseas Development (CAFOD)

www.cafod.org.uk

International Catholic Migration Commission

www.icmc.net

United Nations High Commissioner for Refugees

www.unhcr.ch

Commission of the Bishops' Conferences of the European Community

www.comece.org

Caritas Europa

www.caritas.org

National Catholic Refugee Forum

www.refugee-forum.org.uk

Jesuit Refugee Service

www.jrs.net

Refugee Council

www.refugeecouncil.org.uk

Giovanni Battista Scalabrini (1839-1905) 'Father of Migrants'



Bishop of Piacenza Giovanni Scalabrini lived during the last decades of the nineteenth century, when Europe witnessed an exodus of refugees and migrants to countries in the New World.

He saw the need for specific pastoral care of migrants through a suitable network of spiritual and practical assistance. He founded the Congregation of the Missionary Priests and the Missionary Sisters of St Charles.

He worked tirelessly for much-needed legislative and institutional instruments for the human and juridical protection of migrants against all forms of exploitation. Today, in different situations, the spiritual sons and daughters of Giovanni Scalabrini, who were later joined by the 'Secular Institute of the Scalabrinian Missionary Women', continue to give witness to Christ's love for migrants and to offer them the Gospel.

In 1998, John Paul II declared him Blessed and named him the 'Father of Migrants'.

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