



Joint Texts

27

Shaping Migration in a Humane Manner

Joint Statement by the German Bishops' Conference
and the Council of the Protestant Church in Germany
in cooperation with the
Council of Christian Churches in Germany

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Preface to the English translation

When the Joint Statement of the churches in Germany on migration was published in October 2021, hardly anyone expected that a major war would break out in our European neighbourhood just a few months later. The Russian attack on Ukraine is bringing immeasurable suffering to the civilian population and has led to the largest, fastest-growing movement of refugees on our continent since the end of World War II. At the same time, it is upsetting the foundations of peaceful coexistence in Europe and worldwide.

Since the beginning of the war, the churches have been working vigorously to provide necessary humanitarian assistance and to facilitate a humane reception of refugees. There is a powerful commitment at all levels of church life: in congregations, parishes and dioceses, in religious orders and associations, in welfare organisations and relief agencies. Well-proven structures from previous years are being reactivated and expanded, new initiatives are emerging – often in good partnership with local authorities or civil society actors. The clear message that the churches in Germany are sending out is: we stand by the Ukrainians who are suffering hardship and seeking protection, with very concrete acts of charity and with our prayers.

In the political decision-making processes, both at European and national level, comparatively unbureaucratic and accommodating solutions have been found for Ukrainian refugees. Along with their appreciation and support of this great openness towards Ukrainians, the churches express the hope that similar solutions, enabling people to participate in social life soon after arriving at the place of refuge, will be implemented for other refugees in the near future as well: because it is required from a pragmatic point of view; and because it is ethically the right thing to do. Migrants and refugees must be empowered to lead self-determined lives from day one of their arrival.

Against the background of current troubles, the churches' firm commitment to a just migration and refugee policy, to overcoming global injustice, and to a sustainable peace order is more necessary than ever. The

principles formulated in the Joint Statement – which bears the programmatic title “Shaping Migration in a Humane Manner” – continue to provide orientation and guidance in today’s times of crisis. Regardless of their denomination, all Christians are called to bear testimony to the beginning of the Kingdom of God and to make it tangible among the people, especially when conditions are precarious and life is under threat. With the English translation of the Joint Statement we would like to invite Christians in other countries of Europe and the world, and all people of good will, to strive together for fair and solidarity-based answers to questions of migration and flight. The unequivocal imperative to respect the dignity and human rights of each individual must always be the highest priority.

Bonn/Hannover, June 2022

A handwritten signature in black ink, appearing to read "Stefan Heße", preceded by a small plus sign.

Archbishop Dr Stefan Heße
President of the Commission
for Migration and Special
Representative for Refugee Affairs
of the German Bishops’ Conference

A handwritten signature in black ink, appearing to read "Christian Stäblein".

Bishop Dr Christian Stäblein
Representative on Refugees
and Migration, Protestant Church
in Germany (EKD)

Preface to the original German edition

Migration affects all people: those who set out voluntarily or are forced to leave their homes, as well as those who have never had the experience of living in a foreign country. Often enough, the reality is marked by nuances: those whose lives are determined by departures sometimes develop special and multi-layered forms of attachment to their homeland. And in the family histories of people who seem to have always been “settled” we often find ramified migration biographies. Migration is, in a sense, a “movement constant” in the history of humanity.

Almost twenty-five years ago, the churches in Germany presented a Joint Statement on the Challenges of Migration and Flight for the first time. The statement was written in a difficult situation at that time. The joy of reunification was followed by increasing tensions and frustrations in the 1990s. Discussions on questions of cultural identity were often marked by fears and insecurities. The country was shaken by racist attacks; “chains of lights” were formed in many German cities to set signs against xenophobic violence and for peaceful coexistence. On the political level, many continued to resist the realisation that Germany had become a country of immigration. The so-called “asylum compromise” led to a serious restriction of the right to asylum enshrined in the Basic Law. Questions of integration and naturalisation remained fields of action that had been neglected for too long.

Since that time, much has happened. Despite all the difficulties, there is a broad consensus in the middle of society that Germany is a culturally diverse country of immigration – a cosmopolitan society of migration in the heart of Europe. Especially at the time of the large refugee movements in 2015/2016, in many places there was strong solidarity with people seeking protection. And Germany has also become a more open country when it comes to international labour migration. The mobility of people within the European Union is now almost taken for granted; in times of the pandemic, when the borders were temporarily closed, some people became even more aware of this.

Besides the experience that migration and interculturality have become the normality, however, there are also tendencies of polarisation and exclusion. People continue to be discriminated against and disparaged because of their origin or religion. The increase in racist violence is disturbing and shameful. Against this background, the churches in Germany call to mind again and again with determination: hatred and enmity towards other human beings are never an option for Christians.

With the document “Shaping Migration in a Humane Manner”, the German Bishops’ Conference and the Council of the Protestant Church in Germany – together with the Council of Christian Churches in Germany (ACK) – are now presenting a new statement on migration. This statement brings together biblical-theological and socio-ethical reflections as well as historical, sociological and legal perspectives. Here it becomes clear that migration is not an abstract or one-dimensional phenomenon. It is about concrete people with their concerns and hopes, about complex international contexts, often also about difficult considerations. And it is about questions that are deeply connected to our Christian faith.

The publication is made with the awareness that the churches themselves have a long history of dealing with migration. In doing so, we continue to be learners: we are learning anew how the Holy Scripture can be read and understood as a book of migration, how interculturality is lived in the everyday life of the Church, how living together in diversity can succeed and how the long-standing plurality can be valued in a new way. At the same time, the churches must learn to cope with the tasks ahead under changed conditions: that migrants are given their rights; that discrimination and racism are overcome; that binding basic values, which are particularly needed in a plural society, are protected and strengthened; that peace and justice grow and creation is preserved – in Germany and worldwide.

Inequalities between the countries of the Global North and the Global South have continued to increase over the last two decades, despite some movements in the opposite direction. A large proportion of all refugees live in developing countries; only a comparatively small proportion reach Europe. Nevertheless, there is a fierce controversy among the Member States of the European Union to accept refugees. Time and again, massive human rights violations occur at Europe's borders and people seeking protection drown in the Mediterranean. Notwithstanding all the achievements of European unification, one must soberly conclude: a common refugee policy that breathes the spirit of humanity and solidarity is currently not in sight in Europe.

We are convinced: a just system of migration can only be realised – nationally or internationally – if the focus is on the universal common good and a balance is sought between the different interests. Fundamental to this are the inviolability of the dignity of every human being and respect for human rights. Already today, these are the guiding principles for action in the concrete work of numerous people and organisations in the area of the churches. Together with partners from politics, law, culture, science, business and civil society, they show that it is possible to shape migration in a humane way.

The new migration statement of the churches was developed in a participatory ecumenical process. It was largely prepared by a working group set up by the Commission for Migration of the German Bishops' Conference and the Chamber for Migration and Integration of the Council of the Protestant Church in Germany and in consultation with the Council of Christian Churches in Germany.

In addition to fruitful discussions within church committees and among church experts, the feedback from an academic response group was also

of great value. Our heartfelt thanks go to all those who were involved in the preparation. We hope that the text will be widely received and that it may contribute to humane answers to questions of migration and flight.

Bonn/Hannover/Frankfurt, October 2021



Bishop Dr Georg Bätzing
President of the German
Bishops' Conference



Bishop Dr Heinrich Bedford-Strohm
Chairman of the Council of the
Protestant Church in Germany



Archpriest Radu Constantin Miron
Chairman of the Council of
Christian Churches in Germany

Introduction



“**S**haping migration in a humane manner” – this is the guiding principle by which the churches in Germany are defining their new Joint Statement on Migration. Europe and the wider world have experienced significant changes since the churches released their first Joint Statement on Migration in 1997. For instance, there has been epochal progress in the project of European unification over the past quarter century – but equally painful setbacks as well. Encouraging movements to improve global justice and ensure sustainable development have coexisted and continue to coexist with alarming trends towards greater isolation and conflict. For the time being at least, the goal of enduring peace seems to have retreated far into the distance, and the number of people fleeing their homes due to war and violence has been increasing for years. Moreover, the task of identifying effective means of combating anthropogenic climate change has emerged as a momentous issue affecting the destiny of the global community. These and other determining conditions affect why and with which objectives people leave their countries of origin, how they fare during their travels, whether and under which circumstances they find a new home, which connections they can maintain to their old country and how migration, as a general phenomenon, contributes to personal and societal development.

The Covid-19 pandemic led to hitherto inconceivable restrictions on human mobility, exacerbating or at least highlighting the more challenging aspects of migration. Questions of health protection, educational equity, the promotion of families, good working conditions and adequate housing are highly relevant to all of society at present. But under the conditions of the pandemic, they have a particularly existential significance for migrants, especially for those seeking protection or for people with a precarious status.

Migration was among the most dominant issues shaping public debate before the start of the pandemic, and even today it continues to move people’s minds. Within this context, a question that in previous years has provoked heated discussions is now considered largely settled: Germany has become, as had already been affirmed in the Joint Statement by the

churches as far back as 1997, a “new type of immigration country”.¹ Over the last two decades, this gradually evolving insight has gone hand in hand with important steps towards shaping the way people live together in society and the participation of immigrants. Many descendants of the former “guest workers” and subsequent migrants now feel quite self-evidently at home in Germany. Cultural diversity has also become normal in many places, even for Germans without any personal experience of migration. This does not mean, however, that Germany, as a country of immigration, has solved all associated problems: the alarming increase in racist attacks – including murders – calls for bold action against all forms of group-focused enmity. There are other challenges that need to be addressed as well in order to foster social cohesion against the backdrop of cultural diversity.

Another question that provoked controversial debates prior to the first Joint Statement on Migration in 1997 is just as topical today: What are Germany’s legal and ethical obligations towards refugees? Certainly, disputes surrounding the “asylum compromise” of 1992/93 cannot be equated with current controversies, especially since the latter are strongly related to ongoing discussions at EU level. But a common feature can be identified nonetheless: a period with a large number of asylum applications is followed by a phase of restrictive refugee policies. Then as now, the churches have repeatedly recalled what the focus should be: on clear efforts to meet the legitimate concerns of persons seeking protection and not on abstract fears. There are grounds for confidence, as a considerable willingness to show solidarity with refugees continues to exist in Germany.

For all the disputes and considerations on questions of migration and flight, the churches acknowledge with great appreciation how those who carry responsibility in politics and administration struggle to find ethical-

¹ “... und der Fremdling, der in deinen Toren ist.” (“... any foreigner residing in your towns.”): *Joint Statement of the Churches on the Challenges of Migration and Flight*, joint declaration of the Council of the Protestant Church in Germany and the German Bishops’ Conference in conjunction with the Council of Christian Churches in Germany (Hannover/Bonn/Frankfurt 1997), p. 15.

ly justifiable solutions. At the same time, the churches play an active role in shaping the migration society. Offering pastoral care, charitable assistance and advocacy to and in cooperation with migrants is at the heart of the Church's mission. Practical experience acquired by the parishes, associations, welfare organisations and relief agencies is essential to how the Church perceives and assesses necessary action in the field of migration.

This Joint Statement by the churches should be interpreted with this in mind: it seeks to describe the complex reality of ongoing migration with the necessary degree of nuance. And it aims to provide orientation and guidance that are built on the insights of biblical theology and socio-ethical reflection. Nonetheless, "guidance" must not be confused with simple answers. The task, after all, is to deal with migration in a humane manner, even and especially under imperfect, contradictory conditions.

The Joint Statement begins with a brief outline of the developments and wider debates over the last two decades (*Chapter II*): how Germany addressed issues of "proactive integration" as it increasingly came to perceive itself as an immigration country, but also which trade-offs and tensions are characteristic of migration policies in liberal democracies. *Chapter III* reflects on plurality as an accepted principle of present-day church life and maps out – from a historical and contemporary perspective – how the churches have been shaped by migration. This also highlights basic theological and pastoral patterns of dealing with migration in the different church traditions, namely from the perspective of the Catholic, Orthodox and Protestant churches as well as the free churches. *Chapter IV* then charts an educational history of biblical theology to establish a common foundation for Christian thinking on issues of migration. It becomes clear in this context that theological understandings of migration are as old as the Christian faith itself – and that the biblical texts must be reinterpreted each time in light of current developments, that is, as texts that reflect the experience of migrants. *Chapter V* follows with socio-ethical considerations that initially develop three guiding principles for Christian migration ethics: the protection of human dignity, the individual as the point of reference within all manifestations of social life, and finally a universal

appreciation of the common good. It then proceeds to outline an understanding of justice from the perspective of migration ethics and enquire after the practical implications for policy considerations in this field. *Chapter VI* follows with a more detailed investigation of four political and legal fields of action that are crucial to establishing humane structures for migration: protecting the human rights of refugees and migrants; questions of international cooperation and global justice, including the connection between migration and development; migration and asylum policy as common European challenges; and finally, discussions around social cohesion and the participation opportunities for migrants in Germany. These five main chapters, which combine analyses with position statements, are followed by a final chapter in the style of a thesis summarising essential points of orientation for church action (*Chapter VII*). The chapters in the Joint Statement are structured in such a way that they can also be read individually.

The Joint Statement addresses the Church and society alike – in the knowledge that they are both characterised by diversity. Shaping migration in a humane manner is a task for us all.

Living in a migration society: trends and areas of debate



1. Political and social trends

When the churches' last Joint Statement on Migration was published in 1997, it was still necessary to emphasise that from a historical perspective migration is the normal case, also and especially in Germany. Much has happened since then.

Since the 2000s at the latest, Germany has increasingly perceived itself as a country of immigration, although – or perhaps because – there was a temporary phase in which immigration numbers dropped significantly. This referred firstly to the number of those seeking refuge: while more than 100,000 initial applications for asylum were registered in 1997, there were fewer than 20,000 ten years later.² The protection of refugees all but disappeared from public debate. There was also a general decline in the other immigration figures. Official statistics from 2008 and 2009 even indicated a negative migration balance, which means that the out-flow outstripped the inflow.³ All migratory movements are included here: citizens of the European Union and their families who exercised their right to freedom of movement, as well as foreign skilled workers and refugees, returning or departing German citizens and repatriates of German origin. Although the negative balance was marginal and partly related to statistical peculiarities, it remains undisputed that migration declined considerably until the mid-2000s.

The more Germany perceived itself as a country of immigration, the more questions relating to the need for a “catch-up integration” came to the fore. This was interpreted to mean shortcomings in the societal integration of “guest workers” and their families, which were apparent even in the second and third generations. Included in this was and is the question of political participation. A gap opened up increasingly between the resident

2 Cf. Federal Office for Migration and Refugees (BAMF): *Das Bundesamt in Zahlen 2015: Asyl, Migration und Integration* (https://www.bamf.de/SharedDocs/Anlagen/DE/Statistik/BundesamtinZahlen/bundesamt-in-zahlen-2015.pdf?__blob=publicationFile&v=16), p. 11.

3 Cf. BAMF, *Migrationsbericht 2011* (https://www.bamf.de/SharedDocs/Anlagen/DE/Forschung/Migrationsberichte/migrationsbericht-2011.pdf?__blob=publicationFile&v=15), p. 15.

and German populations due to the principle of *ius sanguinis* (right of blood) enshrined in national citizenship law. Over time, such a gap may place the legitimacy of the democratic system at risk. And so, after tough wrangling, the citizenship law was reformed in 2000. The aim was to facilitate the migratory population's access to German citizenship. Besides changed procedures for naturalisation, a key element of these reforms was to establish the principle of *ius soli*, the acquisition of citizenship by birth in Germany. Since then, the children of foreigners who have lawfully resided in Germany for eight years are awarded German citizenship at birth. Aptitude in the German language among first-generation migrants was another of the debated issues. The Immigration Act of 2005 introduced sometimes compulsory integration courses according to the principle of "promoting and demanding" (i.e. a "carrot and stick" approach).

In the early 2000s, the German authorities were also looking for an opportunity to estimate "integration requirements" and to visualise them in the form of statistics. This prompted the Federal Statistical Office to establish the category of "people with a migrant background". Included in this category are now all persons with at least one parent who was not born in Germany or who did not possess German citizenship at birth. The "migrant background" must therefore be interpreted as a result of political processes and is a term that is only used in Germany with this specific definition. It follows, therefore, that statistics relating to a migrant background are largely unsuitable for international comparisons. The manner in which statistics are compiled in Germany means that the category of "migrant background" includes not only immigrants, but also numerous Germans who do not possess any migration experience of their own. As a result, the need for proactive integration appeared to be particularly great – possibly greater than was actually the case. Information released by the Federal Statistical Office for 2019 indicated that just over one quarter of the population had a migrant background.⁴ Of these, however, more than

4 Federal Statistical Office: *Bevölkerung mit Migrationshintergrund – Ergebnisse des Mikrozensus 2019* (www.destatis.de/DE/Themen/Gesellschaft-Umwelt/Bevoelkerung/Migration-Integration/Publikationen/Downloads-Migration/migrationshintergrund-2010220197004.pdf?__blob=publicationFile).

half (52 per cent) were German nationals who had either an immigrant parent or were themselves naturalised or had immigrated as repatriates of German origin. Just under two thirds of the people with a migrant background (65 per cent) possess personal experience of migration. The migrant background alone is a poor indicator of whether or not a person requires special support in order to participate in German society.

Over the drawn-out decade of “catch-up integration”, which can be dated approximately at between 2000 and 2014, German policies undertook not only the belated and unilateral attempt to adapt “the immigrants” to the “host society”, but also joined with society in numerous efforts to welcome migration-related diversity. Examples include projects aimed at the intercultural opening of welfare organisations and public authorities, the establishment of the German Islam Conference (DIK) as a forum for dialogue between the state and Islamic associations in 2006, or the facilitated recognition of foreign professional qualifications since 2012. The last example picked up pace due to multiple predictions of a looming skills shortage.

It became clear around the same time, however, that society was by no means united in a positive attitude towards migration and diversity. At times, current debates create the impression that the emergence of movements on the populist right are directly related to the flow of refugees in 2015/16. And while the political mobilisation of xenophobic resentment has doubtless gained traction over recent years, populist and extreme right-wing parties had been represented in German regional parliaments almost without interruption even before. Starting 2010 at the latest, controversial public debates on issues of migration and integration were sparked primarily by publications adopting a critical – or even hostile – posture towards migration. The much-cited “welcoming culture”, a phrase that had already been coined in 2010, was never uncontroversial.

Discussions flared up once again from 2013 in particular, swept along in part by the impression of rising numbers of asylum applications, which passed the 100,000 mark for the first time since 1997 and increased by 70

per cent compared to the previous year. At the same, some local governments were involved in robust debates on the challenges associated with the influx of socially disadvantaged persons from south-eastern Europe, seeking to escape the precarious circumstances of life in their countries of origin. Weekly Islamophobic demonstrations were held in Dresden from autumn 2014. And a party that had initially focused on its Eurosceptic stance increasingly emphasised identitarian and xenophobic views, winning seats in several parliaments.

Academic debate has a pronounced tendency to describe right-wing populism as a “thin ideology”. The assumption is that the theories are less rooted in entrenched world views from the extreme right wing and are better explained by a general sense of dissatisfaction with the social elites. But the sharp rise in extreme right-wing activities and violence cannot be disputed. The murders committed by the NSU between 2000 and 2006 – which were only uncovered in 2011 – have been followed by numerous acts of right-wing violence since 2015/16: blazes have been set in refugee accommodations, politically motivated murders committed and people killed because of their (actual or suspected) origins. Threats and violence are increasingly directed at politicians and social activists as well. Violent right-wing extremism is evidently benefiting from the rise of right-wing populist movements and a changing culture of debate.

But these tendencies are by no means the only relevant social developments over recent years. When around 890,000 people seeking protection arrived in Germany in 2015, political representatives and the wider population demonstrated considerable willingness to welcome and support them. Against the backdrop of a particular humanitarian crisis and in view of the vastly excessive demands placed on the asylum systems in countries such as Greece and Hungary, the Federal Government allowed those seeking protection who had previously resided in other European states to enter Germany. In accordance with the right of a country to examine asylum applications itself as enshrined in the Dublin Regulation, Germany assumed responsibility for the asylum applications in question.

Germany offered refuge to far more than one million people between 2012 and 2020 (recognised refugees as defined in the Geneva Refugee Convention, persons entitled to asylum pursuant to Art. 16a of the Basic Law or persons entitled to subsidiary protection).⁵ The experiences that Germany acquired with migration, especially since the 1990s, have made and continue to make a vital contribution to overcoming emerging challenges. A cooperation between public authorities and support groups, as has unfolded since 2015, would have been barely conceivable in 1992/93. Large numbers of people who had been involved in charitable work with refugees during the 1990s, often within a church setting, became active once more. Some of them had even risen to positions of authority in the political realm or within public administration. Many new supports from across all age groups bolstered the ranks of these veteran activists. Studies confirm that the willingness to become involved did not even diminish after the assaults around Cologne Cathedral during New Year's Eve festivities in 2015/16, which was imagined by some as a "turning point".⁶ And although the level of engagement has declined somewhat over time, numerous groups committed to working with refugees continue to exist at local level, and public approval of efforts to promote integration remains extremely high. Fittingly, in 2019, almost 90 per cent of the German population agreed with the assertion that the state should allow refugees to access the job market as quickly as possible.⁷

A debate has been ongoing for several years at international level to establish the objective and measures for a reformed international order on migration issues. Although the Global Compacts on Refugees and for Migration within the UN framework do not contain any binding provisions, they did provoke some heated disputes. Instead of reaching global agreements, a not insignificant number of national governments are attempting

5 BAMF: *Aktuelle Zahlen*, January 2021 edition, p. 11.

6 Cf. for example the study by the Social Sciences Institute of the EKD "*Skepsis und Zuversicht: Wie blickt Deutschland auf Flüchtlinge?*" (Hannover, 2017).

7 Cf. Bertelsmann Foundation (2019): *Willkommenskultur zwischen Skepsis und Pragmatik* (www.bertelsmann-stiftung.de/fileadmin/files/Projekte/Migration_fair_gestalten/IB_Studie_Willkommenskultur_2019.pdf), p. 16.

to impose their own political ideologies on migration. Harrowing media reports from refugee camps – on the Greek islands and elsewhere – are commonplace in the European Union as well. These failings point to unresolved problems within and between Member States, which in places have become even more acute over the course of the Covid-19 pandemic. Solidarity between nation states – in Europe and beyond – remains fragile when it comes to the acceptance and distribution of those seeking refuge. Initiatives within civil society and some European cities that advocate the direct acceptance of refugees are attempting to overcome this entrenched situation. At the same time, the European Commission is making efforts to break the deadlock between EU Member States on migration and asylum issues.

So what conclusions can be drawn from this brief summary of the migration debate over the last 24 years? Firstly, German society and the political realm have woken up to the reality of our migration society, in contrast to the 1990s. Consistent with this is the remarkable progress that the Federal Government has made in its approach to migration, nourished not least by the active, European and multilateral thrust of its policies. Anti-migration attitudes and xenophobia have by no means been overcome. But for large parts of the population there is no question that Germany is a country of immigration and that people seeking protection are entitled to solidarity. Viewed from a historical perspective, there have certainly been accomplishments at EU level as well, whether thoroughly dismantling internal borders or by developing common asylum standards.

2. Areas of debate and issues for consideration

Questions of migration and flight put societies and international orders to the test time and again. These issues cannot be resolved by a sweeping call for less migration but require a constructive culture of debate within society. Dividing the migration debate into three fields can be a helpful way of setting the tone in this regard, and they will be outlined briefly in the following.

Social cohesion: One of the bones of contention in discussions about inclusivity and cohesion is whether the immigrants' "ethnicity" and religion can even be viewed as compatible. Wrapped up in this are very specific issues of a multi-ethnic and multi-religious society, for instance whether a burial conducted according to Islamic customs can be rendered consistent with German funeral laws. But these aspects, for which many municipalities have already introduced pragmatic solutions, are overshadowed by significantly more nebulous debates. It is not uncommon for a "clash of the cultures" to be invoked, based on a simplistic division into "Christians" and "Muslims". Even if proponents of this kind of theory describe themselves as less religious, they increasingly instrumentalise religion to set themselves apart from "others". Evidently there are sections of society seeking a return to alleged cultural homogeneity of bygone ages, and religion is the line of demarcation they embrace for this purpose.

Security: The second area of debate can be described by the question of how to structure the relationship between "human security" and "public or national security". There is broad consensus as to the objectives: most people in Germany support the right to asylum, but at the same time they want high standards of public security. These two objectives are by no means mutually contradictory. But precisely that is insinuated within the wider context of debates about security. This is most urgently apparent in discussions about the dangers posed by criminality among asylum seekers. It is undeniable that some people also commit crimes during or after their asylum procedure. At the same time, however, it is imperative to include in the discussion that crime statistics released by the police list refugees or persons with precarious residence status not only as suspects, but also as victims of crime, and that there have even been instances of racially motivated police violence. In the face of racism that has now come to the fore once again, immigrants often tend to feel less secure than society as a whole. It follows, therefore, that the challenge associated with

debating security is neither to downplay crime among immigrants nor to neglect their own right to personal safety.⁸

Economy and welfare: The third area of debate is dominated by the questions of how the economically beneficial effects of immigration can be enhanced and how equitable distribution should be achieved. They involve real and tangible challenges associated with the management of finite resources and therefore introduce a “spirit of envy” into the discussion. But an astonishing level of agreement exists in regard to a few fundamental issues – even between political camps that have otherwise little in common. Among them, as mentioned earlier, is the relatively high approval expressed for the integration of refugees in the job market; even right-wing populist movements occasionally call for the admission of skilled workers along the lines of “traditional” immigration countries. However, the issue of how this kind of influx into the labour market can be reconciled with the needs of the immigrants and the challenges of their countries of origin is often neglected.

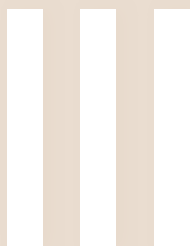
It is reasonable as a rule to assume that simple solutions do not exist in migration politics. After all, migration policies in Western democracies are inevitably exposed to conflicting forces.⁹ On the one hand, participating in an increasingly globalised market requires a certain degree of free movement in which people move hither and thither along with their goods and knowledge. In addition, principles of human rights that are enshrined in the constitutions of many democracies stipulate that migrants must be guaranteed rights. This may mean that simply preventing the geographical movement of people would be impossible. One example is the right to family reunification, which, after the “recruitment ban” by several European states between 1970 and 1974, ensured that immigration figures barely changed or even increased. Similar rules apply to the

8 For a nuanced appreciation of the subject, cf. for example Christian Walburg, “Migration und Kriminalität – Erfahrungen und neuere Entwicklungen”, 09/2020 (www.bpb.de/politik/innenpolitik/innere-sicherheit/301624/migration-und-kriminalitaet).

9 Cf. James Hollifield, “Offene Weltwirtschaft und nationales Bürgerrecht: das liberale Paradox”, in Dietrich Thränhardt/Uwe Hunger (eds.): *Migration im Spannungsfeld von Globalisierung und Nationalstaat* (Wiesbaden 2003).

right to asylum, which, as an individual human right, cannot be capped at any particular maximum number from a purely legal perspective. Viewed practically, this means that governments endorsing global trade and the respect of human rights must also advocate permeable borders. On the other hand, however, the legitimacy of a government and a democracy are dependent on continuing to afford their citizens (and residents) certain participatory rights and social welfare. This may include access to social security systems, but also the right to vote. Both of these things – the welfare state and democracy – would in all likelihood become impossible in their familiar form were a policy of completely open borders to be introduced. It is therefore accurate to say that tenets of democracy like the right to vote, as well as bedrocks of the welfare state such as pensions and unemployment benefits, will tend to point more to regulating or even closing the borders. Western democracies therefore find themselves in the situation that neither completely open nor closed borders are viable options. Anyone committed to liberal democracy and to human rights cannot unswervingly proclaim simple solutions, but must engage in difficult processes of deliberation.

Church – shaped by migration



1. Plurality as a context and challenge for the Church

1.1. The normality of plurality

Today's Christian churches are part of a pluralistic society. The pluralisation of lifestyles and world views, political and religious convictions, has progressed at a dizzying pace over recent decades. As such, however, plurality is a general reality of human existence and the "normal state of affairs" within creation. From an anthropological perspective, it is rooted in the uniqueness and singularity of every human being. Therefore, the churches would have to engage with plurality, even if there were no migration or no other religious communities in the country. It is, after all, "normal" to be different. There is no doubt that the issue is particularly tangible for present-day churches due to the abundance of denominations and communities of faith, as well as the intra- and interdenominational pluralisation. Long accustomed to religiously homogeneous societies, the churches are now part of a "socio-religious" space that has changed and will continue to change radically. The churches have lost an interpretative supremacy which they had held for centuries and are struggling to find a new place in society. A wide array of actors – persons and institutions alike – are negotiating what "religion" is and what it means to "be religious" and which roles communities of faith can or should be permitted to play in the public arena. The framework of this process is formed by a society in which a nuanced stance towards the relationship between religion and politics is established and a distinction is made between the Church and the State, and a state that lends institutional expression to this distinction. European states achieve this task in different ways: according to the French model, with a strict separation of religion and the State, or through systems of cooperation with clear delimitation of functions, as can be seen, for instance, in Germany or Austria. Religious freedom is guaranteed as a basic right and enables a plurality of world views and religious convictions to which the Christian denominations in Germany are also committed.

In public debates migration is commonly presented as the decisive factor for transforming the socio-religious space. Nonetheless, migration is just one dimension and cause of a “multiple”, multifarious pluralisation and just as richly layered in a religious sense as well. In Germany, around one quarter of the people with a migrant background profess to be Muslims, while approximately 55 per cent consider themselves Christians.¹⁰ This runs contrary to the image that is frequently painted in the media, namely that the majority of persons in Germany with a migrant background are Muslims. Although Muslims currently make up the majority of those seeking refuge in Germany, a plurality of religious affiliation can also be identified within this group: for example, a study by the Federal Office for Migration and Refugees (BAMF) indicated that 62 per cent of the 142,509 asylum seekers in 2019 were Muslims and 20 per cent were Christians.

Migration is not the only cause of pluralisation, but it does make it more visible and accelerates the process. The associated social transformations remind us and make us more aware of the fact that both migration and plurality are integral elements of the anthropological and historical normality of human existence.

1.2. Multiple processes of pluralisation of religion and religious communities

Christian churches are not, and have never been, homogeneous communities. The various denominations are aware of the different cultural imprints and forms of expression that exist within the Christian faith. At times, this also provokes tensions. Each Christian church is home to a wealth of differing spiritual orientations and defining forms of community. The migration of Christians acts as a catalyst in this internal pluralisation. New communities established by migrants are as much a part of Christian pluralisation as existing church communities in which they find a home. Depending on the denominational perception or a church's

¹⁰ Cf. the overview in: Bendix Balke, *Religiöse Zugehörigkeit von Zugewanderten. Zahlen und Hintergründe*, in: *Interkulturelle Theologie* 1/2020 [46], pp. 112–134 (here: 112 et seq. and 121 et seq.).

self-image, they are referred to as “foreign-language missions” or “international congregations and parishes”. The presence of migrant believers and their communities challenges the Christian churches to embrace change. In some major cities, migrant Christians and their missions, parishes or congregations already account for a significant proportion of local churches. Aside from enriching the traditional denominations, immigration also promotes the emergence and growth of Christian congregations and forms of Christian beliefs that have remained so far largely on the fringes in Germany. An example of this is the recognisable spread of traditionally Pentecostal, charismatic or neo-Pentecostal forms of Christianity in Germany. These trends are occasionally stylised as a “de-Europeanisation” of Christianity. At the same time, however, the multifaceted migration within Europe is of formative significance for the Catholic Church and its development. In addition, migration leads to the emergence of congregations in which traditional denominational differences are now barely relevant.¹¹ In view of the contemporaneous decline in the significance of several local congregations, such communities are now becoming increasingly important in church life.

The dynamic developments outlined here are changing Christian life in Europe, present new ecumenical opportunities and may equally provoke fresh conflicts. Aside from cultural, social and economic factors, religion and the way it is practiced can become an element that connects people of different origins and establishes a shared identity. But it can also precipitate conflict and suppress integration.

Similar dynamics of internal pluralisation can also be found in other religious communities. For instance, Jewish congregations faced the challenge of accommodating the high levels of migration among Jews from the (post-)Soviet regions, especially between 1990 and 2004. Muslim communities that have existed for decades are experiencing an influx of migrants from the Middle East and North Africa. Whether the immigrants

¹¹ Among them are congregations that perceive themselves as “post-denominational” or “inter-denominational”.

are Christian, Jewish or Muslim: they all bring the religiously and culturally heterogeneous understandings and lifestyles of their individual perceptions of faith. The immigration of Muslims and Jews over recent decades has made a significant contribution to encouraging and strengthening interreligious dialogue and visible cooperation in the Christian churches in Germany.

Unlike the Catholic Church, the Protestant Church, the Orthodox Churches or other institutionally organised churches and ecclesiastical unions, Buddhist and Hindu groups, Sunnis, Shiites and Alevites, Orthodox and liberal Jews are largely without any formal, shared forms of organisation, universal institutions or even a teaching authority. This also creates confusion and uncertainty in a society that is accustomed to representatives speaking on behalf of the religious community.

In turn, the religious communities are confronted with people who describe themselves as secular, agnostic, atheist or areligious, and who adopt a more or less distanced stance towards forms of “religion” – especially the institutionalised ones – or who (have come to) believe that they are irrelevant to finding personal answers to the meaning of life. This “group” is equally heterogeneous and only in exceptional cases can be described as sharing a common world view or being organised within institutional structures. Migrants and refugees are also found within this group (around four per cent according to BAMF). Some of them will even have left their countries of origin to escape religious persecution.

A proportion of migrants embrace an entirely new form of religion or join a different community of faith in their host country. In this, some become involved in a religious community that is ethnically and linguistically similar to what they experienced in their home countries, while also attending services in local Christian churches close to their homes. Migrants are more likely to switch their religion or denomination completely than would be the case among indigenous believers. This is associated with highly controversial issues from a political perspective, especially among Muslim converts. During the asylum procedure, for example, a prognosis

is made as to the extent to which there is a threat to life and limb due to the (new) faith after returning to the country of origin; and the state also assesses the significance of the change in faith for the identity of the individual. Given the complexity associated with any conversion, this repeatedly leads to complex situations and problematic decisions for everyone involved. It is therefore all the more important to ensure an adequate degree of religious and cultural sensitivity among government authorities and courts.

The religious and ethical convictions, focal points and questions as well as the cultural forms of expressions that migrants introduce to their new homes can, on the one hand, invigorate society, the local Christian churches and communities of faith. On the other hand, however, they can also become a source of – or catalyst for – irritation and conflict. Religious diversity may, at the same time, precipitate the emergence of new forms of ritual expression, stimulate discussion of theological questions and hence create space for new encounters, learning opportunities and broader perceptions. Identifying and discussing the irritations gives everyone the opportunity to learn.

Besides migration, there are other factors that provide impetus for pluralisation as well. As “secularisation” progresses, attitudes are becoming increasingly common that regard religion as a personal matter and would like to see it driven out of the public arena. The emergence of a religious perception can be observed across a variety of contexts in the public domain, in which the inherently transcendental nature is curtailed and religion – beyond churches and religious communities – is reduced to a mere cultural phenomenon that is intended to ensure societal cohesion. This kind of situation can be novel and strange to migrants from non-European countries, regardless of whether they are Christians, Muslims or profess a different religious affiliation.

Religion and how it is practiced, including in its extreme and extremist forms, have been the focus of increased attention on the world political stage over the past two decades. Among other incidents, the attacks on the

World Trade Center in New York and their Islamist motives represented pivotal moments. Radical forms and the political instrumentalisation and perversion of Islam have since quite rightly been regarded as a threat to world peace, while it is predominantly Muslim societies that suffer under Islamist intimidation and violence.

At the same time, there is an alarming tendency in many Western states to place Muslims under “general suspicion”, and not without racist undertones. Islamophobic tendencies can also be observed among Christians in Europe.¹² Actors on the populist right have placed anti-Muslim resentment front and centre in their political agenda. These political trends are fuelled by terrorist acts like in Dresden, Berlin, Paris or Vienna that abuse the Koran or Islam for extremist political ideologies. A vicious cycle of radicalisation and polarisation on both sides is the menacing consequence.

In contrast, continuous and regular dialogue and the legal enshrinement, institutionalisation and social participation of Muslim congregations and other religious communities in Germany are promoted in a variety of ways. With regard to Islam, noteworthy examples of these efforts include the German Islam Conference (DIK), the establishment of centres for Islamic theology or the introduction of different forms of Islamic religious education in a number of federal states as part of the school curriculum. Moreover, there are efforts underway to establish Muslim welfare associations within the framework of independent welfare work. Interreligious dialogue and cooperation with Muslim congregations, a clear rejection of racism and violence, as well as initiatives to strengthen intercultural cohesion, are promoted and practiced in many places, especially in Christian churches.

¹² Cf., for example, the Pew Research Center: *Being Christian in Western Europe* (www.pewforum.org/2018/05/29/being-christian-in-western-europe/).

1.3. Challenges of multiple pluralisation processes

The multifaceted pluralisation processes present Christian churches, other religious communities, society and the political realm with local, regional, national and global challenges. Responsibility for the internal cohesion of religious communities, for the peaceful coexistence of different religions, people and communities both with or without religious profession or association with a community of faith, i.e. both with and without a religious self-perception, are vital tasks for the future. The key questions are: Which stance should we adopt towards religious plurality? How is religious plurality perceived and interpreted? Which social and political action should be taken as a result? *De facto* plurality requires both sensitive exegetic understandings and interpretations, i.e. theories of plurality, as well as practical testing spaces. These questions possess genuinely theological significance for the Christian churches as well. They are facing the challenge of enshrining religious plurality within theological doctrine and providing appreciative means of ensuring its practical expression. Fruitful approaches to achieve these aims have existed within theologies for a long time, but they have not yet arrived or achieved acceptance in everyday practice to any adequate extent.

It will be necessary to acquire a better understanding of current dividing lines in order to develop adequate solutions for the tasks at hand. These dividing lines do not run primarily between Christian and Muslim believers or between religious people with or without a migrant background, as one might occasionally assume by following the public debate. In many cases the rifts in the religious identity within a Christian church or denomination are greater than between churches, between members of different religions or between people with and without a migration history. Differing interpretations of tradition, as well as varying conclusions on ethical and political matters, increase the plurality of fields within which the discourse plays out. Included in this are controversial theologies such as the so-called “prosperity gospel”, a “theology of success” that transforms personal faith and Christian content into a doctrine of material wealth.

Moreover, the European Values Study¹³ indicates that there are demographic differences as well: in general, religious people residing in large urban centres tend to have more personal religious attitudes that also show greater openness to pluralistic ideas than those living in rural areas. Older generations tend to have a more religious identity than younger people. Migrants frequently possess a more staunchly religious identity than the indigenous population. A wealth of conflicts is revealed here. The Christian churches face the challenge of strengthening their own tolerance of plurality, of reassuring themselves of their own identity under changed conditions, of finding a constructive way of dealing with difference and in doing so contributing to reconciliation and peaceful coexistence.

2. Christian churches and migration – historical imprints and developments

The pluralisation of society that is driven by migration presents a particular challenge to Christian churches. After all, the perception of migration also as a religious and theological place of learning as well as the mission to contribute to the peaceful coexistence of society in reconciled heterogeneity and as unity in diversity belong at the heart of the Christian ministry. Therefore, in the context of migration, coexistence both within the denominations and in an ecumenical and interreligious togetherness must be afforded special attention.

2.1. The “polycentric” history of Christianity

More recent approaches within the academic community seek to understand the history of Christianity as “polycentric”.¹⁴ Firstly, Christianity is

¹³ Regina Polak/Lena Seewann, *Religion als Distinktion: Säkularisierung und Pluralisierung als treibende Dynamiken in Österreich*, in: Julian Aichholzer/Christian Friesl/Sanja Hajdinjak/Sylvia Kritzinger (eds.): *Quo Vadis, Österreich? Wertewandel zwischen 1990 und 2018* (Vienna 2019), pp. 89–134.

¹⁴ Giancarlo Collet, Johann B. Metz, Klaus Koschorke, among others; cf. especially in this regard and in the following: Klaus Koschorke, *Religion und Migration. Aspekte einer polyzentrischen Geschichte des Weltchristentums*, in: Claudia Rammelt/Esther Hornung/Vasile-Octavian Mihoc (eds.), *Begegnung in der Glokalität. Christliche Migrationskirchen in Deutschland im Wandel der Zeiten* (Leipzig 2018) pp. 57–75.

perceived as a global movement from its very inception that spread throughout the territories of what was the known world during each period. Secondly, this dispersion brings to light a multitude of regional centres within Christian life that also shift over time. Each of these centres develops its own local variants and indigenous versions of Christianity. The Gospel, which in its own words applies to all people – regardless of culture (cf., for example, John 3:16) – always communicates its message within an inculturated framework, i.e. is bound to a specific narrative and inseparably connected to a cultural reality, even when its own consequences are critical of culture or it even brings forth new cultures itself. According to this understanding, migration has always been a crucial factor in the history and spread of Christianity.

In keeping with the tradition of Israel's history, the Christian faith and Christian life overcame linguistic, cultural and political boundaries from the very beginning. In the words of Jesus Christ, the Acts of the Apostles emphasise: "... and you will be my witnesses in Jerusalem, and in all Judea and Samaria, and to the ends of the earth" (Acts 1:8). The biblical writings describe the rapid spread of the "new faith", especially along the coasts of the Eastern Mediterranean. The Acts of the Apostles in particular highlights the missionary activities and the establishment of new churches by the Apostle Paul and hence defines the understanding of how Christianity spread as a consequence of purposeful missionary work throughout the then known world. But the actions of wandering missionary groups and Apostles were not by themselves decisive for the spread of nascent Christianity and frequently represented more of an exception. Professional, family and ethnic networks, as well as local neighbourhood relationships, were at least equally important to the spread of belief in Jesus from the beginning.

In most cases the spread of Christianity played out spontaneously and without much public attention. Commercial towns tended to act as hubs of the spread of Christianity. The Gospel gained currency along "capillary" lines, i.e. by the everyday, shared coexistence of people. The Apostle Paul wrote an epistle to the Church in Rome – a Christian congregation that

already existed, but had not been founded by him. In its early days, Christian faith emerged through intense and highly volatile debates within the synagogue congregations. Growing numbers of people affiliated with other religions (“Gentiles”) joined the ranks, gradually forming the early Church in many locations and through intercultural processes.

From its very inception, the Roman Empire is characterised by a high degree of mobility and fluctuation among its citizens, mainly due to economic factors. It was possible to maintain contacts and personal networks across wide distances. A network of Jewish diaspora communities dispersed throughout the Roman Empire and especially its Mediterranean provinces plays a crucial role in the spread of early Christianity. Propagation beyond the borders of the Roman Empire (Mesopotamia, India, Ethiopia and later China) is closely linked to the Jewish diaspora as well, but also to the constantly expanding trade routes. As time passed, people were despatched to other regions to support the Christian congregations there.

Three different centres of Christianity can be identified during the Early Middle Ages, after the collapse of the Western Roman Empire (circa 486 AD). In the process, different basic ecclesiological patterns also developed over time. Comprehensive parochial systems of clerical leadership and pastoral and diaconal support of the congregations emerged as far back as the Early Middle Ages. As one of these centres, a Greek-influenced form of Christianity developed in Byzantium on the basis of the early church patriarchates. In the West, a Latin-influenced Christianity emerged, occasionally with two competing potentates, namely the Pope and the Emperor. This is a second centre of medieval Christianity. Nestorian (East) Syrian Christianity developed in addition to this with its centre in Mesopotamia, which is often overlooked in historiography. Also with a patriarch installed at its head, the “Church of the East” (“Oriental Church”) spread quickly from Syria to as far as China, although its followers remains a minority almost everywhere they travelled.

One of the significant dispersions of Christianity during the Early Middle Ages took place along the trade routes to Asia and was caused by economic migration. Merchants, but also monks, that at times were despatched deliberately as messengers of faith from the 8th century, practiced and shared their Christian faith in the commercial hubs. This led to the emergence of Christian communities and centres of Christian faith both along the continental trade routes and their maritime trading ports. Latin and Greek forms of Christianity arrived in Central and Eastern Asia along these trade routes, along with their East Syrian counterpart. The Armenian diaspora also played an important role in this development. Merchants and refugees of Armenian origins and extraction were soon encountered in Persia, India Southeast Asia and elsewhere.

Latin Christianity, which was firmly established and showed almost universally parochial structures virtually everywhere on the European continent, was shaped above all by two momentous developments during the early modern period.

On the one hand, the Reformation of the 16th century led to schisms based on differing convictions that precipitated a process of denominational pluralisation. Pre-Reformation movements, such as the Waldensians and Hussites, or the largely independent Reformations in various European regions (including France, Switzerland, the Netherlands, Scotland and Hungary), which were influenced by Martin Luther, led to the emergence of Christian churches with varying socio-cultural characteristics. The associated denominational conflicts prior to the Peace of Westphalia (1648) led to numerous migratory movements, including displacements caused by violence, deportation and expulsion, leaving an enduring and damaging mark on the relationship between the denominations. The Peace of Augsburg (1555) already included the *ius emigrandi*, which enshrined the legal right to emigrate to an area of one's own denomination for religious reasons. This entitlement was incorporated in a modified form within the Peace of Westphalia and extended to include a right to remain for religious minorities. At the same time, associated migration movements led to a pan-European transfer and more pronounced hybridisation of religious

and cultural traditions and encouraged demographic and economic growth, along with social and technological transformation. It follows, therefore, that the influence of migration on the early modern period cannot be underestimated.

On the other hand, the Iberian expansion into Africa, Asia and North and South America began, which was also co-established and accompanied by missionary efforts on the part of the Church. These migration movements were primarily political and economic in nature and hence, with a view to the development of Christianity, also shaped by attempts to convert the local population. Protected by royal patronages (e.g. Spain and France), the Catholic Church obtained papal bulls securing the right to establish dioceses, appoint bishops and despatch missionaries to the North and South American continents and Asia. The transnational spread of Christianity was promoted in the slipstream of political expansion, although it was also exploited for political interests (of states). Christian religious orders such as the Dominicans, Franciscans and Jesuits played a key role in this especially. This led to a lively process of cultural exchange, but also to entanglement in violent land grabbing, economic exploitation, the destruction of local religious traditions and at times even brutality against people who refused to accept baptism. It was the Dominican Bartolomé de las Casas who raised his voice in protest against violence, slavery and the conflation of political and religious interests and exposed the ties between colonisation and missionary efforts. His commitment prompted Pope Paul III. to issue the papal bull *Sublimis Deus* in 1537 that confirmed the rights of indigenous peoples to freedom and ownership and prohibited slavery – a ban which unfortunately failed to encourage the necessary commitment to the rights of indigenous peoples and to the containment of colonial domination and violence.

In the history of African colonisation until the 20th century, the Protestant churches played a very ambivalent role alongside the Catholic Church. The Christian churches' deep entanglement in the violent history of colonialism has remained clearly visible up to the present day. One must not forget that colonialism even received its legitimacy from the Christian

churches. While the further spread of Christianity commenced in the 16th century with Portugal's expansionist efforts, in the following centuries Christian missionaries of both Catholic and Protestant professions followed or prepared the ground for traders, explorers and adventurers from Europe. Caught at times between all fronts, some Christian missionaries may have criticised the wielding of colonial power and promoted African self-awareness, but the overwhelming majority remained mired in the colonial undertaking.

The development of Christianity in Africa and in North and South America is also linked to the system of transatlantic slave trading as undoubtedly the most brutal form of enforced and violent migration. People who arrived under duress and exposed to violence to live as slaves in an entirely foreign environment developed their own form of spirituality. This also gave rise to a number of often unnoticed but important networks of African Christians, which soon became largely independent of European missionary efforts.

In summary, a glance at the history of Christianity reveals that despite its ambivalent history, migration in all of its forms – from voluntary immigration to coerced and cruelly violent enslavement – was (and is) a formative and constitutive factor in the spread of Christian belief. Without its embedding in political developments, the history of migration cannot be understood. The emergence of a plural and internationally connected Christianity in all its diverse cultural manifestations is hence entwined within a history shaped by the grave consequences of colonisation that continue to reverberate to the present day.

2.2. The pluralisation and diversification of Christian life in Europe

Today, Christianity in Europe is shaped by multifarious forms of expressing Christian faith, varying styles and manners of church affiliation and a broad diversity of ecclesiastical structures. Within the framework of the complex historical, economic and political developments, migration in its heterogeneity is revealed as one of the important factors leading to the

pluralisation and diversification of Christianity. Migration is also, from a historical perspective, revealed as a basic anthropological constant that may adopt differing forms depending on the specific era or epoch, but belongs nevertheless to the human narrative as a constitutive element.

At present, a little over half of the people in Germany with a transnational migration history profess their affiliation with the Christian faith. Christians with varying sociocultural and denominational backgrounds practice their faith in very different ways. This means that, at grassroots level, multi-layered encounters cause people of different denominational and sociocultural backgrounds to converge in ways that may even lead to the mutual shaping of church life, as well as producing forms of distinct separation. At times, differences are openly or furtively misused as identity-forming markers, both by church congregations that have existed at the location for a longer period and by newly founded Christian communities.

Many people of Christian faith (and beyond) who come to Germany for a variety of reasons – refugees, EU citizens enjoying freedom of movement, non-EU citizens entering the community for the purposes of work and students – look for ways to express and practice their faith in their new place of residence. Several of them attend Sunday services, become involved in bible groups or prayer meetings and visit other events organised in the churches at which, if possible, their native language is spoken or that otherwise cultivate a form of piety with which they are familiar. Some also find a home in church congregations and parishes in which people from different countries of origin and cultural backgrounds worship and shape church life together. Others, in turn, join long-established local church communities. The specific denomination is one factor among many in this process. The ecclesiological model of the Catholic tradition, for example – similar to Orthodox church practices – also offers a home that transcends cultural boundaries. Moreover, some people with a migration history actively participate in very different forms of church community life and sometimes have more than one affiliation. All in all, a multi-layered web of church life is emerging beyond the current forms of

church reality and traditions, which sometimes challenges the long-established churches in Germany to embrace new directions.

2.3. Migration and the development of church life in Europe

Inner-European migration movements have been observable in Europe since the start of the Reformation, many of which are motivated by a yearning to practice religion freely. The denominational conflicts in Western Europe created migration movements among people of very different backgrounds. In this vein, displacement due to a confession of faith belongs to the most defining experiences of churches in the Reformed tradition. Anabaptist Christians suffered the most severe persecution for their beliefs and sought places where they could live a Christian community life according to their convictions. In addition to this, migration movements can be identified that are shaped primarily by social, political or economic factors.

In what follows, the history of Christian migration in the European context and especially in the area of present-day Germany since the Protestant Reformation will be briefly described by outlining some important developments.¹⁵ The first international congregation in the German Empire was founded in 1525 by French refugees in the then German-speaking city of Strasbourg. Johannes Calvin was its most prominent leader, who served there from 1538 to 1541. There is evidence that a Dutch church congregation existed in Cologne-Frankenthal in 1544, and that Frankfurt was home to a congregation of English refugees from 1554 to 1559. The first congregations by people of Huguenot origin on the territory of present-day Germany were established circa 1550; about 20,000 Huguenots found refuge in Berlin and Brandenburg following the Edict of Potsdam in 1685. The first Anglican church was founded in Hamburg in 1612. In turn, the first Russian Orthodox parish was established in Berlin in 1712. Expelled from their homeland, the “Salzburg Protestants” founded church congregations in Prussia from 1732 onwards. In 1734,

¹⁵ Cf., among others, the articles in: Rammelt/Hornung/Mihoc (eds.), *Begegnung in der Globalität*.

Frederick William I built an Orthodox church in Potsdam specifically for the Russian soldiers serving in the Prussian army.

While major migration movements of Christians from Central Europe to South-Eastern Europe as well as to the then New Russian territories north of the Black Sea (e.g. Mennonites migrated from 1772 onwards to avoid Prussian military service) were characteristic of the 18th century, the 19th century in particular was shaped to a greater extent by large waves of transatlantic emigration. At the same time, though, many people returned to Central Europe during the 19th century. The returnees also included missionary elements, which led to the spread of revivalist movements in Europe. Some of the denominations that are now known as “free churches” (including Baptists, Methodists and later on the Pentecostals) settled on the European mainland in this way.

Among them were growing numbers of people with different denominational identities from Russia, Greece and of Armenian extraction, who migrated to Central and Western Europe after the First World War. The Second World War again triggered extensive flight and migration movements. By 1950, 12 to 14 million refugees and displaced persons had entered the allied-occupied zones from the former Eastern territories of the German Reich, from Russia, Poland, the Baltic states, Czechoslovakia, Yugoslavia, Romania and Hungary.

Since a large proportion of the displaced persons were of Catholic denomination, migration in East and West Germany became a fundamental ecclesiastical field of activity as reconstruction proceeded after the War, especially for the Catholic Church. A more Catholic way of life emerged in regions that had previously been predominantly Protestant, in the same way that the settlement of persons professing Protestant faith in formerly Catholic areas led to fundamental changes as well. Besides the longer history of secularisation processes, these migration movements can be seen as a decisive break in the confessional homogeneity that had existed in many regions since the Reformation. “Diaspora communities” emerged both within the Catholic Church and in the churches adhering to Protes-

tant tradition – church communities whose members lived significant distances apart and who were visited by “exile priests” or “exile pastors” at regular intervals. At times this necessitated the establishment of entirely new structures in the local churches. Charitable services and improvements to the circumstances of life played a crucial role in this process across all denominations and especially in the structures of the Catholic Church.

Germany experienced widespread domestic migration movements between 1945 and 1961, which were primarily directed from East to West. On the one hand, this contributed to a change and reduction in religious life in the Soviet-occupied zone and later on in the German Democratic Republic (GDR). On the other hand, it also built a bridge due to the religious and family ties between the occupation zones and later between the two German states and their opposing political systems. The churches in East and West Germany were connected in many different ways by institutional structures, networks and partnerships. These connections strengthened people’s own identity and reflected a reality of life in another place. This could lead to more migration prior to the tightening of the borders but also stimulated a commitment to societal improvements on the ground. With the construction of the Wall, however, migration between the GDR and the Federal Republic was strongly restricted. Unlike in Western Europe, there was comparatively little migration to and within Central and Eastern Europe before 1989. The “contract workers” in the GDR, as well as trainees and students from countries in the Global South, tended to have little impact on local church congregations. The state made efforts to separate people hailing from socialist “brother states” and in doing so to suppress contact with GDR citizens as much as possible. Nevertheless, congregations and other church groups maintained active contacts with the contract workers, in addition to official connections between the churches and mission communities in the so-called “brother states”.

The recruitment contracts of the 1950s and 1960s led to an influx of “guest workers” from Italy, Spain, Greece, Portugal, Yugoslavia, Turkey,

Tunisia and Morocco into the Federal Republic of Germany. Among them were many believers of Catholic and also Orthodox extraction. Faced with these pastoral challenges, the Catholic Church gradually established fields of work and structures. Foreign priests were called and commissioned to accompany the immigrants in their mother tongue in cooperation with the bishops' conferences in the countries of origin. Besides pastoral care in a narrower sense, this work also focused on social and cultural problems experienced by the migrants. "Native-language missions" were founded in virtually all West German dioceses as chaplaincies for Catholics who did not speak German as their first language. They were and continue to be perceived as integral parts of the local churches. The purpose of the "missions" is to reflect the fact that ministry and the experience of faith are strongly influenced by culture, tradition, customs and language. By contrast, no equivalent institutions existed in the GDR.

There are at present approximately 450 Catholic missions providing pastoral care to around 30 linguistic groups for believers whose native language is not German. The Polish, Italian, Croatian, Spanish and Portuguese-speaking groups are the largest among them. Around 500 foreign priests attend to the pastoral needs of these native-language missions. Today, though, not all of the people entrusted with pastoral care come from the countries of origin for which the missions were established. After all, a person's suitability to accept responsibility in this field hinges less on their origins and more on their linguistic knowledge and familiarity with the specific cultures. Even the believers no longer choose their affiliation exclusively along ethnic lines or their language and instead according to their personal predilections for a particular culture of church services and communal life. These developments are mutually enriching but can also lead to tension that may allow a church community to grow, provided they are dealt with properly. Native-language missions continue to be important places to nurture language and culture and play just as important a role in identity development as they do as bridge-builders to the local church. Nonetheless, new challenges are currently arising two to three generations after the establishment of this model, precipitated not

least by the question of interaction, independence and participation, i.e. integration, in the local church.

Fresh opportunities – but also tensions – are equally evident in local church parishes where priests, religious and pastoral workers from other countries and cultures (for instance from Eastern Europe, Africa and Asia) are active. Often enough, this leads to the emergence of differing perceptions of pastoral service and theological disagreements.

Christian traditions and forms of piety that were largely unknown within a European context were imported to Western Europe, especially within the framework of labour migration. For instance, Christians from Korea who founded churches in a Korean-Protestant tradition, along with members of Oriental churches from Southwest Turkey and the extended Mediterranean regions (especially the Greek and Serbian Orthodox churches) expanded the ecclesiastical spectrum. A large number of Orthodox dioceses have been established in Europe, a process that continues to the present day.

Over four million (late) repatriates immigrated to Germany in the decades following the fall of the Iron Curtain in 1989. Settlement of the German-speaking late repatriates, who can be assigned to the Catholic Church as well as to the spectrum of traditional Protestant churches (including Lutherans) and free churches (among them Baptists, Mennonites and Pentecostal congregations), together with continued immigration of people from Eastern and Southern Europe belonging to the Orthodox Christian tradition, led to a further pluralisation of Christianity in Europe and to fundamental changes in the church landscape.

The number of Orthodox Christians from different countries and speaking languages other than German rose to more than a million during this time. In general, pastoral care for Orthodox parishes falls within the remit of dioceses that are responsible for Germany and affiliated with their mother churches. Since 1994, structural collaboration between Orthodox dioceses has taken place within the Commission of the Orthodox Church

in Germany (KOKiD) and since 2010 in the Orthodox Bishops' Conference of Germany (OBKD).

The Protestant Church in Germany (EKD) had already established the Conference of Foreign Pastors (“Konferenz ausländischer Pfarrerrinnen und Pfarrer”) in 1972, which has been called the Intercultural Pastors' Conference (“Interkulturelle Pfarrkonferenz”) since 2012. Providing pastoral care to German repatriates has been an important field of work for the EKD since the 1970s. Although many of the Protestant migrants were accustomed to celebrating church services in the German language, the cultural, theological and spiritual differences compared to the local churches in many areas led to the establishment of separate congregations with scarce and quite often fraught ecumenical contacts.

During the 1990s in particular, people from countries affected by conflict and civil war as well as states with authoritarian political systems (including Yugoslavia, but also African states) increasingly migrated to Western Europe and applied for asylum. Aside from more “traditional” forms, these migration movements also introduced new facets of the Christian faith and life to Europe, among them the neo-Pentecostal movement. A strong proselytising style was characteristic of many newly established congregations, for whom Europe became a central focus of their missionary activities. At the same time, efforts to evangelise in the countries of origin played an important role as well. Many of these new congregations developed – largely unnoticed by the local churches – from prayer and bible groups. Some of them acquired the status of registered associations. In addition, many local churches generally ignored these church groups or even regarded them as sects due to theological differences and varying styles of piety.

The migration movements since 2015 have in turn brought other forms of Christian life to Europe, for example due to the influx of Arabic-speaking Christians who belong primarily to the Orthodox Church, Oriental Orthodox Churches or Eastern Churches affiliated with Rome. The latter group is made up of a number of smaller Catholic Churches primarily

found in Eastern Europe and the Middle East that maintain their own liturgical and canonical traditions. But like the “Latin” churches that constitute the majority here in Germany, they belong to the Catholic Church and acknowledge the primacy of the Pope in Rome. Farsi and Arabic-speaking congregations adhering to the Protestant tradition have also been established, in which a large proportion of the members converted to Christianity after migrating.

The churches in Germany are aware of the special fraternal bond with the Christians from the Near and Middle East who come to Germany for a variety of reasons. They are a testimony to the origins and diversity of Christianity and enrich Christian life here in Germany. At the same time, it is of great importance to all that Christianity in the Near and Middle East continues to have a home in the future.

3. The current perception of migration: basic ecclesiological patterns

Migration is reflected on from a range of primary perspectives due to the differences in the understanding of what church signifies (ecclesiology), as well as the various pastoral realities within the Christian churches.

3.1. Catholic perspectives

Contemporary migration is a “sign of the times” for the Catholic Magisterium. According to the Instruction issued by the Pontifical Council of Pastoral Care for Migrants *Erga migrantes caritas Christi* (The love of Christ towards migrants, 2004)¹⁶, migration is “a challenge to be discovered and utilised in our work to renew humanity and proclaim the gospel of peace” (EM 14). The Instruction interprets migration in terms of soteriology, i.e. as a historical event which, from the perspective of faith, may possess redemptive significance within the history of salvation if believers accept the responsibility associated with it: to strive for humanity to recognise its

16 Cf.: Pontifical Council of Pastoral Care for Migrants and Itinerant People, *Instruction: Erga migrantes caritas Christi* (https://www.vatican.va/roman_curia/pontifical_councils/migrants/documents/rc_pc_migrants_doc_20040514_erga-migrantes-caritas-christi_en.html).

unity and, in doing so, to commit themselves to peace in the spirit of the Gospel. This responsibility is made specific if the Church participates in acknowledging and establishing culturally pluralistic societies (cf. EM 9). At the same time, the Church must strongly advocate a fairer distribution of goods at international level, which cannot be separated from the question of equitable production methods and their capacities. The Church must also change internally in order to support believers in these demanding tasks. *Erga migrantes* therefore calls for the formation of a “global dimension” that is, a new vision of the world community, considered as a family of peoples, for whom the goods of the earth are ultimately destined when things are seen from the perspective of the universal common good” (EM 8). Migration is understood as a message and a call to conversion: “the inequalities and disparities” of which migrations are the consequence and expression demand universal solidarity (cf. EM 12).

Coexistence with Catholic migrants within the Church has a special theological significance due to the Catholic Church’s identity as “the sacrament, that is, the sign and instrument of the most intimate union with God as well as of the unity of all humanity” (*Lumen gentium* 1) and as a community of faith that places the “joy and hope, grief and anguish of people today, especially the poor and the afflicted” (*Gaudium et spes* 1) at the heart of its pastoral work. In Catholic understanding there are no foreigners in the Church of Jesus Christ, as all believers possess equal dignity and rights due to their baptism and confirmation. This is why the Catholic Church does not speak of “migrant churches” but of missions or chaplaincies for believers of different native languages. They are perceived as an integral part of the local church with their own mission, as their cultural diversity stands as testimony to the Catholicity and universality of the Church. The local bishop carries pastoral and canonical responsibility as bishop of the various “native-language missions” as well.

With John Paul II, *Erga migrantes* therefore states: “Migrations offer individual local churches the opportunity to verify their catholicity, which consists not only in welcoming different ethnic groups, but above all in creating communion with them and among them. Ethnic and cultural

pluralism in the Church is not just something to be tolerated because it is transitory, it is a structural dimension. The unity of the Church is not given by a common origin and language but by the Spirit of Pentecost which, bringing together men and women of different languages and nations in one people, confers on them all faith in the same Lord and the calling to the same hope” (EM 103). The coexistence of believers both with and without a migration history hence becomes a litmus test for Catholics to ascertain whether they take their faith seriously. It follows, therefore, that a church in which migrants are discriminated against or even entirely absent, and whose communities are not allowed to participate in the local church in a spirit of equality, would be a red flag from a religious perspective. At the same time, the struggle to live together can become a paradigm for society as a whole.

In recent decades, the German Bishops’ Conference has responded to the pastoral challenges within the context of migration by issuing corresponding guidelines, for instance the “Pastoral and Canonical Guidelines for Migrants’ Chaplaincy” from 1986 or the guidelines “One Church, Many Languages and Peoples” (*Eine Kirche in vielen Sprachen und Völkern*) from 2003. The documents indicate fundamental issues that have retained their relevance, despite the changing circumstances.

3.2. Orthodox perspectives

From an Orthodox perspective migration is also to be interpreted according to a theological approach that can prove extremely fruitful. By becoming man, the Son of God “emigrated” from his divine kingdom by casting off his divine dignity (cf. Philippians 2:6-11), by accepting human form and coming into the world. In the parable of the Sheep and the Goats (Mathew 25:31-46), Jesus of Nazareth, the incarnate Son of God, identifies himself as a human being with all the foreigners of the earth. Byzantine liturgy refers to Jesus as the “stranger” in commemoration of his death on Good Friday. In one of the chants, Joseph of Arimathea turns to Pilate and asks him for Jesus’ body with fictitious words that describe the deceased Lord as a “stranger”: “(...) give me the stranger, strange as a

stranger from childhood, give me the stranger, killed as a stranger, give me the stranger, I am astonished that he is a guest of death.” This chant not only sees Jesus as a stranger on the day of his death, as if he had been left with no other opportunity than to seek hospitality in the realm of death, but also presents him as a stranger from childhood. The foreignness of Jesus was therefore a permanent state and not situational. Despite all the attempts at integration (also the successful ones), the life of migrants will always be marked by foreignness. Jesus feels a particular solidarity with these people and continues to speak to us through them. But a sense of foreignness is not the sole preserve of people with a migration history. Indeed, every person – even those who have never been forced to leave their homes – is familiar with the sense of foreignness, even in a familiar environment. There are elements in the personalities of every person that have no counterpart in this world and with which one will always remain a stranger. Every human being experiences major and minor, internal and external migrations and is reliant on others listening, showing understanding and offering hospitality. In this manner, a person becomes a place where Jesus reveals himself as the “stranger”, calling on us to show solidarity – in a form that builds on equality and fights every overt or disguised form of paternalism.¹⁷

As stated earlier, most of the Orthodox church parishes in Central and Western Europe were founded in connection with migration processes. It is important nonetheless to acknowledge that what appeared to be the exception decades ago has now become the rule. Migration movements can be observed not only from traditionally Orthodox societies to the “West” as macro-migration (Central and Western Europe, the USA, Canada, Australia), but also within Orthodox societies themselves (micro-migration). And although the latter form is associated with fewer cultural, especially linguistic challenges, this does not change the fact that many Orthodox Christians are currently itinerant and, within an increasingly

¹⁷ Cf. in this regard: *For the Life of the World: Toward a Social Ethos of the Orthodox Church*, approved by the Holy and Sacred Synod of the Ecumenical Patriarchate 2020 (www.goarch.org/social-ethos).

globalised world, appear to belong to a new form of “nomadism” characterised above all by a growing pluralisation.

Within this globalised context, feelings of foreignness, uncertainties and the questioning of traditional values are everything other than rare. They become more apparent as a matter of course and are perceived and experienced more intensively when one is confronted with a new language, new cultural forms and ways of expression or new customs and ethical standards. It is known that these processes can prompt people to reconfigure their own life worlds, which in turn can lead to a new, personal (and collective) balance or to individuals withdrawing and shutting themselves away. Whether they are affected by micro- or macro-migration, Orthodox Christians are called upon to seek inspiration in the positive potential found in Jesus’ life as a “stranger”. Included in this is a personal willingness to engage with aspects that are both unaccustomed and foreign and to encounter people in the new environment as Living Icons of Christ.

Orthodox parishes that are located outside of societies which are traditionally described as “Orthodox” are often called “diaspora parishes”. Despite the biblical connotations of the term “diaspora” (cf. 1 Peter 1:1) and the fact that it does not necessarily have to be interpreted negatively and only in a quantitative sense, this term may nonetheless emphasise a centrist self-understanding of the Orthodox (autocephalous) mother churches. There is therefore a risk that the parishes located geographically outside of this “centre” will be viewed as second class churches. Any such perception is in direct opposition to the main principle of Orthodox ecclesiology, namely that the “catholic” (i.e. “all-embracing/universal”) Church is realised and revealed in every assembly where the Eucharist is celebrated. A mindset or perception that is based on implicit premises (or explicit terms) indicating a “centre” and a “periphery” must therefore be revised in favour of an integrative approach that considers the diaspora churches to be full and equal parishes. Of urgent necessity is also a greater openness to the new theological and practical impulses that are emerging from these diaspora churches. Many of these impulses proved to be a renewing force in the life of the Orthodox Church worldwide, prompting

stronger and more productive engagement with the challenges of the modern world, especially in the course of the 20th century.

Associated with this is the opinion voiced by many Orthodox diaspora theologians that Orthodoxy should take the path of authentic inculturation in the Western World and overcome any divergences of a nationalist nature. But the creation of a supranational Orthodoxy whose liturgy in particular is based on the language of the respective country is and remains aspirational. That Orthodox Christians living in the diaspora have not yet succeeded in forming supranational churches is epitomised, among other things, by the fact that many large cities in Central and Western Europe, the USA and Canada are home to several Orthodox bishops representing different national origins and language backgrounds (Greek, Russian, Romanian, Serbian, Arabic, etc.). This is according to the principles of Orthodox theology an ecclesiological anomaly. Yet in spite of this theologically problematic situation, Orthodox bishops' conferences were founded (in Germany, Austria and elsewhere) to enable closer cooperation between Orthodox believers in diaspora countries. They act as coordinating and cooperative platforms and are viewed as an important step towards the establishment of Orthodox churches in the diaspora countries that are independent of their mother churches.

3.3. Protestant and other perspectives

Protestant and Protestant free church understandings of what church means are diverse. This diversity is manifest in how church life is structured and hence in the perception of the other, migration and community. Aside from the twenty Lutheran, Reformed and United regional churches within the EKD, there are churches with supra-regional or even worldwide episcopal structures (e.g. the Old Catholic Church in Germany, Anglican congregations) or connexional structures (United Methodist Church) on the one hand and congregational forms in which the independence and autonomy of the individual congregation is the foundation of church life (e.g. Baptists, Mennonites, Free Evangelical congregations, Pentecostal churches and other free churches with an association struc-

ture) on the other hand. In addition, some of the churches with a congregational structure establish connections and organisational forms within denominational church federations.

Protestant ecclesiologies are also based on the apostolic confession of the unity and universality of the Church of Jesus Christ. At the same time, they draw attention to the difference between the Church of believers in Jesus Christ and the brokenness of the visible, experiential, institutional reality of churches on the ground and their ecclesiastical structures and stress the dependence on grace, redemption and renewal attained through the mercy of God. In Protestant perceptions, church fellowship is based above all on the proclamation and administration of the sacraments in accordance with the Gospel (cf. *Confessio Augustana* Art. VII). This basic understanding possesses ecumenical significance (no exclusiveness), but also a clear commitment to the purity of teaching in word and sacrament. Protestant and free church understandings of what church and congregation mean move within these poles and find in this context very different and at times divergent forms of expression.

The various ecclesiological access points and forms of expression have implications for defining the relationship between a congregation and the universal body of the Church. They also influence the question of whether and under which circumstances migrant Christians and Christian congregations in which other languages are spoken should be perceived as “foreign” or affiliated, i.e. can be legally recognised.

From a theological perspective, Christians and congregations in Protestant churches that worship in other languages are not considered to be “foreign” as they share a common faith and the experience of baptism, as well as due to the universally conceived theological unity of the invisible Church. Protestant ecclesiologies emphasise that it runs contrary to the spirit of love to define people with a migration history based on their “foreignness” or “otherness”. All people are but guests on earth (Philippians 3:20; Hebrews 13:14). The Spirit of God distributes gifts to everyone

(1 Corinthians 12). The Church of Jesus overcomes all limits of human reality (Galatians 3:28).¹⁸

A broad variety of new Protestant and free church congregations have emerged as a result of migration, which have changed the reality of church life in Germany. The term “foreign congregation” that was commonly used until the 1990s has been replaced by terms like “intercultural congregation”. Designations such as “migrant congregation”, “migrant church” and “congregation of alternative language and origins” have gained currency and become established in Protestant circles since the 1990s.¹⁹ Slightly different terms such as “congregations of differing languages and origins” (Protestant Church in Bavaria since 2017) hint at the underlying debate.

The EKD has used the term “international congregations” since 2019. Indeed, many of these churches have confidently adopted their designation as “international congregations” as a positive characterisation. International congregations are described as such because their members feel at home in Germany, while still preserving ties to other regions of the world. These congregations therefore become connecting links between the various nationalities and cultures and build bridges to global Christendom. Equally, the term “international congregations” calls to mind the fundamentally local as well as trans-national and trans-cultural dimension of every Christian congregation, since the Gospel makes universal claims and at the same time works within an intimate and contextual setting, in which it seeks to be put into action and brought to life.

The terms “migrant congregation” or “international congregation” are ideally used to characterise a church with a Protestant tradition, which is usually led and pastorally accompanied by people with a migration histo-

¹⁸ See here and in the following: <https://internationale-gemeinden.de/was-verstehen-wir-unter-einer-internationalen-gemeinde>.

¹⁹ Cf. “... und der Fremdling, der in deinen Toren ist” (1997); *Gemeinsam evangelisch! Erfahrungen, theologische Orientierungen und Perspektiven für die Arbeit mit Gemeinden anderer Sprache und Herkunft*, published by Kirchenamt der Evangelischen Kirche in Deutschland (EKD-Texte 119, Hannover 2014).

ry, whose language in church services and congregational events is predominantly not German and whose majority of members also have a migration history. Significant diversity is a defining feature of these churches. Some possess a monocultural structure. Others are characterised by intercultural diversity, as well as an array of different languages, manners of piety, denominations and traditions. At present, there are around 2,000 to 3,000 international Protestant congregations in Germany. Most of them have emerged over the last 30 years.

Some Protestant regional churches and globally organised churches (e.g. the United Methodist Church) have managed at times to integrate migrant congregations into existing church structures. Free church denominations (in particular congregations in the Association of Pentecostal Churches in Germany, BFP) experienced considerable expansion, change and reorientation by integrating numerous congregations founded by migrants.

A large number of handouts, resolutions, guides and working aids on migration and international congregations have been produced over recent decades and in the EKD especially, which have been introduced in the member churches, as well as within ecumenical contexts. Guides have also been published in cooperation with the Council of Christian Churches in Germany (“Arbeitsgemeinschaft Christlicher Kirchen in Deutschland”, ACK).

Suitable examples include the EKD handout “On Ecumenical Cooperation with Congregations of Different Language or Origins” (“Zur ökumenischen Zusammenarbeit mit Gemeinden fremder Sprache oder Herkunft”, 1996)²⁰ and the guide “Protestants united!” (“Gemeinsam Evangelisch!”, 2014). The struggle to find reorientation within a Protestant context is particularly apparent in the understanding of what Church means and in establishing an awareness of the issues and challenges associated with migration. This involves reviewing the viability of individual

20 *Zur ökumenischen Zusammenarbeit mit Gemeinden fremder Sprache oder Herkunft. Eine Handreichung des Kirchenamtes der Evangelischen Kirche in Deutschland*, published by the Kirchenamt der Evangelischen Kirche in Deutschland (EKD-Texte 59, Hannover 1996).

understandings of the Church, the experiential reality of the Church and the related *modus operandi*.

The EKD's guide entitled "Gemeinsam evangelisch!" offers an analytical summary in this regard.²¹ The model of "koinonia", for example, which has been discussed in many different ways within the ecumenical context, takes into account the need to develop a cross-denominational understanding of the Church, but in doing so appears to unintentionally gloss over the theological and cultural differences. The model of "conviviality" (living together) also taps into opportunities to come together and strengthen mutual awareness, but ultimately adopts a very general definition of relationships that is unable to add perspective to developing a shared basic ecclesiological orientation. The concept of "ecumenical hospitality"²² – a focus topic since 1996 – opens the door to ecumenical encounters among equals. However important it may be, especially during initial contacts between churches and immigrants, it has become equally clear over time that this model is ultimately inadequate and unsuitable as a basis for cooperating with congregations of other languages and origins and for the integration of Christians with a migration history into local churches. "Gemeinsam evangelisch!" therefore stresses that immigrant Christians are instead "Fellow citizens [...] members of his household" (Ephesians 2:19) and brothers and sisters in the Body of Christ. It is therefore essential to advance models for intercultural opening and cooperation that are sensitive to migrant issues and their cultures.

4. Migration and the influx of refugees as a continuously new challenge for the church community

The intensification, dynamic development and diversification of migration movements and thus the diverse forms of being a "migrant" call for nuanced concepts on the part of the Church: today's migrants come from many different regions of the world. The cause, duration and reason for

21 Cf. in the following above all Kirchenamt der EKD, *Gemeinsam evangelisch*, pp. 17-26.

22 Cf. in: Kirchenamt der EKD, *Zur ökumenischen Zusammenarbeit*.

migration are just as varied as the legal status, educational history and opportunities for work. Fresh issues emerge through the active support afforded to refugees by church congregations and parishes at local level. These issues require congregations, parishes and local churches to take a deeper look at the ministry and pastoral care that migrants need, which in turn are defined by specific cultural features as well as the various political and historical backgrounds. At times this will demand suitable knowledge of legal, economic and political contexts. In turn, the established “native-language missions” and “international congregations or parishes” must demonstrate a willingness to engage with newcomers who want to belong to such a community due to their migration experience, but also because of language and cultural affinity.

Social, economic and political trends – not least changes in the socioreligious field – take effect on the local church communities as well. For instance, they change the relationship between local and migrant believers by increasing the acceptance of diversity, but also by exacerbating xenophobia or racism. The ongoing decline in religiousness within a church context and the challenge of practicing faith in a secularised society also extend to the native-language missions and international congregations or parishes.

Last but not least, ecumenical and interreligious coexistence also calls for new and intensified forms of dialogue and cooperation as a means of addressing conflict together. In native-language missions and international congregations or parishes attitudes towards other Christian denominations, Judaism and Islam can often be troubled for historical and cultural reasons. Reconciliation is one of the important tasks for the Church going forward, and progress in this regard is essential. Crucial aspects in this regard include reflecting on coexistence in the context of migration from the perspective of political history and in connection with questions of law and justice, the search for appropriate forms of coming to terms with a guilty past and also a focus on working towards political and social (re-) integration.

Questions of cultural and religious identity are especially pertinent to the second and third generations in native-language missions and international congregations or parishes. Their members grew up in Germany but often feel an obligation towards the home churches attended by their parents or previous generations. It follows, therefore, that they are defined by considerable theological and cultural diversity – associated quite often with tension and conflicting loyalties within their families and congregations. The issue of how to support this life “betwixt and between cultural and religious identities” and how it can bear fruit for the church congregation remains a challenge for churches and their ministries and above all a contribution to ensuring that the younger generation can enrich coexistence within a pluralistic framework.

The arrival of more than one million refugees in Germany between 2014 and 2016 was accompanied by a “welcoming culture” characterised by voluntary commitment – especially within the wider context of Christian churches and communities. Aside from diaconal tasks, the reception of refugees also raises fundamental theological, ecclesiological and pastoral challenges for the Christian churches. Many called for the translation of liturgies and sermons, leading to multilingual church services and to widespread intercultural opening. Baptising people with a history of migration or flight, their participation in congregations and parishes or, for example, the controversial question of missionary outreach among Muslims lead to fundamental disputes in local churches and force reflection on their own religious self-understanding as well as the discussion of theological questions. Interreligious dialogue with the various movements in Islam, the relationship with a multifaceted Judaism in a migration society or the theological and pastoral appraisal of what causes anti-Semitic, anti-Muslim and general racist sentiments are all highly pertinent issues. The discussions within and between the churches are certainly imbued with tension at times, but lead to new and forward-looking cooperation and insight. The ecumenical community acquires fresh relevance within the context of flight and migration.

From an ecumenical perspective, the international and ecumenical document “Mission Respect: Christian Witness in a Multi-Religious World”²³, which was adopted in 2011 by the World Council of Churches, the World Evangelical Alliance and the Pontifical Council for Interreligious Dialogue, sets out twelve principles on the respectful practice of Christian witness and mission in a multi-religious world. In doing so, it enables a definition of how the different congregations should cooperate in a missionary context against the backdrop of an increasingly pluralistic society.

The Council of Christian Churches in Germany (ACK) provides a gathering place and platform for coordinated ecumenical networking and cooperation at local, regional and national level. It is important nonetheless to continue searching for structures that adequately represent the pluralisation of Christianity and lend an audible voice to the native-language missions and international congregations or parishes in particular. In several places, regional working groups have already given international church communities access to official ecumenical cooperation and membership. Besides that there are also places where international church communities are already actively involved in ecumenical discussions and areas of work.

Intercultural opening has become a fundamental challenge for ecclesiological and ecumenical community and cooperation, which will require learning spaces and structures in order to grow.

23 Cf.: World Council of Churches/Pontifical Council for Interreligious Dialogue/World Evangelical Alliance, *Mission Respect. Christian Witness in a Multi-Religious World* (<https://missionrespect.de/fix/files/Christian-Witness-Original.pdf>).

Migration as a central theme
of Christian faith:
perspectives of biblical theology

IV

1. Migration as a central theme and place of learning in biblical faith

The Christian churches are aware of their responsibility to contribute to building an inclusive society in which people with and without a personal migration history can live together in a spirit of justice and peace. The churches' commitment to a society shaped by migration is not solely due to the topicality of migration itself; it is also well-founded in biblical theology. Theological reflections on migration are rooted in Holy Scripture, the foundation of life and faith of the Church. It is therefore the source from which Christians of all denominations can and must learn and relearn who they are and what their task is in God's history with humankind. Holy Scripture is the foundation of every theology of migration.

Conversely, in the light of contemporary migrations and refugee movements, many texts of Holy Scripture can be read in a new light and thus deepen faith. For instance, images of the people arriving at the borders of Europe to seek protection can remind us of the Exodus, or current debates about how to deal with immigrants can raise the question of whether and how the biblical law concerning strangers can be relevant today. Texts written thousands of years ago are brought to life anew from the perspective of current migration experiences – both for people with and without a migration history.

But the Bible is not a manual from which readers may infer direct instructions or ethical and political norms to address the current challenges. Firstly, unequivocal, uniform norms are often difficult to identify. There are laws to protect aliens, and next to these, the Bible contains passages that testify to fear and resistance. Secondly, the migratory phenomena encountered in biblical times differ sharply from today's migration movements and their consequences. Not only were there fewer people, also nation states, citizenships or passports did not exist. Borders were only reinforced and strictly controlled in exceptional cases. International mobility was limited to merchants and members of the elite classes. There were no welfare states that could reach their limits in the face of global inequality. Human and asylum rights were yet to be codified.

However, large sections of the Bible qualify as migration literature as they relate the experiences of migrants. A simple reference or recourse to biblical norms would be insufficient to appraise the ethical challenges of modern migration or even to develop migration policies for the 21st century. Nonetheless, reading the Bible as a resonance chamber of current experiences can help to impart a more profound understanding of the present time, to describe it as a place of divine intervention and to develop sustainable practices. This requires further socio-ethical reflection as well as informed and careful analysis of contemporary migration.

Biblical testimonies can contribute to mapping out the horizon for contemporary social ethics. At the heart of this process is the history of the people of Israel, as well as the stories of Jesus of Nazareth and his followers. The ethical and political norms that are established in this way are an expression and consequence of the interpretation of this history and as such the necessary starting point for the Church's reflection on migration. The following impulses seek to contribute to a perception of contemporary migration from the perspective of faith. They encourage us to recognise migration also today as a source of Christian meaning and Christian spirituality, and of an ethical and political approach that is motivated by the Christian faith.

The migrants' perspective that flowed into numerous biblical texts still focuses our attention on fundamental questions of anthropology, ethics and politics: Who is the human being? What is good life? What is justice? How should we deal with strangers? How can we live together peacefully in diversity? At the same time, many of the texts open up a perspective that can be both unusual and challenging. They relate God's history with his people from the viewpoint of human beings who were living in hard, often catastrophic circumstances, confronted with oppression, persecution, displacement, war and flight. They speak of people in exile or the diaspora who felt like strangers. The story of the escape of the enslaved from Egypt, the accounts of Babylonian exile or of the Jewish diaspora after the war against the Roman Empire was lost, and the persecution of communities behind the Gospels: none of them are stories of victors and

heroes, they describe people who might commonly be viewed as “losers” or “victims”. The special characteristic of the biblical testimony is precisely that these people interpret hardship, poverty and suffering that befall them in the context of migration in light of their history with God and in this way become subjects of their history again, that is, empowered to shape it and to act. They learn from their experience and, therefore do *not* remain “victims” or “losers”.

The Bible invites us to see the world through the eyes of migrants. Migration can act as a magnifying glass, rendering visible – enlarged, as it were – the strengths and weaknesses in society that affect everyone. Migrants herald universal challenges facing all of humanity: “It is not only the cause of migrants that is at stake; it is not just about them, but about all of us, and about the present and future of the human family. Migrants, especially those who are most vulnerable, help us to read the ‘signs of the times’.”²⁴ Flight and migration have been and remain central places of learning in faith and are therefore theologically significant. The faith that we find in the biblical scriptures can be perceived as “fruit of the learnings” acquired by people who have wrested religious meaning and significance, as well as ethical and political consequences, from specific historical experiences: as a result of flight and deportation in exile; as a consequence of enforced and voluntary migration in the diaspora; looking back on the processes of settlement or in the context of nomadic experience.

Many texts – especially in the Old Testament – were written in situations of migration. For the authors and their communities, migration experiences were not only the historical background, but also the tangible, often painfully experienced foreground. The history of migration was used as a practical resource and “condensed” into testimonies of faith. Many stories, psalms, prayers, ethical norms and legal texts reflect on historical occurrences and their meaning. They describe their significance or formulate

²⁴ Pope Francis, Message for the 105th World Day of Migrants and Refugees 2019 (www.vatican.va/content/francesco/en/messages/migration/documents/papa-francesco_20190527_world-migrants-day-2019.pdf).

religious and social norms, rules and statutes. These should last but not least be used to avert catastrophes within the wider context of migration.

Migration is therefore a central *locus theologicus* in the Bible: a place where faith and theology are shaped. Belief in a just and merciful God who liberates his people and remains a faithful companion throughout the trials and tribulations of life is a product of “turbulent” times. Biblical theology therefore contains not just one, but many – sometimes different and even contradicting – theologies of migration. Motifs pertaining to migration theology run like a thread through the texts. They are passed on from generation to generation and, as history unfolds, are taken repeatedly to interpret events and human existence itself: by people both with and without migration experience that use these motifs to make sense of their lives and obtain guidance. In this way, migration became an important source of biblical spirituality.

Thus even Christians who never moved themselves adopt the concrete biblical migration experience and perceive human life as a pilgrimage on the way to God. This memory makes us aware that departure, at times even displacement from common habits, and the experience of diaspora and alienation foreignness were an integral part of Christian life, and may still be so today. Migration reminds us that a church community is always a home in a foreign land as well.

This is why migration could and should become such a crucial place of learning in faith for Christians today as well. Taking the biblical learning story seriously from a theological and socio-ethical perspective means recognising that concrete norms and laws have always been developed in dialogue with specific migration situations on the ground – up to our times.

2. Theological impulses

The following is an illustrative outline of normative crystallisation points arising from a learning theory approach.

2.1. Migrants: image of God and face of Christ

Experiences of flight and migration are highly formative for the biblical image of the human being, and life and faith experiences in the context of migration are an essential source of an elementary Christian conviction: that all human beings possess equal dignity.

The first human beings of the Bible are created in God's own image, as "image" and according to God's "likeness" (Genesis 1: 26–27). The Hebrew texts use the phrase "statue of God." In antiquity, rulers like the pharaoh, for instance, commissioned such statues so that they could be worshipped as godlike beings, claiming to represent God on earth. By referring to each individual human being as a statue of God, the creation narrative expresses the idea that *all* human beings embody the presence of God in the world. In Psalm 8:6–9, too, the special closeness to God as well as the royal insignia of ancient Oriental kings are extended to all people. Thus every person has the same dignity before God, the same value and hence the same rights – irrespective of their status within society. This represents a revolution both in religious and in political terms; for instead of the statues of the gods and the representation of heavenly and supernatural powers, the human being now takes the place of the image. In this way, the inseparable bond between God and each individual person is expressed.

In the background of this new view are people who, as strangers, had no home, house or property in any city and were therefore – then as now – particularly at risk of disenfranchisement: without reputation, vulnerable, used and abused as cheap labour. These experiences have made them especially sensitive to the fact that, above all, people who have left or lost their homes, who have been displaced or forced to flee, must have dignity and rights in every place in the world. They must not be "the others", "the excluded" or even those without any rights.

The way in which God is experienced also reflects experiences of migration and strangeness. Unlike the tribal deities of sedentary peoples, the

characters portrayed in the biblical stories learn that God abides by them in all the difficult circumstances of their wandering lives and that he is, in a way, a “migrant” as well. To the refugee Moses, in exile among the Midianites who worship other deities, God reveals his elusive name (Exodus 3:14: “I am who I am” in the New International Version and “I Am Who I Am and What I Am, and I Will Be What I Will Be” in the Amplified Bible, Classic Edition). God’s migrant nature is also revealed in this name: always moving, always setting off.

Many biblical narratives relate the experiences of migrants, among them the stories of the original forebears Abraham and Sara, the story of Joseph and above all, Israel’s exodus.

It is likely that people with migration experience are more aware of what it means to lose a home. Many know the experience of separation also from God and feel the pain of being away from God. In ancient times, deities ruled within local boundaries. When people had to flee, they lost their homes, and as a consequence also their places of worship, and were confronted with strange gods and cults. The discovery that God – “JHWH” – is a God who accompanies people on the move and is found in all places may therefore be more accessible to refugees. Even today, this notion can become a source of comfort, salvation or a spiritual home for many migrants.

But feeling strange and homeless in the world can be experienced by any person. Even those who stayed in one place for generations are familiar with the painful collapse of relationships, the loss of people or displacement from their habitual life settings. These stories therefore express a fundamental experience that is shared by all people. From a biblical perspective, humans are beings who are strangers on earth and who long for union with God, for the lost Paradise. The direct relationship to oneself is just as broken as the relationship to God and fellow humans. Each one of us can experience the pain of feeling foreign in the world and long for a home, which, in the end, can only be found in God.

Christian communities are also shaped by this attitude to life and adopt the image of being strangers and guests in the world. In the Epistle to the Ephesians, in turn, the focus is on Christ who included the Gentiles in the people of God, enabling them to belong. They gratefully receive the promise that they are no longer “foreigners and strangers, but fellow citizens with God’s people and also members of his household” (Ephesians 2:19, NRSV).

Hence, relating to the experiences of foreignness in the Holy Scriptures enables Christians to interpret their identity from the perspective of faith, even in difficult situations. By doing so, they find comfort and hope. The Greek term for strangers, *paroikos*, became later the word for parish. Today, migrants can remind settled believers of this frequently forgotten self-understanding, according to which people can be Christians in all places on this earth because their true home is with God.

Migratory motives are also assigned to Christ. The Gospel of Matthew describes how the newborn child Jesus becomes a refugee when his parents seek refuge with him abroad, in Egypt. Later on, Jesus and his followers move from place to place around Lake Galilee to spread the message of the coming Kingdom of God and to experience it with deeds and celebrations. Jesus himself says that he has nowhere to lay his head (Matthew 8:20; Luke 9:58). At least once he goes on a pilgrimage to Jerusalem.

After his violent death on the cross and after his followers experience his resurrection in Jerusalem, on the Road to Galilee, Damascus and other places, those who followed him formulated a Christology that grew out of this experience, again with migratory motifs: the Philippians Hymn presents Christ as equal to God, standing on the same level with God. But he descends from his divine throne, degrades himself as a slave among humankind and even endures death on the cross (Philippians 2:6-8). God objects to this inhumane death (Philippians 2:9-11). In the prologue to his Gospel, John uses an analogy with heavenly wisdom to describe this process as the coming of God into the world (John 1:1-18). Here, the Word becomes flesh and dwells among us (John 1:14). The hymn in the

letter to the Colossians, equally shaped by wisdom, calls Christ the “image of the invisible God” (Colossians 1:15-20). These christological hymns describe a process of reconciliation between God and humankind that transforms the entire universe (Philippians 2:9-11; John 1:12-13; Colossians 1:21-23). Through Christ, the boundary between heaven and earth is unlocked, allowing believers to participate in heavenly worship, if they prove themselves in hope. They are no longer estranged and hostile in mind to God (Colossians 1:21). God can be experienced in Christ. It is remarkable that in all these figurative accounts of the history of salvation and liberation through Christ, the motif of spatial movement, of immigration and emigration, is present.

As in the Old Testament, the New Testament refers to humankind as an image of God. According to Matthew 25:31-46, believers can therefore see the face of Christ most keenly in “the least of these brothers and sisters of mine” – in the hungry and thirsty, the poor, the strangers and the homeless. Describing Judgement Day, this text makes clear that Christ does not automatically reveal himself in these groups, and instead appears unnoticed. This means that anyone seeking to encounter Christ in strangers must, from a perspective of faith, make an ethical decision and become committed to their cause. Christ can be recognised in today’s migrants as well by standing up for them and their rights.

2.2. The ethical and political challenge presented by “strangers” affected by poverty

Today as in biblical times, migration inevitably gives rise to legal, ethical and political challenges for the receiving societies. Among them are cultural diversity, poverty and disenfranchisement of the strangers. The law on foreigners – laid down in the Old Testament in response to these challenges – develops in the course of a profound learning history of the People of Israel in dealing with strangers.

Once again people with a migration history draw ethical, legal and political conclusions from their own experience; they condense their experi-

ences into a differentiated legislation for foreigners. Although only scattered groups had personal experience of slavery and the flight from Egypt, all of Israel adopted their narratives of the Exodus as a pillar of biblical history. The strangers who want to live together with the Israelites are also integrated into this narrative by the Passover celebration (Exodus 13:48-49). With the Assyrian invasion in the 8th century BC, the Israelites were driven out of the north and forced into exile in the south, in Judah and Jerusalem. When 140 years later the Babylonians also conquered Judah and Jerusalem, the previously displaced, now in Babylonian exile, discussed the need to recognise a variety of religious traditions and customs (e.g. Deuteronomy 14:21). The commandment to love is extended to those who have joined the local population (Deuteronomy 10:19). Strangers enjoy the same rights as the locals (Numbers 15:15). The prophets expect many “foreigners” to adhere to the God of Israel (Isaiah 56). They place their hopes in a pilgrimage of the nations to Zion.

There are also reports about Jesus in which he sets himself apart from strangers. But the Gospels tell how he experiences over the course of his ministry that his mission is targeted at everyone. Examples of this are related in the stories of the Syro-Phoenician and Canaanite women (Mark 7:24-30; Matthew 15:21-28), of the centurion of Capernaum (Matthew 8:5-13; Luke 7:1-10) or of the Samaritan woman at Jacob’s well (John 4:5-42). Thus, he can ultimately teach that faith in God, attention to the word of God and acting in accordance with God’s will play the decisive role in determining who belongs to the people of God (Mark 3:35; Matthew 12:50).

The integration of people from all nations into the people of God is an important driving force of Peter and Paul’s early Christian mission (Acts 10:11-15; Galatians 2:1-9; Romans 9-11). The heavenly City of Jerusalem is then expected as a place where all peoples come together and abide with God (Isaiah 2:1-5; 60:5-14; 61:5; Revelation 21-22).

The Hebrew language has several terms for foreigners. The most frequently used one in the Bible is *ger* (plural: *gerim*). It is used during pre-exile

times to describe all people forced to live in places where they owned neither a house nor land. They might have been strangers from Judah or Israel who had left their homelands for a variety of reasons, or refugees from neighbouring regions. Among these strangers were many refugees who had been stripped of their land and homes when the Assyrians conquered the northern territories in 722 BC (2 Kings 17) and forced them to flee southwards to Judah to start anew. The *gerim* need protection, as they have to reside at a place where they do not own land and hence have no means of earning a living. Everyone living at that locality is called upon to carry responsibility for these foreigners, as they do for widows and orphans. They are therefore entitled to glean the fields after harvest; they shall be joyful at feasts; they enjoy God's special legal protection; and they receive the tithes belonging to God (Deuteronomy 14:29, 16:11-14; 24:17-21; 26:12).

Apart from the *gerim* are the *nākrī*, strangers belonging to another people. They can be sold deceased animals, which the Israelites themselves were forbidden to eat. Interest may also be collected from them (Deuteronomy 14:21; 15:3; 23:21). Unlike the disenfranchised *ger*, the *nākrī*, who lives in Israel as an economically and socially independent foreigner and is typically a wealthy merchant, does not require social protection provisions. While there is a consistently positive attitude toward the *gerim* as usually disadvantaged members of society, many texts use distanced or even dismissive terms to describe the "alien" strangers (*nākrī*). Foreign women are accused of seducing people to worship other gods (1 Kings 11:1-11); marriages with foreigners are strongly rejected in some texts, again for fear of religious apostasy (Ezra 9-10). In the background of these notions are experiences of the Assyrian and Babylonian invasions and deportations that threatened Israel's identity. However, these are not the only voices. Other passages describe God's affection for the *nākrī* as well. For instance, the prophet Isaiah repeatedly speaks of a *ben nīkār* (a "foreign son") who had committed to following God (Isaiah 50:10; 56:3; 56:6; 61:5). And the story of the *nākrīāh* ("foreign woman") Ruth, a Moabite, bears witness that she too can belong to the people of God (Ruth 2:10). She is then also described as the foremother to Jesus of Nazareth (Matthew 1). It follows

therefore, that belonging to the chosen people depends on faithfulness to God and behaving in accordance with the Torah, and not on ethnic or religious origins. The Book of Jonah also tells of the conversion of the foreign residents of Nineveh in Assyria to God.

After the exile, the strangers, the *gerim*, are drawn even more closely into the Covenant. As a rule, the following commandment applies: God “loves the foreigner residing among you, giving them food and clothing. And you are to love those who are foreigners, for you yourselves were foreigners in Egypt” (Deuteronomy 10:18-19). Foreigners are nevertheless prohibited from owning land. At the same time, though, the sanctity law also stipulates that the land belongs to God alone, and therefore all are merely “foreigners and strangers in your sight, as were all our ancestors” (1 Chronicles 29:15; Leviticus 25:23). The Greek translation then eliminates this distinction and speaks of proselytes. This may refer to both gentile “new-comers” as well as to people who have espoused the Jewish God and the Jewish religious practices.

The laws governing foreigners and their interpretation evolve over the course of Israel’s history. While the oldest texts of the Covenant Code focus on protecting strangers from economic exploitation, later periods see the development of a reform programme for social and economic integration. In the period after the exile, this culminates in a comparatively high degree of equality for those times. The social plight experienced by foreigners stimulates reflection on the socio-political order of injustice and hence prompts legislative changes so that disenfranchised “strangers” may enjoy social and legal protection and participate in social life. The idea of an ethically and legally just social order evolves in which people no longer have to become “strangers”.

Within this context, the development of an ethical and legislative understanding centred on the poor for whom the people of Israel must shoulder responsibility represents the theological high point. Among the stipulations is the obligation to forgive debt so that no one is crushed by the debt burden (Deuteronomy 15:1-2). Workers have the right to a free Sabbath

(Deuteronomy 5:13), and day labourers must receive their wages daily (Deuteronomy 24:14). Widows and orphans without their own income have a right to support (Deuteronomy 14:29). Former slaves and strangers develop a social and economic order intending to prevent a relapse into poverty, as the only means of preserving the liberty granted to them. These laws governing poverty and strangers are connected to the vision of a society without any poor: “There should be no poor among you!” (Deuteronomy 15:4). What makes this order new and special is that its societal implications are formulated in such a way that the perspective of the poor and strangers is always taken into consideration. By describing these social laws even as the right of God, by sacralizing them, the poor are liberated from the capriciousness of political rulers. The poor and the strangers should no longer depend on the mercy of the prosperous, but have the right to a life in dignity. The divine foundation of the Torah sets Israel apart from the ancient world. This world was also quite aware of the rights and care of the poor; indeed, upholding the rights and justice is considered the central duty of kings throughout the ancient Near East. However, the political rulers were entitled to adopt and dispose of the laws at will. By contrast, the Torah in Israel is given to the people on Mount Sinai through the mediation of Moses, which means that the king is also subject to the Torah (Deuteronomy 17:14-20).

The Bible describes dealing with “strangers” as an intense and challenging process of learning. In its centre is always the remembrance of the diaspora, the life as foreigners in a foreign land, in sweeping empires like Egypt, Babylon or Assyria. The liberation by God from the yoke of slavery and foreign rule in Exodus, the remembrance of suffering during exile in Babylon, God’s guidance for the return to the previous homeland, and salvation from the violence of foreign political powers – all of these experiences oblige the Israelites to extend the hand of love to strangers, to be kind to them and to uphold their rights: “When a foreigner resides among you in your land, do not mistreat them. The foreigner residing among you must be treated as your native-born. Love them as yourself, for you were foreigners in Egypt. I am the Lord your God.” (Leviticus 19:33-34; cf. also Deuteronomy 10:17-19).

This responsibility towards the stranger-neighbour is called “love” and describes specific actions. The command to love your neighbour is extended to the foreigner. Showing love to strangers is a practical emulation of God’s actions. Viewed from a spiritual perspective, taking action on behalf of strangers and showing them love can become a place of theophany, where God becomes manifest. By acting in this way, one becomes part of God’s actions, can encounter God in the stranger and, in turn, allow the stranger to experience how God acts. God’s instruction to protect and take responsibility for the poor, the strangers and the disenfranchised and to provide for a society in which just laws determine the political order is echoed as well in the New Testament: in the Gospel of Luke, Jesus describes his mission to the poor and the marginalised already in his first sermon (Luke 4:18-21), while in the Gospel of Matthew he blesses the poor, those who mourn, the hungry, the persecuted and the peacemakers (Matthew 5:3-11).

The Parable of the Good Samaritan also addresses the issue of loving one’s neighbour and stranger (Luke 10:25-37). What is truly remarkable about this parable is that Jesus does not present an objective definition of a neighbour who must be helped. Instead, he describes anyone as a neighbour who helps a needy person. “Which of these three do you think was a neighbour to the man who fell into the hands of robbers?” (Luke 10:36). Hence, the obligation to offer assistance is not dependent on any particular set of facts or circumstances and is instead defined as an ethical decision incumbent on each person. The fact that the individual in this story is then also a Samaritan additionally makes it clear that such a decision to love one’s neighbour is possible and therefore an obligation for every person, regardless of their religious or cultural affiliation, and irrespective of any internal conflicts. After all, Samaritans belonged to a group that perceived themselves as “Israel”, but who had set themselves apart from the form of Judaism that had evolved in Babylonian exile and after the return to Jerusalem. If we translate the commandment to love one’s neighbour in the words of Martin Buber: “Show acts of love to your neighbour. He is like you.” (Leviticus 19:18), the difference between those who belong to one’s own people and others that are viewed as strangers becomes entire-

ly obsolete. Because this makes clear that the foreigner is a human being, just like you and I. In this regard, the ethical understanding of the New Testament instructs us rather generally: “Contribute to the needs of the saints and seek to show hospitality” (Romans 12:13) and “Remember those who are in prison, as though in prison with them, and those who are mistreated, since you also are in the body” (Hebrews 13:3).

The vision of the Last Judgment in Matthew 25:31-46 is also very much in line with this universalised tradition of the commitment to loving one’s neighbours and strangers. Here, the Son of Man appears as a judge surrounded by angels and gathers all peoples, separating people into two groups. Among the blessed from all nations, who will inherit the Kingdom of Heaven, are those who gave food and drink to one of the least brethren, who welcomed strangers, clothed the naked and who visited the sick and the captives. By doing so they have entertained not just angels, but Christ himself (Hebrews 13:1). When Christ after his return states there that whoever has welcomed a stranger likewise welcomes him, it also becomes clear that all people are equal before God. It follows, therefore, that caring for strangers and people in need is not only a socially good deed and a consequence of faith, but in itself becomes a place where one can experience God’s proximity and partake in his work. Despite all the complexity that flight and migration present to modern societies, the fundamental norms of “protecting the disenfranchised”, “responsibility for the poor”, “combating poverty”, “participation of immigrants” and “creating a just society to prevent poverty-driven migration” remain valid for migration policies rooted in a Christian sense of responsibility.

2.3. Diversity – the cultural challenge posed by “strangers”

Biblical prehistory describes the creation of different plants, animals and people. Creation and prehistory testify to God’s affirmation of this diversity. The Bible relates how all people and peoples originate from the three sons Shem, Ham and Japheth, who were born to Noah after the Flood (Genesis 10). Cultural diversity and the experience of otherness and strangeness represent the nature and expression of God’s created reality,

they are, as it were, “normal”. The diversity of creation reflects the diversity of God. Associated contradictions, conflicts, tensions and difficulties therefore belong to the reality of our world. They need to be shaped within an ethical, legal and political framework.

The central cause of human diversity is the uniqueness and singularity of individual human beings. They all possess equal dignity, while still being different in regard to personality, skills and cultural lifestyles. It follows, therefore, that diversity does not start with migration. Migrants rather stand as reminders of this fundamental dimension of human existence.

Nonetheless, biblical tradition is familiar with the ambivalence associated with diversity and foreignness. It does not naively idealise these aspects, but assumes that diversity itself is by no means inherently and always an enrichment, and moreover, is rarely harmonious. Diversity can also be threatening and culminate in fragmentation, strife, polarisation and violence. From a biblical viewpoint, therefore, acknowledging diversity always means a struggle for unity, for the willingness to reconcile, for creating a community in which neither the lowest common denominator nor uniformity prevail but which is shaped by the effort to build relationships in a spirit of love, justice and rightfulness. Living together in this way banishes the dangers that may come with diversity. Promoting unity and communion among those who are different is a constant task.

The Bible paints a realistic picture of this challenge. The story of the Tower of Babel (Genesis 11) criticises the imperial attempt to achieve unity in humanity through a uniform language and a uniform way of thinking. After the flood, people have just recently emerged as a diverse humanity of peoples and cultures, each with their own languages (Genesis 10), and now they seek to create a unifying project for themselves, to which everyone must submit and subordinate: “Come, let us build ourselves a city, with a tower that reaches to the heavens, so that we may make a name for ourselves; otherwise we will be scattered over the face of the whole earth.” (Genesis 11:4). God rejects this attempt and thwarts the project which strives on its own to establish a uniform order, an order of sameness in

identity. The confusion of language induced by God – frequently interpreted as a “punishment” for human hubris – can in this context also be understood as a divine act of protection or liberation. The uniqueness and distinctiveness of each individual – and therefore human diversity – are safeguarded by the fact that no one can understand the other person’s language. The attempt to homogenise all people is rejected. A tower as a military demonstration of power does not lead to a name, God is the one to give a name, namely to the migrant Abraham when he departs from his homeland (Genesis 12:1-3).

At the same time, though, people need to learn other languages in order to understand one another. This also reveals the human experience of strangeness as a protective measure to avoid making excessive demands of each other – by understanding too quickly, by uncritical subordination to a plan handed down from above. The other comes into focus in his or her otherness. The necessary respect for the face of the other becomes possible. This ethos does not solely refer to migrants, refugees or foreigners, it rather extends to how we approach all people. Migration presents the opportunity to become aware or remind ourselves of this challenge. Migration is not the cause, it drives and accelerates this challenge.

Each generation is given the task anew to strive for a just social order in freedom and in dialogue with God and his revelation. From a biblical perspective, ethics and law play a pivotal role in managing diversity. They prevent the strongest from prevailing and ensure that human dignity does not become an arbitrarily negotiable quantity. The purpose of rights is to strengthen a form of justice that guarantees equal and fair opportunities for all different persons to participate in society and shape their lives, while still taking into account their individual needs. Plurality, law and justice therefore belong inseparably together. Cultural diversity is the norm, but still requires structure. Therefore, the biblical vision for coexistence means neither an idealisation of plurality nor the establishment of a homogeneous normality, it rather aims at a shared, dynamic development as one humanity of God. Migration comes with the opportunity to learn how this vision can be turned into reality.

The New Testament describes the realisation of this vision in the miracle of Pentecost (Acts 2:1-12). The Holy Spirit causes some to speak in many tongues and others to be touched quite unexpectedly in the resonance chamber of their own culture. This narrative again makes clear that unity is not achieved by everyone speaking the same language, but by each individual grasping the Spirit's message in their own particular tongue. Appreciation of diversity is hence also characteristic of the New Testament. It is understood as a revelation of the Holy Spirit that has the capacity to connect and reconcile everyone and everything.

The learning process outlined above will not become reality all by itself, but requires openness, the ability to trust and a willingness among all involved to put in the effort. The biblical view of history opens up unexpected perspectives here. It can offer comfort and hope, and encourages to take action. From this perspective, migrants do not cause the cultural diversity that challenges us all today. They rather make us aware that living in cultural diversity is a central task within a globalised world whose inhabitants are gradually grasping that they are part of just *one* humanity.

2.4. Asylum – the litmus test for dealing with “strangers”

Granting asylum and the associated questions of law and justice belong to the central challenges within the context of migration policies.

The term asylum has its origin in the Greek language and means “status of inviolability”. As part of the right to hospitality in ancient times, politically and economically oppressed people, runaway slaves and even people persecuted for a crime they had committed could receive temporary asylum protection at the sanctuary in a Greek city-state, and possibly even be permanently recognised as resident co-inhabitants of the particular city. At first, the sacred space of the temple guaranteed the person's inviolability. Some temples were even set up for permanent stay.

The Old Testament also speaks of asylum in the temple (Exodus 21:13 et seq.). The Second Temple of Jerusalem, which existed from 515 BC to 70

AD, was considered holy and inviolable (2 Maccabees 3:12; Josephus, Jewish Antiquities 13:51). Some Psalms might relate the voices of people who sought help and legal protection from their persecutors in the temple (Psalms 23:5-6; 27:1-6; 57; 61; 62). Several Old Testament texts prescribe the establishment of “cities of refuge” or “free cities” for those accused of manslaughter, where they would receive an orderly trial and – provided they had not committed intentional murder – permanent protection (Numbers 35:1-34; Deuteronomy 4:41-43, 19:1-13, Joshua 20:1-9).

Beyond this special case, the Book of the Prophet Isaiah calls on the City of Jerusalem to welcome war refugees from Moab (Isaiah 16:3-4). Isaiah defines the reception of these displaced persons as a condition for establishing a just kingdom. During the 1st century AD, Jewish voices advocate a general right to asylum that should, as far as possible, extend citizens’ rights to refugees in the receiving countries.²⁵

The New Testament, too, calls violence in the temple an unforgivable sacrilege (Matthew 23:34). The principle of church asylum introduced in the early church ties in with the notion of the sanctuary’s inviolability and links it to the Christian imperative to protect the weak and persecuted (Romans 12:13, 1 Timothy 5:10; Hebrews 13:1-2). The early church requires the bishop to stand up for the needy and unjustly persecuted (Council of Serdica 343 *canon* 5). During the 5th century, the legal compendium of the *Codex Theodosianus* recognises church asylum, a tradition that persists through medieval times to the present day.

The Bible stands as a reminder to current migration policies that protecting the life of every human being is a sacred duty. It is the task of the churches to remain focused on the protection and dignity of each individual and to stand up for the rights associated with this.

²⁵ Philo of Alexandria, *Vita Mose* I 34-25.

2.5. Home

The biblical narratives address migration both from the perspective of the host society and their “treatment of strangers”, as well as from the viewpoint of migrants themselves. Jeremiah’s letter to the exiles who were expelled to Babylonia stands as an example (Jeremiah 29). They are instructed to settle in the land (“Build houses and settle down; plant gardens and eat what they produce!”, Jeremiah 29:5) and also to integrate inwardly and by conviction (“Seek the welfare of the city to which I’ve exiled you”, Jeremiah 29:7).

At the same time, however, they should not assimilate with the host society and rather preserve their Jewish identity hoping that they would be able to return to their homeland after some time. Disturbing texts such as the passages in the Book of Ezra and Nehemiah that strictly reject intermarriage with non-Jewish people point to serious problems: Nehemiah complains that children from such marriages no longer speak Hebrew (Nehemiah 13:24). And even if the host country becomes a home to the migrants, the question remains how much of their original identity they have to sacrifice. The biblical texts also chart a learning curve around the concept of home, addressing the issues of longing and familiarity, the trauma of losing one’s home and the hope to locate a final home among all peoples and with God. The promised and given land in which inhabitants can enjoy the fruits of their labour is the Bible’s original image of home. “During Solomon’s lifetime Judah and Israel, from Dan to Beersheba, lived in safety, everyone under their own vine and under their own fig tree.” (1 Kings 4:25; cf. Deuteronomy 28:3 et seq.). Living in the country is never taken for granted and is always a reason for gratitude towards God and a motive for remaining true to the Torah. For instance, Jesus of Nazareth refers to God’s care for the birds of the air and the lilies in the fields (Matthew 6:25-34/Luke 12:22-32) and confronts human anxieties with this.

Yet, the Bible also relates how the first human couple is self-inflictedly banished from this Paradise. The longing for home is juxtaposed with the

experience of homelessness – be it self-inflicted as for the restlessly roaming Cain after he killed his brother Abel (Genesis 4:11-14), or innocent as in the case of Noah faring the sea without a destination during the flood (Genesis 6-9). The experience of homelessness and the simultaneous search for the Kingdom of God as a place where one can live and eat well and which invites to rest as one can be sure of dependable relationships, runs through the Bible, from the first book to the last, as a common theme.

God calls on Abram and Sarai to go forth from their “country” and their “fathers’ households” to the land that God wants to show them (Genesis 12:1). But neither Abraham, Sarah, their children nor their children’s children acquire citizenship of this country; they rather stay “strangers and sojourners” (Genesis 23:4). The Promised Land offering tranquility and security remains a promise for the future (Deuteronomy 12:9; Psalm 95:11; Hebrews 4:4; Hebrews 11:8-16).

History books and prophets interpret the possibility of return from exile as repentance for unfaithfulness towards God, for political and economic corruption, disloyal power alliances and personal guilt. Liberation is experienced as an expression of God’s mercy and faithfulness. God is recognised as Lord of the whole world and all times, because he remains the God of his people, despite the loss of their home. However, not everyone could return from exile, and not for all time. Israel had to experience exile and dispersion in the diaspora time and again. Rabbinic theology drew on this to develop the notion of *shekhina*, the personification of God’s dwelling and presence. He goes into exile with the people and accompanies them. God’s presence with his people creates a home. God’s word becomes a portable home land.²⁶

In the Bible, people who have been displaced from their homelands and forced to take flight often encounter God: the slave Hagar returning to her home country, or Moses in his new home of Midian (Genesis 16:7-14;

²⁶ Cf. Heinrich Heine, *Geständnisse*, in: *Sämtliche Werke*, published by Hans Kaufmann, Volume 13 (Munich 1964), p. 128; the original German describes the Bible as a “portable fatherland”.

Exodus 3: 1-14). A foreign place can become a home when God comes into the world (John 1:11-14). The purpose is not to be homeless, but to find a home in new supportive communities.

Homelessness means being bereft of a place to lay one's head (Matthew 8:20; Luke 9:58). The call to follow Jesus can lead to radical homelessness, for instance in the case of wandering missionaries. At the same time, though, their mission cannot succeed without assistance from people settled and living in their homelands. This is why the sending sermons call on the disciples to remain where they are welcomed (Mark 6:10; Matthew 10:11-13; Luke 9:4; 10:5-7). Jesus does not tell his followers that they will lose their home, he rather promises that they will find new communities, new family bonds and new houses and fields (Mark 10:29-30, and parallels).

While rabbinic theology describes how God goes into exile with his people in the form of the *shekhina*, others – Jews and Christians alike – discover their home beyond this world. The idea of a heavenly home can lead to liberation and independence, but it may also lead to isolation and the attempt to escape the world. Heavenly citizens standing up for their fellow countrymen and women in exile sends a sign of hope to all those who languish in prison or are persecuted by their fellows (Philippians 3:20-21). Searching for the coming city can shed light on those residing far from their hometowns and usual lives (Hebrews 13:13-14).

In the Bible, home means finding a home within a community, among people and with God. No person has a home alone. Home remains a promise for which the believers hope and wait. The New Testament concludes with the vision of a heavenly city, in which the past and the future, nature and culture, heaven and earth, are united in a metropolis encompassing heaven, with God himself at its centre (Revelation 21:9-22:5). The vision of this heavenly city descending upon earth is more than a return to the lost home of Paradise. It is a place that wants to be home to all the peoples of this world (Revelation 21:24).

The message of the Kingdom of God brought by Jesus makes any absolute attachment to one's earthly home relative and expands the space of belonging to all of humanity. It shall be possible to be a Christian at any place in the world. The faith experience of living in the Kingdom of God not only has an inherent boundlessness that mercifully unites justice and compassion in the face of God. As a reality promised and granted freely by God, it also removes the expectation that, in the face of complex migration processes, we have to manage everything here, now and on our own. For Christians, this entails the certainty that we can endure tension without abandoning our efforts to strive for a more just world.

2.6. Living together in the Kingdom of God: the meaning and purpose of creation and history

Jesus of Nazareth places the Kingdom of God at the beginning and the heart of his ministry, it is the meaning and purpose of God's creation and salvation history with humankind: "The time has come. The Kingdom of God has come near. Repent and believe the good news!" (Mark 1:15; Matthew 10:7/Luke 10:9). The experience that sickness and demons depart and a new life in a just community becomes possible inspires him and his disciples to set out and proclaim the message that God's reign is nigh.

Jesus tells the people that this reality can already be experienced here and now, and makes its perception the spiritual prerequisite, as it were, of ethical conversion. Just as the Decalogue presupposes the experience of liberation from slavery in order to understand the meaning of God's laws and to be able to keep them voluntarily, Jesus regards repentance and conversion as the consequence of experiencing the Kingdom of God, which is open to all, and not as its condition. Jesus therefore calls to search for this kingdom. As in the Old Testament, this goes hand in hand with the encouragement to seek justice: "But seek first his kingdom and his righteousness, and all these things will be given to you as well!" (Matthew 6:33). This search is at the same time linked to the encouragement to trust in God and not to "worry about tomorrow".

When people encounter Jesus and his disciples and experience healing, they experience the presence of God. By sharing the table with the socially declassified, who despite a lack of resources allow others to experience great abundance, new forms of living together emerge. Seats cannot be reserved in the Kingdom of God (Mark 10:35-45). By placing children front and centre (Mark 10:13-16) or cautioning that the first and great must be servants to all (Mark 10:35-45), Jesus reveals the logic of the Kingdom of God, in which those who are strong serve others who are weak. The Parable of the Workers in the Vineyard (Matthew 20:1-16) or the Parable of the Unforgiving Servant (Matthew 18:23-35) focus on a demanding requirement for justice. In this way, they encourage reflection on questions of guilt and forgiveness and the equitable distribution of resources.

At Pentecost, the disciples and other witnesses to Easter experienced a new sense of fellowship when the Spirit was poured out (Acts 2; Romans 5). These fellowships were to overcome social and economic hierarchies and allow members of all peoples to experience communion, irrespective of their status or gender. They should all become brothers and sisters in Christ and children of God (Romans 8:29). Or, as the old Baptismal formula states: “For all of you who were baptized into Christ have clothed yourselves with Christ. There is neither Jew nor Gentile, neither slave nor free, nor is there male and female, for you are all one in Christ Jesus. If you belong to Christ, then you are Abraham’s seed, and heirs according to the promise.” (Galatians 3:27-29)

The advent of God’s righteous dominion appears again and again, not only for the disciples of Jesus and the first Easter witnesses, but also in many communities of Christians. Nevertheless, the final fulfilment of the Kingdom of God remains a promise for the future. Jesus prays: “Your Kingdom come” (Luke 11:2; Matthew 6:7). He anticipates a table fellowship which one day will unite all peoples when they will gather with Abraham, Isaac and Jacob for the great eschatological banquet, at which Jesus himself will drink once more of the fruit of the vine (Luke 13:28 et seq.; Matthew 8:11 et seq.; Mark 14:25). Christians hope and wait for the heavenly city (Ga-

latians 4:26; Hebrews 11:16) in which they will enjoy citizens' rights (Philippians 3:20). The Kingdom of God is therefore not an objective fact already completed, but awaits its final fulfilment through God himself. Whether and how it is already tangible in the present day is, in the end, inseparably linked to how people act in this world, how they live their relationship with God and one another, and how they shape social, economic and political realms. Especially migrants living in precarious situations are aware of the need for such a comprehensive transformation of the conditions of human life.

Hence, the treatment of refugees and migrant policies can and must be seen in the light of the message proclaiming the Kingdom of God. No doubt, this sets a high standard, yet it also is a promise and affirmation by God: it is possible to achieve good and just conditions in a society and world shaped by migration. At the same time, faith in the Kingdom of God, which is already here but not yet completed, helps to better understand and endure the tensions at work in any *realpolitik* of migration. Even a migration policy which is informed by Christian faith takes place under finite conditions, has limited resources and can sometimes produce problematic effects, as it will not and cannot be complete. However, believing that the Kingdom of God has already begun opens up a fresh horizon, a vision and the promise of a world in which people both with and without migration history shape their common life in a good, just and peaceful manner. The Kingdom of God can already be recognised wherever this is practiced, be it in accompanying refugees or living together with migrants.

3. And the migrants' perspectives?

The biblical texts do not merely reflect experiences of refugees, deported and displaced people; they speak to people living in similarly depressing life situations, for example to migrants around the world, and to the marginalised in Europe. Particularly persons from the Global South perceive Europe as a politically and economically powerful system that in their view shows similarities to empires like Ancient Egypt.

The Egypt of the Bible does not reflect historical reality in every sense, but it nonetheless gives expression to the experience of the people of Israel: it was an empire and political superpower, a populous society with an expanding economic system and huge construction projects, excellent technological know-how, and a highly advanced civil service. The rich artistic and cultural traditions of Egypt attracted many neighbouring peoples, also the Israelites. Egypt's political dominion was intimately connected to religious cults, as it was common in antiquity. Religion served to legitimise and uphold the political order. This order also entailed that immigrant strangers could be used for forced labour.

The biblical narrative of Exodus reports on how God's people took flight from Egypt, which it interprets as a liberation by God from this "house of slavery" (Exodus 1-15). After all, Exodus is a story of how oppressed and exploited slaves and foreign workers escaped. It becomes the founding event in the history of the covenant between God and Israel. With this act of rescue, God introduces himself at the beginning of the Ten Commandments (Deuteronomy 5:6; Exodus 20:2). It has become part of Israel's confession (Deuteronomy 26:5-9).

Biblical Egypt operates an economic system that leads to ever more oppression and exploitation of workers (Exodus 1:8-14; 5:8-14). The Pharaoh even rejects the request for religious holidays arguing that performance needs to improve (Exodus 5:1-3). The oppressed workers shall have neither time nor opportunity to contemplate their suffering.

Moses, a child saved from infanticide who grows up in the house of Pharaoh's daughter, brings the turning point (Exodus 2:1-10). Moses himself sought refuge after committing manslaughter out of rage at the injustice meted out on the Hebrews (Exodus 2:15-19). He learns the name of his God: "I am who I am" and "I will be that I will be" (Exodus 3:14). Only when the political circumstances in Egypt change and a new Pharaoh ascends to the throne is Moses able to return and, with God's help, to set the liberation in motion (Exodus 2:23).

For Israel however, Egypt is also the country providing rescue and the opportunity for social advancement. In the house of Pharaoh's daughter, Moses receives a share in the rich treasures of Egyptian education (Acts 7:22). In the book of Genesis, temporary immigration to Egypt saves the original parents Abram and Sarai from starvation (Genesis 12:10-20). Joseph, sold into slavery by his brothers, experiences a stellar career in Egypt with God's help, in which he rises to become the right hand to the Pharaoh and administrator of the royal grain reserves. Integrated in the Egyptian culture, he is able to send for his family and have them settle in the country, where they grow to become a large people (Genesis 37-50).

Egypt is also used as a motif in the New Testament. Like the infant Moses, Jesus is saved from certain child murder by escaping to Egypt (Matthew 2:13). The congregation quotes the prophet Hosea quite in the tradition of the biblical liberation narrative of the Exodus: "Out of Egypt I called my son" (Matthew 2:15; Hosea 11:1). Belonging to a certain people is not decisive, but the liberating act of God. When Jesus of Nazareth has to cross the border between Israel and Egypt, even a location with an ambivalent biblical history can be transformed into a place of salvation.

Thus, two conflicting images of Egypt characterise the Bible. On the one hand, Egypt is a place of oppression, exploitation and even child murder. On the other hand, though, Egypt is a place of hope, promising refuge and salvation.

In view of current migration movements, the analogy between the imperial Egypt of biblical times and today's Europe from the perspective of the Global South therefore suggests another point of comparison: Europe as a place of flight or refuge. However tenuous the comparisons between biblical Egypt and the modern-day European Union may be, the political system in Europe nevertheless reveals ambivalences. Most of its Member States are rights-based and democratic welfare states committed to human rights. Designing a migration policy that addresses the legitimate concerns of people in Europe and beyond is a historically unprecedented and stern challenge in the age of global migration. At the same time, it is

clear that the European economic system and ways of life contribute immensely to the causes of flight and migration due to the consumption of global resources and by creating the associated ecological footprint.

Theologians interpreting the Bible from the perspective of the poor in the Global South are now calling to mind that the narratives surrounding Egypt are inextricably linked to experiences of flight and migration. Women play a central role here, both as victims and actors. Sarai, for instance, is forced to sell herself into slavery – or must consent to being sold – so that her family can escape and be safe. Abraham sells his wife to Pharaoh pretending she is his sister, and in doing so acts as a “trickster”. She is then only able to leave the country – albeit with a rich dowry from Pharaoh – when God exposes this deception (Genesis 12:10-20). Potiphar’s wife seeks to completely avail herself of her beautiful slave, and as a consequence Joseph is put in prison. Moses is only saved from certain death because the midwives Shifra and Puah, his mother Jochebed, his sister Miriam and his foster mother, the daughter of the Egyptian Pharaoh, disobey the decrees of Pharaoh, let him go and give him a home. In this story, the unaccompanied refugee child crosses the border between the Hebrews and the Egyptians in a “papyrus basket” (Exodus 2:1-10).

Nuanced contemplation of the biblical account of Egypt can provide orientation for today’s political Europe confronted with the suffering of persons seeking protection, to develop migration policies doing justice to the Global South and the North alike. For this to happen, however, the voices of migrants and the critique of theologies from the Global South must be heard in Europe.

Socio-ethical orientations

V

1. The task: an ethical compass in the field of migration

Questions relating to the ethics of migration are elaborated on in complex theoretical debates that range between philosophy, theology and social sciences. Primarily, however, these questions do not arise in an academic laboratory setting, but in specific social and political contexts – also and especially in crisis situations. Those entrusted with responsibility for the attendant issues in a variety of roles are asked to make difficult decisions: Which measures are necessary and justifiable in order to design and control migration, and which are not? How can a meaningful distinction be made between various types of migration? Which obligations in the realm of human rights and international law must be taken into account? How can decisions be made on who may stay – temporarily or permanently – and who has to leave? What kind of support will be provided? When do migrants have a right to social participation opportunities such as education, work, social welfare or political participation? To what extent must the indigenous population help to shoulder the tasks, and how should the costs be distributed? Which consequences result from certain decisions, not only for the local society, but also for the countries of origin and transit?

At all levels of ethical reflection and policy-making on migration, a responsible balancing of different goods is necessary and unavoidable. Quite often painful compromises must be negotiated between what might seem ethically correct under ideal circumstances and what is perceived to be politically feasible in each case. The sphere of responsible action is defined by striking a balance between an ethically required and practically achievable course of action.

The following applies in this regard: on the one hand, the existence of a moral imperative does not guarantee its political implementation in democratic societies; instead, support and approval must be obtained in the political arena. On the other hand, political action is shaped by the challenge of having to make decisions in a given situation, usually within a narrow time frame and with due consideration of conflicting interests and

limited resources that have far-reaching effects and consequences. These decisions are therefore conditional, preliminary and correctable, although the consequences of certain actions cannot simply be reversed. It is precisely for these reasons that political responsibility must always be more than just focusing efforts on what might seem politically opportune or pragmatically doable in a given situation. Political decisions reverberate into the future; their consequences and further ramifications must be considered and included in the decision-making process. For it is always concrete people who are affected – especially those who have not been able to have a say in who decides about their opportunities for survival, belonging and participation and according to what standards such decisions are made.

Responsible migration policies hence presuppose the existence of an ethical compass, which can be used to reflect on necessary aspects and ultimately reach decisions. In other words: responsible action examines alternative options with due consideration of the consequences and then seeks a balanced resolution. For this to succeed, decision-makers need criteria that do not simply derive from the bare facts of the decision at hand. They require a “decision-making horizon” that is built on fundamental beliefs – on perceptions of humanity and the world at large, on ethical orientations and objectives; in the language of morality, this means: certain “moral convictions” or “ultimate ends”.

It follows, therefore, that the “ethics of responsibility” and the “ethics of moral conviction” (or “the ethics of ultimate ends”) are by no means the stark contradictions they are sometimes portrayed to be. Moral conviction and political responsibility cannot be played off against each other – as if accepting the political need to compromise *per se* would dilute the earnestness of a moral commitment. Or, vice versa, as if clinging to a moral imperative *per se* would stretch the boundaries of the politically feasible. The following is true instead: moral convictions are revealed in responsible actions, and responsible actions can only exist on the foundation of moral convictions. This applies to migration policies as much as it does to every political field in which people’s life opportunities and a just order

within individual societies as well as the entire global community are at stake.

Nonetheless, the distinction between the “ethics of moral conviction” and “ethics of responsibility” points to an elementary tension that cannot simply be glossed over. After all, it concerns appropriate acknowledgement that the body politic must be autonomous. It would be overly simplistic to demand that the political realm be obliged merely to honour an underlying moral debt. Politics must be taken seriously as its own realm of responsible action in which decisions concerning a particular problem will inevitably affect other areas, touch on conflicting interests and have both short- and long-term consequences for other political fields. Put differently: what appears morally correct cannot automatically be translated into what would be politically expedient. Indeed, profound tensions may arise in this context, for instance when a moral conviction comes into conflict with the requirement to do what is politically right based on thorough consideration. The process of striking a balance between moral conviction and political responsibility is itself a demanding moral challenge. In some instances it may even provoke a dilemma that is difficult to endure or withstand. It is imperative to be aware of these conflicts and to take them seriously in order to acknowledge the ethical dimension of political action. Political responsibility plays out in the constant struggle to balance what is morally imperative and what is politically right.

The following ethical reflections are intended neither to pre-empt nor condemn independent responsible action within the framework of what is “politically feasible”, but instead to contribute to enabling and enacting it as responsible action in its own right. The commitment to a humanitarian ethos on the one hand and the necessities of political responsibility and control on the other may create dilemmas that cannot be resolved to a satisfactory degree, while demanding that a decision be reached regardless. It is important to create a place of contemplation and freedom in order to prepare for these decisions.

The previous chapter described how biblical and Christian tradition can help to form this kind of ethical horizon. For instance, the conviction that all human beings possess a common dignity as the image of God, the inalienable claim to “love thy neighbour and strangers” and the “preferential option for the poor” provide vital points of orientation when seeking to reach ethically responsible migration policy decisions.

Calling to mind the nuance found in the Bible’s ethical principles for dealing with strangers can, within current debates, help to continue the learning curve that has charted its course throughout all of human history. It provokes the question as to whether and how political strategies and actions consider the consequences for those who are affected by them. It calls on us to become aware of the ramifications of our own actions: every border demarcation – whether at national or European level – needs to be justified towards the refugees and migrants it serves to exclude. In turn, the opening of territorial borders must be justified towards the members of a community affected by this measure. This kind of justification requires convincing arguments and reasons. Reflecting on ethical aspects of migration contributes to the establishment and testing of sound arguments that are based on complex considerations. Within this context, Christian migration ethics is always directed through the prism of universal responsibility for humankind. It transcends the boundaries of nation states, without ignoring their existence or rendering them void. Nevertheless, the debate on migration ethics cannot assume that such borders are somehow naturally hewn in stone. It must, from an ethical perspective, reflect on both the opening and closing of state borders and point to the supranational implications and consequences of political decisions for *all* parties concerned.

2. Guiding orientations in migration ethics

The following reflections build on key lessons from the biblical learning story explained in Chapter IV and translate them into ethical arguments. They begin with the biblical ethos of loving one’s neighbour and strangers

(2.1), name three points of socio-ethical guidance (2.2) and chart the outlines for a concept of justice built on migration ethics (2.3).

2.1. The biblical ethos of loving one's neighbour and strangers

The universalistic perception of humanity is a defining feature of the Christian faith. As part of creation, each person possesses the dignity of being made in the image of God (cf. Genesis 1:26 et seq.). Human beings are therefore equal and connected to one another. From the perspective of God, the father of Jesus Christ, all people are in the same way his children.

One can infer from this that the Christian ethos is directed at all people, wherever they happen to be. This applies first of all to how the weak, foreign and refugees are treated in the Old Testament. They are all placed under the unconditional protection of God, regardless of their origins (cf. Exodus 23:9; Leviticus 19:33 et seq.). Like the Old Testament, the New Testament also extends the commandment to love one's neighbour to all of humanity (cf. Leviticus 19:18; Mark 12:28-34) – even including one's enemies (cf. Mathew 5:44 et seq.). This means in particular that those furthest from us should also be able to become our nearest. Christians will find a distillation of God's will expressed in this commandment. It applies absolutely, with all its scope to overcome restrictions and boundaries. Showing solidarity with oppressed, persecuted and beset human beings is therefore an elementary Christian task.

The commandment to love foreigners echoes the experiences of displacement, flight and exile that defined biblical Israel: "And you are to love those who are foreigners, for you yourselves were foreigners in Egypt" (Deuteronomy 10:18-19). Israel's remembrance of its own history of foreignness in Egyptian and later in Babylonian exile runs through the biblical testimony like a golden thread and is a pivotal dimension of Israel's self-perception. This is precisely the reason why the ethical treatment of foreigners is a mainstay within its social order. In light of the biblical narratives and legal statutes, the manner in which foreigners are dealt with appears as a practical way of bringing home the country's own history.

Within this context, the commandment to love foreigners can be interpreted as a radical culmination of the instruction to love our neighbours. The commandment to love neighbours who belong to the same community establishes a reciprocal relationship. It is based on recognition of the other and others in their own right. Belonging to the same social community, adhering to the same standards of coexistence and a shared commitment to God engender stability and trust. This might be called social capital in modern parlance.

The act of showing love to foreigners goes much further and seeks to recognise ethnic and religious “outsiders” as persons of equal standing – and in doing so changes the prevalent understanding of who “we” are. The commandment to love foreigners opens up a universalistic perspective: those who are different should recognise each other as equal. This is about an order in which strangers become equals. The foreigners are regarded as part of the local community, acknowledging therefore their entitlement to participate in various areas of social life, which also entails equal obligations; at the same time, as equals they do not cease to be foreigners.

Examined in more detail, the biblical view of foreigners proves to be – as we have seen in the previous chapters – extremely complex from a historical, literary and theological perspective. A decisive aspect here is that the ethical principles set out in the Bible for the treatment of foreigners cannot be limited to situations of emergency humanitarian assistance. This is not a biblical parallel to Kant’s principle of cosmopolitan law with its “universal hospitality”, which means a temporary residence right to receive protection from oppression and persecution. Instead, the principles of ethical treatment of foreigners described in the Bible are shaped by the notion that, beyond the simple distinction between “strangers” and “Israelites”, there is a variety of different social and also legal forms of belonging – from merely temporary guest rights to permanent settlement and various forms of integration into the ethnic and religious fabric of the Israelite community. Although there are profound differences between the social circumstances reflected in the biblical texts and the current realities of global migration, comparable experiences and challenges can be identified.

For instance, examining the biblical ethos towards foreigners encourages us to take into account the development of diverse social and cultural, civic and legal forms of belonging, even beyond the scope of citizenship.

In the New Testament, Jesus' Parable of the Good Samaritan (Luke 10:25-37) summarises the principle of loving one's neighbour and foreigners. The neighbour and the stranger are not *abstract* concepts and meet instead as *real* people. The punch line is that it is the man from Samaria, of all people, who practices this love: the person who, in the eyes of Jesus' audience, is a foreigner acts in accordance with the commandment to show love with complete disregard for boundaries and in doing so becomes a neighbour to the person in need. The classic friend/foe paradigm could not be overcome more precisely or radically. Within this context, the commandment to love one's neighbour always refers to a *real* person. It calls on us to offer assistance to those whom we meet in situations of need, irrespective of their origins. In doing so, the biblical commandment encourages us to distinguish between direct care *for* the other person and the mediating care *about* them. The first case addresses the people *for whom* we wish to care specifically by offering them protection and assistance, while the other deals with the people around the world *about whom* we must care, without caring directly *for* them. What matters here is to advocate political and legal provisions that guarantee protection for the weak. This distinction is often revealed as the difference between "others" in a *specific* and in a *generalised* sense. Its purpose is by no means to curtail the commandment to love one's neighbour and instead to make clear that two levels need to be taken into account: no individual person can help everyone; instead it is a task for the political community to take action and make suitable provisions so that assistance is provided to those in need. It follows, therefore, that a distinction must be made between the actions of individuals and the political and legal undertakings of the community. In other words: the principle of loving one's neighbour within Christian ethics does not invalidate the level of political and legal provisions and instead is dependent on appropriate statutes in order to take effect. At the same time, a "transcendent" element is integral to the Christian ethos of loving one's neighbour that inscribes a recognisable sense of direction in

the day-to-day business of politics and its struggle for a morally justified and legally sustainable order – without, however, asserting a status as an immediately and fully achievable objective of political action.

2.2. Three fundamental socio-ethical points of orientation

Three fundamental points of orientation can be inferred from the perspective of social ethics to create a framework of migration ethics that reflects biblical understanding, theological doctrine and present-day challenges.

Human dignity

The first point of orientation addresses the universalistic-egalitarian foundation of biblical ethics. As beings created in the image of the one true God and as his children, all human beings possess equal dignity and are bound together as brothers and sisters. The implied claim to mutual respect and recognition is a universal priority; on this basis, the individual forms of human existence in all their diversity are considered to be of equal standing. The fact that people differ due to their ethnic origins, gender and sexual identity, religious convictions, world view or other characteristics does not cancel out their common humanity and its claim to reciprocal respect and recognition. Here, the Christian ethos is consistent with modern-day perceptions of human dignity and the attempt to formulate universal human rights. And although they cannot simply be derived from Christian roots, they do, in their claim to universality, correspond with the biblical-Christian view of humankind. It is therefore only logical that the Christian churches unreservedly “declare their support for universal human rights and the humanitarian obligations that arise from them for Germany and Europe”²⁷.

²⁷ *Vertrauen in die Demokratie stärken [Strengthening Trust in Democracy]*. A Joint Statement by the German Bishops' Conference and the Council of the Protestant Church in Germany, published by the Secretariat of the German Bishops' Conference und the EKD Church Office (Gemeinsame Texte 26, Bonn/Hannover 2019), p. 47.

This implies a crucial principle for the ethics of migration: on each side of every conceivable (political) border there are people. No border of any kind legitimises disregard for human dignity and the denial of elementary protection in the face of acute danger. Fundamental human rights enshrined in international law must be there to protect the threats to human dignity caused by societal realities. Put differently: state or supranational institutions are needed that are entrusted with the enforcement of human rights (cf. Chapter VI.2). They must ensure compliance with the elementary obligations to protect refugees and migrants and must take action to prevent discrimination of these groups.

The individual and society

The second point of orientation refers to the fraught relationship between person and institutions, the individual and society. On the one hand, all institutions and orders within society are established to nurture and protect personal integrity and the freedom of individuals to pursue responsible lives. On the other hand, though, nobody leads their life on their own, however self-determined they may be. Each one of us requires the context of social institutions and societal coexistence to be able to enjoy independent and autonomous lives.

In other words: as “the subject and the goal” of all social institutions (cf. *Gaudium et spes* 25), the individual person forms the inescapable normative reference point for all forms and structures of the social (society) and the political (state). At the same time, integration within society and the opportunity to access the tangible and intangible assets that are necessary for a dignified life possess a quality akin to human rights. This rule takes into account a fundamental, general human experience: each individual is dependent on becoming integrated and embedded within society; at the same time all individuals are able to establish social relationships and contribute to creating responsible structures for communal life.

According to this premise, the primary obligations of law, politics and the economy are to uphold the fundamentally equal entitlement of each per-

son to access the goods that are necessary for life and to participate actively in society. Each person should be able to develop as a human being with freedoms and responsibilities. But this entitlement is directly contradicted by the disregard, discrimination and exclusion that many experience in real life. Existentially affected by this in particular are refugees or people who have been driven from their homes by violence or severe hardship and do not enjoy any secure legal status.

The perspective of the common good

The third point of orientation seeks to emphasise that the universalistic claim within the ethics of human dignity corresponds to a perspective of the common good, which is used as a basis for political action. Ultimately, this perspective takes a global view. It hence stands for the entirety of conditions that – in order to implement the universal ethos of human rights – must be guaranteed so that ideally *each* person can receive a share of the tangible and intangible assets that are necessary to lead a dignified and independent life. As a perspective that projects into the future, it characterises the specific current orders – at regional, state and international level – as ones that are quintessentially provisional, show room for improvement and that may become outdated. This does not mean that an orientation of this nature overrides nation-state or regional concerns that are required in political practice. But it does reflect the essentially and universally human dimension of political responsibility to work towards a *world order* that strives to establish dignified life circumstances for everyone and to protect human rights. At the same time, though, it opposes promoting the illusion of a *global government*.

This will inevitably be accompanied by conflicts. Claims to act in the common good are legitimately articulated at all levels of socialisation – from local groups to the global community – and cause tension. What might appear a matter of the common good for a nation state (e.g. to control immigration according to the interests of the national economy and to ensure standards of social welfare; to recruit qualified specialists; to reject underqualified migrants escaping poverty; to initiate “development pol-

icies” that are designed to gain access to third-country resources) may also be revealed as a particular interest that is neither socially nor ecologically acceptable at international or global level. Put differently: although there may be pertinent reasons for basing a perception of the common good on the interests of a nation state, this does not assure adequate moral legitimacy on its own or as such. Dependent relationships and imbalances in power need to be taken into account when balancing the ramifications of political decisions at national level against the life circumstances of the populations and the scope for economic development in other countries. In the field of migration policies (just like in the field of climate policies) the need to account for such asymmetries when weighing up goods and possible consequences is strikingly obvious.

Ordering the common good along universal lines in a manner that includes the human rights and ecological requirements to ensure a good life across all levels is thus predicated upon an assignment and balancing out of claims, as well as on instruments for compensation and political conflict resolution. Political and economic decisions must always be reviewed with due consideration of the unavoidable short-term and anticipated long-term consequences for third parties that are not involved in the decisions. Moreover, the inherent connectedness of particular interests and the common good cannot be separated from historical entanglements, nor can it be weighted alone. This also refers to the complex correlations between current migratory movements towards Europe and to European colonial history. Although historical references are, on their own, insufficient to explain the causes of current asymmetries, conflicts and distortions, processes rooted in colonial history such as the appropriation of land, exploitation of resources without regard for the ancestral rights of indigenous populations, alienation of autochthon cultures and enslavement or extermination of local populations nevertheless establish a responsibility to offer justice to their descendants. It is they, after all, who must live with the enduring political, economic and cultural consequences for the once colonised regions. Negating this by referring to a “common good” that is limited to national borders, runs the risk of repeating and perpetuating historical injustices. Denouncing the unjust and inequitable

actions of corrupt elites who, as drivers of oppression and migration, enrich themselves at the expense of the impoverished population of the Global South is also integral to political responsibility at national and international level. In many places, corruption inhibits economic growth, as well as the establishment of civil and participative political structures. It must be fought resolutely for these reasons as well.

Moreover, national or European policies that are rigorously aligned with the common good must ask how political decisions take effect within global contexts: whether, for example, subsidisation policies or protectionist measures trigger migratory movements by stripping people of their livelihoods in other parts of the world; or to what extent arms deliveries cause people to flee their homes by making life in conflict regions unbearable.

There is no need to call into question the fundamental legitimacy of national and regional notions of the common good *per se*. But the intricate global connectedness and interdependencies make any *categorical* limitation of claims for the common good to the national or regional level appear as a provincialism that is not only anachronistic but also ethically questionable. Care must be taken at the same time to ensure that the ethos of the common good is not misused as a new “colonialism of a higher order”. It is essential, for instance, to consider the downsides associated with economic globalisation processes as well.

It must be noted in the end that political actors always carry responsibility for the well-being of their own particular community and are accountable to voters and citizens by virtue of their mandate. Nonetheless, this responsibility does not justify any sweeping rejection of matters relating to the common good that go beyond this limited scope. This means that one of the most pressing tasks is to draft criteria for how different levels of the common good can be balanced fairly. The issue of just standards of coexistence and just structures for migration arises at different levels of social and political decision-making: from the local community to states and international organisations.

2.3. Outlines for defining justice from the perspective of migration ethics

An intuitive understanding of justice assumes that everyone receives and can hold onto what they are entitled to claim as human beings. Viewed in this way, justice is the elementary principle in the ordering of human societies. In the background, the universal claim of the ethos of human dignity is recognisable here again. The underlying issue is to introduce suitable social rules that redeem the claims of all people as part of the human community.

From a biblical and Christian perspective, this understanding of justice is enhanced by the aspect of reciprocal solidarity that is rooted in community. Justice is made manifest in mutually supportive cohesion, not through judgmental opposition. This perception of universal connectedness finds its visible expression in the ethos of loving one's neighbour. In the Christian understanding, justice therefore means showing partiality towards the weak and needy. Even more – in keeping with the “preferential option for the poor” – it is a question of viewing social circumstances, political and economic decisions from the perspective of the disadvantaged and to ask how these decisions effect their lives and opportunities to participate.²⁸ Hence, even before reflecting on certain assessment principles and compensatory rules, it is essential to focus in particular on those whose dignity is at risk and those who are being deprived of what they would be duly entitled to, and to help them exercise their rights. A conception of justice that ties in with biblical Creation history will, in this regard, proceed according to the principle of the “universal destination of earthly goods”: resources within Creation are given to all people for their use. Viewed from this perspective, the right of every individual to enjoy what they need to live takes precedence over any particular claim to ownership.

From the perspective of migration ethics, this results in far-reaching consequences. For instance, an adequate understanding of justice cannot be

²⁸ Cf. *Für eine Zukunft in Solidarität und Gerechtigkeit – zur wirtschaftlichen und sozialen Lage in Deutschland*, Council of the Protestant Church in Germany/German Bishops' Conference [1997], no. 107.

limited exclusively to the borders of an existing polity. The question of justice must instead be addressed from a fundamentally human viewpoint due to the complex interdependencies of global migration processes. This addresses the issue of how the recognition of each individual, as a person entitled to belonging, participation and resource distribution within the context of social and political orders, can be asserted and how current regulatory patterns can be changed so as to satisfy these entitlements.

International migration challenges the political orders in their individually limited scopes, as it is, by definition, a supranational phenomenon. The basic tension that exists between the moral right of the individual to freedom of movement and the asserted entitlement of political communities to regulate and limit access to their own territory can never be resolved entirely under the premise of a modern state order. The multifarious reasons for leaving one's home for a temporary period, to emigrate permanently or to commute between countries are expressed in the diverse forms of migratory movements. The reality of global migration challenges countries of origin, host nations and transit states in a wide variety of ways. There are also reasons and motives to welcome or reject certain forms of emigration and immigration at the level of communities affected by migration, although their ethical justification must be reviewed in each case.

With this in mind, the question of the political-ethical goals associated with an order of migration, which ultimately is a global necessity, appears fundamental. Migration is and has always been a normal part of human existence. Overcoming or even preventing it seems neither purposeful nor justifiable; instead it must be understood as a legitimate expression of human freedom and the search for better life circumstances. The ethical objective can be defined more precisely through the regulative looking glass of the common good: the pertinent issue is to prevent people from *having* to leave their home, be it to find a minimum degree of security and the basic necessities for a dignified life for themselves and their families or even to survive at all. From an ethical perspective, the best migration policy would therefore be one that overcomes poverty, violence and war. In

a world without these factors driving migration, no society would have to fear too much emigration or immigration. The issue is not to overcome migration, but the causes of involuntary movements precipitated by violence or destitution. If one adopts this perspective, the vision for a global migration order that attempts to maintain the balance between two inter-related principles emerges as a *regulative ideal* for action at a state's political level. The first principle is: *nobody should be forced to emigrate from their homeland*. The second principle builds on the first one and is: *every-one should be able to immigrate to a new homeland*. This pair of principles, which extend beyond both the current framework of international law and the actual political circumstances, can be perceived as a political-ethical vision. As a regulative ideal, it cannot be translated unchanged into national policy, but nevertheless provides guidance for striking a balance and addressing regulatory issues of political reality, which is necessary in view of the conflicts surrounding migration.

3. Socio-ethical consequences and perspectives

The following thoughts seek to establish some concretions with regard to migration ethics. Rooted in biblical concepts as described in the foregoing, they are based on each human possessing equal dignity as the image of God, the love for one's neighbour and strangers as a universalistic ideal, as well as on the guiding principles outlined on this basis. These concretions do not claim to propose political strategies or paradigms for action that can be implemented directly. The issue instead – in the sense of a “focus on values that serve the well-being of all”²⁹ – is to offer criteria that can provide a committed audience in civil society and political officials with perspectives to make their own judgements in matters of migration policy and to give them solid arguments.

29 Cf. *Für eine Zukunft in Solidarität und Gerechtigkeit – zur wirtschaftlichen und sozialen Lage in Deutschland*, Council of the Protestant Church in Germany/German Bishops' Conference (1997), no. 5.

3.1. Forms of migration

The complex reality of migration cannot be treated as one thing from an ethical, legal or political viewpoint. Different situations, reasons, motives and scope for action among people on the move challenge the responsibility, solidarity and willingness to help in the destination or host countries to varying degrees. Even the question as to the criteria by which different forms of migration or groups of migrants should be distinguished is highly relevant in ethical terms. Because people's fates depend on which distinctions are made and which conclusions for political action are derived from them. The first thing to note is that a responsible migration policy will not deserve the name without distinguishing between different forms of migration and flight; after all, it goes without saying that people leave their homes for a variety of reasons. It is therefore inherent to the concept of justice not only to treat equal things equally, but also to treat unequal things unequally. However, it is important to consider also that the available legal distinctions cannot always accurately reflect the multifaceted reality.

Those granted asylum in Germany due to political persecution in their home countries are protected under Article 16a of the Basic Law. This differs from the provisions of the Geneva Refugee Convention, which defines the concept of persecution more broadly. According to the convention, a refugee entitled to protection is a person who "for 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 which he or she is a national" (Art. 1 para. 2). Included in this are persons who are forced to leave their home countries for specific reasons relating to their gender or because of their sexual identity. Set apart from this group are again people who fled their homes due to conflict, civil war or for similar reasons. They are granted subsidiary protection in the European Union (cf. also Chapters VI.2 and VI.4).

Migrants seeking to escape other hardships in their home countries and who are striving to live a dignified life do not have a legal entitlement to

international protection. In this case it is not directly war and persecution that prompt people to leave their homes. Instead they are driven by economic hardship and poverty, which are frequently linked to destruction of their environments and the effects of global climate change. The distinction between fleeing from war and persecution on the one hand and economically motivated migration on the other is sometimes equated with the difference between forced and voluntary migration. There are doubtless many forms of voluntary migration, among them for educational and training purposes or for professional reasons. Nevertheless, a sweeping classification of economic or ecological migration as “voluntary” is not unproblematic, as it suggests that it is based on a free and individual decision. And it comes with the risk of largely ignoring the structural causes of poverty and environmental destruction and failing to recognise the necessary political responsibility (in both the countries of origin and the receiving countries). Even if the persons concerned are not granted any legal grounds for protection, it is undue to discredit their concerns in public discourse.

Taking note of these things and calling for a nuanced appreciation are not tantamount to declaring immigration control unethical in principle. But it is nevertheless ethically necessary to examine repeatedly whether current national or international regulations still live up to reality. The question of climate-related forms of flight and migration is an issue that will most likely become increasingly relevant in the years ahead.³⁰

What counts overall is to respond constructively to the fact that people at times will choose migration as a solution to serious problems of development and participation that cannot be resolved in other, more suitable ways by national or international politics and cooperation. Migration must therefore be interpreted as an indicator in a number of political fields that

³⁰ Cf. the *Pastoral Orientations on Climate Displaced People* (Rome 2021) prepared by the Vatican Dicastery for Promoting Integral Human Development and the document published by the World Council of Churches together with Bread for the World and the Pacific Conference of Churches “*Climate Refugees: People Displaced by Climate Change and the Role of the Churches*” (Geneva 2013).

need to be addressed at international level. Placing the burden of these unsolved problems on the backs of migrants fails to recognise the actual contexts of political responsibility.

3.2. Belonging, participation and integration

The decision as to whether migrants may have a right (however nuanced it might be) to belong within the community of law constituted as a nation state rests with the states themselves. But as part of the international community, states are obliged at all times to respect, protect and assert the fundamental human rights (cf. Chapter VI.2). Transferred to a global level, the question of belonging or not belonging to a community of law is the key with which the life and participatory opportunities of human beings are unlocked in the first place. This connection between political belonging and participation is particularly explosive because of the extreme inequality in the global distribution of access to vital goods and development opportunities. This inequality is rooted in long-term and complex political, economic and cultural development processes upon which the opportunities to participate in education, the degree of economic maturity and the establishment of political and social institutions depend. It follows, therefore, that the circumstances under which people live are not merely an issue of immutable fate and instead a question of political accountability. Insofar as an asymmetric balance of power contributes to perpetuating or even exacerbating dramatic inequalities, they are the outcome and expression of unjust conditions.

Belonging to a legal and political system must therefore be perceived as a question of just order. The institution of citizenship will continue to play a central role in this regard in the future. It therefore remains important to offer pathways to naturalisation (cf. Chapter VI.5.4). At the same time, it is also vital to develop nuanced provisions for belonging to a legal and political system in a world that is increasingly shaped by transnational relationships. People who live and work in a community for a longer period and contribute to its development without being citizens in the full legal sense should at least be able to exercise certain rights of political

participation (the right to vote in local elections, for example). It is equally crucial to design rights of belonging beyond the national level (as is already the case, for instance, with EU citizenship). The aim in each case must be to ensure adequate opportunities for belonging and participation for people whose lives play out in more than one national territory.

Belonging also relates to the circumstances under which a person can be an active member of society in communal, economic and cultural terms. Receiving countries often hesitate to offer rights of belonging and participation to immigrants and restrictively control lawful access to gainful employment in particular (and hence also to participation in social welfare systems). This is inconsistent with the actual potential that migrants can offer and with which they could contribute to the development of societies, to social cohesion and prosperity. Until now, this potential has often only been recognised when the migrants are actively recruited as specialists. Focusing on the costs that may arise, at least temporarily, from measures to integrate people into education, training and employment is too short-sighted. For some of the benefits that accrue from enabling migrants to participate in economic and social life only become visible to the receiving society in the longer term. This applies as a rule to the acceptance and integration of refugees as well. It is important nevertheless to avoid creating the false impression that a country should only afford protection to refugees in the hope for economic benefits over time. Instead, offering humane treatment to those seeking protection is necessary even beyond the consideration of advantages for the economy. Migration and refugee policies must on all accounts be related transparently to the general population, burdens and potential stated frankly and a nuanced appreciation of economic considerations and humanitarian obligations communicated openly.

The task of integrating those seeking protection and migrants is a complex societal challenge (cf. Chapter VI.5.2). At the same time, integration is needed not only for migration in a dynamically developing society with multifaceted forms of heterogeneity, but is instead a fundamental and ongoing task. Moral appeals will not be enough. It will take instead a

non-ideological acceptance of reality. German society became strongly pluralised a long time ago, ethnically, religiously, ideologically, politically and culturally. In fact, there is no self-contained, exclusively normative “dominant culture” to speak of in German society. But successful coexistence depends on fundamental preconditions, especially under these circumstances. Loyalty towards the also territorially defined polity and the liberal democracy established in its constitution must not be undermined. Integration is a permanent and certainly volatile task that can only work if conflicts are recognised, endured and resolved. It takes openness and courage in political debates, conducted in public, to wrangle repeatedly over outdated attitudes and perceptions, standards and values, to call them into question or allow them to be criticised – but also to enable them to evolve and to affirm and defend them. The struggle for social integration is a continuous process that brings challenges for everyone involved. Within the framework of a pluralistic society, the ability to argue with one another in a serious and appreciative way is a basic requirement for social peace.

3.3. Challenges facing global justice and the limits of migration policies

Migration ethics and migration policies primarily focus on supporting and managing people who are on the move internationally as refugees and migrants or who have arrived in their host countries. People seeking protection require – and are entitled to – humanitarian assistance during their escape and in the receiving country. For migrants and those wishing to migrate, the important factor is to establish transparent criteria as well as fair rules and procedures for access (which cannot be unlimited in any country). Those who have already immigrated must be guaranteed fair participation in economic, social, cultural and political processes in the host country, which must also be enshrined in law. But the ethical and political challenges that migration and flight present to the community go far beyond what can be achieved through an explicit migration policy. This is because the situation of people who leave their countries of origin due to life-threatening circumstances pose questions that touch on the broad spectrum of international and global governance tasks (cf. Chapter

VI.3). Violent conflicts and injustices the world over have causes and effects that demand answers of far greater complexity than even the best migration policies could ever provide. The notion that a single political field – whether at national or European level – could rise to this challenge, deal with the entire set of issues and create viable solutions, is unrealistic. Ignoring this fact would also mean overtaxing even positive efforts within migration policy and sowing the seeds of frustration and additional conflict among people on the move and locals alike.

The fact that large numbers of people are fleeing conflict, civil war and political persecution turns fighting the underlying causes into an ethically and politically necessary task for the global community. Realising that many people who are currently unable to claim any protected status are on the move due to oppressive hardship and are therefore not fleeing voluntarily, is inevitably linked to a series of challenges: using political means to fight poverty and lack of prospects in large parts of the world; enabling poor countries to participate fairly in global economic exchange; and providing effective support to the development of state infrastructures, especially education and health systems, as well as civil societies in the countries of origin. This will require a concerted effort on the part of the international community and multilateral forms of cooperation that are not based primarily on the interests of prosperous and powerful states. The following will at least outline which other ethical and political perspectives must be opened up and addressed.

Responsibility for refugees is not limited to those who set foot on Europe. The largest migratory movements take place primarily in the regions of the Global South. They therefore affect states that generally offer poorer conditions to accept those seeking protection. A global perspective will therefore require massive support for the host countries in the regions affected by flight. This support must guarantee minimum standards of humanitarian assistance and, at the same time, be organised in such a way that the basic needs for security and reliable life circumstances can be preserved and strengthened for the host country's population.

Moreover, the international community also has a responsibility to help contain and end violence in the conflict areas from which people are fleeing and to help rebuild functioning communities. National arms exports must be scrutinised carefully in order to strengthen international peace policy.³¹ Export trade and geopolitical interests must not be played off against the human rights concerns of the affected people in the conflict regions. Arms exports that promote violent conflict must therefore be rejected.

Other sets of tasks must be addressed as well. These include implementation of the goals agreed by the international community to limit global heating (Paris Agreement) as well as to mitigate the consequences of climate change. After all, these factors are increasingly becoming key drivers of involuntary migration. Similarly, all efforts by the United Nations and its subsidiary agencies to promote respect for and observance of human rights around the world must be encouraged. Of particular urgency in this regard must be the rights of marginalised groups, e.g. the rights of women, children, persons with impairments or members of religious and ethnic minorities. Another task is to strengthen poverty-oriented development cooperation, which counteracts the boundless exploitation of raw materials by international corporations and the neo-colonial aspirations of some states. It must be complemented by generous, rapid and effective disaster relief.

The international community is called upon on the one hand to mitigate the forces driving flight and involuntary migration and to ensure opportunities for a dignified life in the countries of origin. On the other hand, states must also expand their programmes for legal migration – and not exclusively for highly qualified workers. Given that a community's willingness and capacity to absorb incomers are not boundless, ethical and legal criteria are needed to establish an equitable balance between the different claims and interests. From the perspective of migrants, the issue at hand is to take into account the efforts to secure human rights on an

31 Cf. also the annual arms export reports of the Joint Conference Church and Development (GKKE).

equal footing and the individual entitlement to freedom of movement. In their immigration policies, states are called upon to take these legitimate concerns into account in such a way that those wishing to migrate can realistically assess their chances of success when making a decision. Migration policies enacted by states to reflect their national interests and international commitments must never be arbitrary, satisfy the prohibition of discrimination and need to be communicated transparently and fairly. The objective must be to shape migration and not prevent it – on the premise of protecting the dignity of every human being, upholding fundamental human rights and combining national with international perspectives of the common good.

Political and legal fields of action

VI

1. Migration as a place of learning for tasks of state and society

Migration describes a movement of people between places for a (shorter or longer) period of time. In a figurative sense, migration itself can become a place: one of learning in which society and politicians can reflect on fundamental questions, or at times even reinvent themselves. Migration holds this potential because some challenges or contradictions that have persisted over longer periods become more apparent in the light of migratory movements. Migration puts forward questions regarding our own value system, exposing the uncertainty that societies occasionally feel in this regard. These reflection processes are not convenient, yet they are important for precisely this reason. Understanding migration as a place of learning – quite a conflictual one – brings to the fore at least four sets of questions on political and legal fields of action, which also give the chapter its structure.

*Firstly: How present are human rights in our action as a society, to whom do we extend them and to what extent?*³²

There is widespread agreement in Germany that protecting and upholding human rights should be integral to the way our society works.³³ In fact, human rights are firmly anchored in the German Basic Law as well as in numerous international, European and national conventions. Consequently, migrants are naturally entitled to a humane and dignified treatment. But as clear and unequivocal as this principle may be: its practical implementation is complex and contradictory. A correlation can even be observed occasionally between rising immigration and a tendency to restrict fundamental rights of migrants. For instance, this may take the form of more difficult or reduced access to social benefits, restrictions to family reunification or a revision of asylum procedures focusing more on speed than on human rights and the rule of law. In all these examples, human

³² Cf. Chapter VI.2.

³³ Cf. also the findings of a representative survey in 2018 marking the 70th anniversary of the adoption of the Universal Declaration of Human Rights (<https://www.amnesty.de/sites/default/files/2018-12/Amnesty-Umfrage-Bedeutung-Menschenrechte-Deutschland-2018.pdf>).

rights norms are weighed against other goals that may be legitimate in principle – such as the protection of economic resources. From a human rights perspective, such “offsetting” is problematic, but – at least for some rights – not completely out of the question. However, any restriction of human rights must be justified. In each case, it must be subject to a strict and transparent proportionality test to ensure that the restriction does not go beyond what is indispensable. On the one hand, such processes of weighing and reasoning offer the opportunity for a society to become aware of its values and priorities; on the other hand, however, one can also see the danger of undermining human rights in such processes. Human rights need a broad anchoring in the political culture of society for their realisation and implementation. This can only be achieved if the plausibility inherent in human rights – for example as responses to historical experiences of injustice – is repeatedly unfolded in public discourse. Human rights must be defended and fought for anew in concrete contexts.

*Secondly: What is our position on issues of global social inequality, where and how do we ensure more global justice?*³⁴

Migration and flight raise questions of global justice. In Germany and Europe, the political discourse is often characterized by a one-sided focus on migration and flight movements from the Global South to the Global North. This ignores the fact that a large proportion of all migrants and protection seekers remain within their regions of origin. Despite numerous attempts to strengthen international cooperation in migration and asylum policy, both fields of action remain strongly shaped by national or regional interests. In recent years, the United Nations has focused on the potential of orderly and safe migration to reduce global social inequality. The promotion of migration is therefore explicitly included in the Sustainable Development Goals (cf. Goal 10.7). However, there are also countervailing assumptions, such as the fear that the emigration of qualified people from poorer countries contributes to worsening inequality. It becomes apparent that the debate on facilitating or limiting migration cannot be

³⁴ Cf. Chapter VI.3.

conducted without taking global social inequality into account. In this sense, migration is an inconvenient topic for societies that benefit from globalisation. In face of migration, such a society must ask itself: should its migration policy serve to consolidate the status quo and secure the privileges of Western immigration countries? Or should its migration policy contribute to reducing global inequality? Another question that must be considered separately is how states can find ways to improve the international sharing of responsibility for receiving refugees and – by doing so – can achieve greater global justice.

*Thirdly: What about European solidarity, and how can a humane asylum and migration policy be achieved in the European Union?*³⁵

More than almost any other policy field, asylum and migration policy reveals the requirements that the European Union places on its members: states must surrender sovereignty or share it on an equal footing, demonstrate solidarity and show willingness to compromise; there should be no room for nationalism. The global financial crisis that began in 2007 and the “euro crisis” that followed in 2010 were far more serious for the European Union than the reception of refugees in 2015. Nevertheless, despite strong tensions between the Member States and fierce debates about rescue funds running into the billions, the EU as a whole succeeded in demonstrating its ability to act together. By contrast, the immigration of 2015/16 made clear that the European Union is not just an economic community, but also wishes to be a political union with shared values – and that it is at risk of failing precisely because of this aspiration. The debates on migration, flight and asylum, which are conducted emotionally and with a nationalistic slant, have resulted in worrying signs of erosion. This even applies in part to internal EU migration, which became the subject of polemical criticism in the “Brexit” campaign, for example. And it applies all the more to refugee policy. For instance, a group of states opposed a majority decision of the European Council on the relocation of protection seekers. Also, several rulings of the Court of Justice of the Eu-

35 Cf. Chapter VI.4.

European Union on asylum issues have been ignored, not only by states critical of migration, but also by the Federal Republic of Germany. How much is a European Union worth if not everyone is willing to play by its rules and there is a visible lack of solidarity? And what follows from the joint commitment to human rights? These questions are not exclusively migration and asylum policy questions. But they are currently being asked with particular urgency in these fields of action.

*Fourthly: What holds our society together; how do we enable participation of each and every individual; and how do we shape integration?*³⁶

People on the move carry their rich life experience along. In the new place, they want to participate in social life and contribute their needs, habits and skills. This means that challenges in basically every area of life have to be mastered: from birth to education, access to labour markets and social systems, to issues surrounding sickness and death. Such needs do not necessarily differ “culturally” from those prevailing in the receiving society. They can, for example, consist of finding housing in densely populated cities – an issue that represents a challenge for society as a whole. Migration also poses fundamental questions for the welfare state and society in other areas. At the same time, measures that serve the participation of migrants occasionally lead to the question of whether something similar might be useful for society as a whole. For instance, the discussion on how to enable refugees interested in studying to gain access to universities occasionally prompted the general consideration of making academic programmes accessible to target groups without a traditional educational background. The fear of being short-changed as part of the host society can certainly be channelled in productive paths if one is prepared to see migration as an opportunity for political and social change.

36 Cf. Chapter VI.5.

2. Migration and human rights

All states are bound by human rights in their dealing with migrants and shaping migration. In Germany the Basic Law requires the state to guarantee the protection of human dignity and associated fundamental rights. In order to determine the content and scope of fundamental and human rights the Universal Declaration of Human Rights and international conventions on human rights Germany has recognised must be taken into account: in particular, the Geneva Refugee Convention (GRC), the European Convention on Human Rights (ECHR), the United Nations Human Rights Covenants, the Convention against Torture and the Convention on the Rights of the Child. When Germany acts in the framework of the European Union, it must observe the Charter of Fundamental Rights of the European Union (EU Charter of Fundamental Rights).

Human rights are rooted in personal dignity. They belong to every human being by virtue of his or her humanity. Migrants, too, are always entitled to human rights regardless of their status. Asylum law is an apt example of how human rights extend beyond a country's citizens, as they can only apply to foreign nationals. According to a much-quoted expression by Hannah Arendt, it represents the "right to have rights", i.e. the – literally – fundamental human rights claim to be able to live within legally secure political conditions and to be recognized there as an individual with his or her own rights. Respecting the human rights of migrants in particular is a litmus test for the human rights policies of states.

Human dignity demands that each person be treated as a subject. Not the state but every single human being is called upon to give meaning and purpose to his or her life. Consequently, the state must not turn people into objects, that is, into means to achieve state ends. Human rights give all people the right against the state to lead a self-determined life in dignity. Human rights therefore set a binding goal for state action and impose firm limits to any restrictions of individual freedom. They impose a responsibility to protect and thus standardise binding mandates to shape policy.

The state is bound by human rights in all its actions. Even the democratically legitimised legislator must not disregard human rights. Rather, the goals and measures advocated by political majorities are also limited by human rights. Some human rights set absolute limits, because any restriction would be a violation of human dignity. The state is therefore not allowed to restrict these rights at all. For example, the prohibition of torture and other inhuman or degrading treatment applies always without restriction. For most human rights restrictions are permissible within certain limits in order to enable the state to pursue other public interests or because the human rights of each individual person compromise the human rights of others. In order to limit these restrictions to the minimum, the state may only pursue legitimate objectives which are usually specified in human rights themselves, such as the protection of certain human rights of others and of certain public welfare interests – and the state may only do so in a proportionate manner. The means applied by the state must be suitable for achieving this goal (suitability); there must be no milder means (necessity) and the impairment must not be disproportionate to the goal pursued (appropriateness). Human dignity must not be compromised under any circumstances. It follows from the freedom-securing function of human rights that the state may grant migrants more extensive rights than the human rights minimum, as long as it does not restrict the human rights of others. This lays out the legally binding human rights framework for political negotiations in the context of migration policy at national and international level. In policy-making as well as in judicial decision-making, compliance with the principle of proportionality plays an eminently important role because it safeguards freedom and protects the individual. This is indispensable in a state governed by the rule of law and bound by human rights, in which the human being with his or her individual dignity is central. The care with which the necessary considerations are made determines whether human rights are really respected or merely paid lip service. Political enforceability, purely pragmatic considerations or scientifically unsound forecasts of future developments have no place in a proportionality test under the rule of law.

The state's treatment of migrants must respect two human rights principles: firstly, every human being is always a holder of universal human rights, i.e. even if he or she – voluntarily or by necessity – moves his or her centre of life to a state other than his or her own; secondly, the principle of non-refoulement applies. No one may be returned to a state if this endangers his or her life or freedom due to persecution or if he or she is threatened with serious harm, for example because he or she has to fear torture or the death penalty or because an armed conflict is raging there. Because no state may knowingly expose people to violations of their human rights in other countries. The prohibition of “refoulement” is enshrined in Article 33 of the Geneva Refugee Convention; it is based on the prohibition of torture and the human rights to life, integrity and freedom.

Every person seeking protection possesses the right to have his or her application for protection reviewed in a fair procedure. If the application for protection under the Geneva Refugee Convention is justified because the person concerned left his or her home country due to a “well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion”, he or she is granted refugee status (“Convention refugee”) or, in the case of political persecution in the narrower sense, asylum under Article 16a of the Basic Law (“entitled to asylum”). If the requirements for refugee or asylum status are not met, but violence and civil war prevail in the country of the person seeking protection, he or she is entitled to “subsidiary protection” under EU law. Refugees under the Geneva Convention and beneficiaries of subsidiary protection are collectively referred to as “beneficiaries of international protection”. If a person's request for protection proves to be unjustified in this sense, but he or she nevertheless faces concrete serious dangers if returned to the country of origin, he or she may not be sent back; a ban on deportation then applies.

Germany is a destination country for people seeking protection and for migrants. Human rights are therefore particularly important when deciding on a right of residence, on questions of accommodation and participation in the labour market and social life, on protection in case of need and

illness, on family reunification and – for minors especially – on access to education. Human rights must also be respected when people who have not been recognised as being in need of protection and who do not have a toleration permit are returned to their country of origin.

The following overview of mandatory human rights standards should not obscure the fact that it is at the discretion of each state to grant migrants additional protection and rights. In terms of human rights, the question is: What is the binding standard? Politically, the question is: How can we implement what is required by human rights and how do we want to deal with migrants as a society?

2.1. Entry and residence

There is no general human right to enter another state. The decision on this is made by a state in a sovereign capacity, for instance by issuing a visa. The state may, for example, pursue economic, demographic or humanitarian objectives or seek to promote the development of other states. Decisions can also be based on the reception capacity of its own society or social system or on close ties with certain states. With the free movement of persons, EU Member States have created quite far-reaching rights of entry and residence for EU citizens (cf. Chapter VI.4.1).

In certain situations, however, human rights limit the state's freedom of choice. When a person arrives at a border post or on a vessel belonging to the navy or coastguard and asks for asylum, the state must conduct a procedure to determine whether this person is eligible for international protection. The person seeking protection is entitled to remain in the state for the duration of the procedure. This is to protect them from serious harm if they were returned to their country of origin. In this respect, the prohibition of *refoulement* results in a right of entry for protection seekers and a limited right of residence until a decision is reached on their application. Crossing the border without an entry permit in order to seek protection may also not be sanctioned by criminal law (cf. Article 31 Geneva Refugee Convention).

The right to family life limits the state's freedom to decide on the entry of family members (cf. Chapter VI.4.2.3). This human right may only be restricted for very serious reasons. In this context, each individual case must be considered. The special protection of marriage and family as enshrined in the Basic Law, the European Convention on Human Rights, and the EU Charter of Fundamental Rights, as well as the paramount importance of the principle of family unity and the best interests of the child, must be taken into account. In the case of family reunifications, it is also necessary to consider that beneficiaries of protection depend on remaining in Germany for a longer period of time in order to be protected, and that their integration is made considerably more difficult if they have to continue to worry about their next of kin.

2.2. Protection from hardship: basic material needs and social security

Shelter, food, clothing, sanitation and personal hygiene are basic human needs and the material basis for a life in dignity. They are assured by the economic and social human rights, which impose a corresponding protection mandate on states. They are guaranteed in the International Covenant on Social, Economic and Cultural Rights, which is legally binding in Germany. The state must therefore not prevent people from earning a living through employment if it does not at the same time provide social security benefits. This is a requirement of the human right to an adequate standard of living (cf. Article 11 UN Social Covenant). By observing this right the state is also obliged to support those who are unable to provide for themselves. The extent of state support and the instruments used by the state for this purpose are left to the state's decision and thus to the domestic political process. However, the scope for decision-making is still limited by human rights, above all by the core area of law, by the prohibition of discrimination and the principle of proportionality.

The core aspects are determined by human dignity and hence constitute the inviolable minimum. This is also how the constitutional principle of the welfare state (Article 20 para. 1 Basic Law) is interpreted, which, in conjunction with the guarantee of human dignity (Article 1 Basic Law),

protects the socio-cultural minimum subsistence level. The subsistence minimum thus ensures human dignity and is the same for all people in Germany. Migration policy considerations, such as a presumed pull effect of social benefits, must not relativise human dignity. Therefore, in-kind contributions instead of financial support are also problematic. They deprive people of the opportunity to shape their lives in a highly personal area (food, hygiene or clothing) according to their own needs, religious rules or personal preferences for their lives. The subsistence minimum does not only serve to secure bare mere survival, but a life in dignity, and that also means a life with social relationships. This socio-cultural subsistence minimum also includes costs for human contact – for example, for telephone calls with family in the country of origin or for travel to visit family or friends. The scope of possible differentiation between various groups is limited by the prohibition of discrimination.

The prohibition of discrimination prohibits treating people less favourably solely on the basis of their status as migrants. Unequal treatment can only be justified with a plausibly explained and legitimate objective reason. When it comes to benefits that serve to protect human dignity, and these are lower than those for nationals, this speaks at first glance for the existence of prohibited discrimination. Factual reasons for unequal treatment can only lie in the different life situations and the resulting different needs of the persons concerned. In particular the expected duration of stay in the host country creates different needs for social integration. Those who have entered the country by regular means for a longer-term stay – for economic activity, as family members, protection seekers with a visa, quota refugees or within the framework of “resettlement” by the UN Refugee Agency UNHCR – have additional needs. The same applies to persons entitled to asylum, recognised refugees and beneficiaries of subsidiary protection. Insofar as the state provides further social security benefits for all other migrants, beyond the socio-cultural subsistence minimum, it may only differentiate between various groups of persons on factual grounds and in a proportionate manner. Here, for example, it may make these distinctions based on whether or for how long someone has previously paid into the social security system.

In Germany, asylum seekers and comparable groups, e.g. persons only tolerated to stay, are not subject to general social law, but to the Asylum Seekers' Benefits Act. In the day-to-day application of this law, the question arises time and again as to how far the severe restrictions of certain social benefits can be reconciled with the mandate to preserve human dignity. The principle of proportionality requires the state to limit to a minimum any impairments, if deemed necessary, of a person's economic, social and cultural rights. Moreover, the state must always pursue a legitimate goal. This is not the case if restrictive measures are intended to deter potential migrants. For this would turn the persons affected by these measures into a mere means to achieve a state goal – an approach incompatible with human dignity.

When the state commissions private third parties to provide a particular assistance, it has to ensure that these actors respect human rights. For example, when companies operate a shelter, they too must not discriminate, must protect against violence and must respect the right to privacy. The less alternatives the migrants have, for example if they are prohibited from moving to other accommodation or private housing due to residence restrictions, the more intensely the state should monitor the companies commissioned. If the state operates shelters itself, it is directly bound by human rights here as well.

2.3. Health care and health protection

Assisting people when they are ill is a state obligation arising from the human rights to health and to social security. Here, too, there is room for manoeuvre in the fulfilment of the obligation to protect, which in turn is limited by human dignity and the prohibition of discrimination and inadequacy.

People who are not able to cover the costs of their medical care on their own must in any case be supported in such a manner that the respective necessary health protection is guaranteed for them. In Germany (as a result of the Asylum Seekers' Benefits Act), health care for certain non-Ger-

mans is guaranteed to a lesser extent than for those entitled to social assistance. As a rule, this applies to persons seeking protection during the asylum procedure for a period of 18 months, as well as to tolerated persons and other groups. Their health care is generally limited to acute illness and pain conditions. In individual cases, the range of treatments can be extended. Problems arise in practice, among other things, when long term medication is necessary. The competent social authority decides on the scope of treatment in the case of chronic illnesses and disabilities. Affected persons therefore depend on the authority obtaining medical advice and giving adequate weight to the human right to health in its decision. This is not always the case. The situation is unclear and inconsistent for EU citizens without health insurance. This fact and the restriction of health care as laid down in the Asylum Seekers' Benefits Act are problematic from a human rights perspective.

The state must observe the prohibition of discrimination if it provides health care that exceeds the minimum required by human dignity. Therefore, it must not deny people access to healthcare only on the basis of their residence status. It may only differentiate for legitimate reasons and in a proportionate manner, for example by making certain entitlements under a health insurance scheme dependent on previous contribution payments.

The human rights obligation of the state to ensure effective health protection for migrants has recently become visible in the measures to protect against Covid-19. If the state requires people to live in collective accommodation (initial reception facilities as well as shared accommodation), it must also provide effective protection against infection there. This includes, for example, a reduction of occupancy density so that compliance with distance and hygiene rules is possible, or protected accommodation for members of risk groups. At the same time, these measures must be non-discriminatory. For example, general curfews or restrictions of visits must not interfere more severely with the fundamental and human rights of the residents than the contact restrictions and quarantine rules that apply to the general population.

2.4. Integration and human rights

Participation in social life is an integral part of living in dignity. Essential prerequisites for this are access to education and work, language skills, contact with the local population and – in the case of a long-term stay – the opportunity to participate in shaping social life (cf. also Chapter VI.5). The question of who can exercise participation rights, to what extent and in what way, is the subject of political debate. The main differentiation criteria are the lawfulness of residence in the host country and its expected duration. Here, too, the binding standards and protection mandates of human rights must be observed.

The prohibition of discrimination stipulates that migrants may only be discriminated against in comparison to natives if there is a legitimate reason which does not lie solely in their status as migrants. There is no such reason in the case of persons whom the state allows to enter or stay permanently, i.e. in the case of persons seeking protection with a visa, “quota refugees” on the basis of humanitarian considerations or in the context of “resettlement” of refugees in particular need of protection, as well as in the case of family members joining these migrants. On the contrary: the state must ensure that these people are afforded real opportunities to participate in social life, for example through language and integration courses or the recognition of previously acquired professional qualifications.

The host state may make differentiations with regard to people who, with its permission, wish to stay longer in the country for the purpose of economic activity. It may set the conditions for such a residence and is – solely from a human rights perspective – not obliged to provide language and integration courses or other education and training programmes. However, the longer people are allowed to live in the host country, the stronger their bond becomes. Therefore, more sustainable integration must be made possible. The discontinuation of entry requirements, such as the loss of a job, must not lead to an obligation to leave the country without further ado.

In the case of persons seeking protection, it is only decided in the asylum procedure whether they will remain in the host country in the long term. Then at the latest, the state is obliged to promote their integration. Even beyond legal obligations, there is much to suggest that enabling prospects for integration at an early stage is not only in the interest of those seeking protection, but also of the host society itself.

Human rights give rise to certain mandates for enabling integration even before the end of the asylum procedure. Particularly in view of the often long period between arrival in Germany and a possible departure, it is necessary to ensure that children can exercise their right to education from the very beginning; otherwise the lost time cannot be made up. In this regard, the lack of internet access in many shelters run by municipalities leads to a *de facto* exclusion of refugee children from online education during the Covid-19 pandemic. Moreover, protection seekers must not be prevented, for legal or factual reasons, from a minimum of social exchange with the local population. This is the case, for example, when protection seekers are not allowed to leave their accommodation or when their accommodation is located in remote places. Here, too, the dictum of the Federal Constitutional Court applies that human dignity must not be relativized for migration policy reasons, especially not on the grounds of a presumed deterrent effect.

2.5. Persons without legal residence status

People who did not enter Germany by regular channels or who remain in the country after their temporary residence title expires often find themselves in a particularly precarious situation. In practice, the state of “illegality under residence law” can last for years or even decades. As these people have to fear being discovered and deported at any time, they usually do not avail themselves of protection by the authorities, police and courts. They are therefore particularly vulnerable to extreme forms of exploitation (be it labour exploitation or sexual exploitation). Quite often they also suffer from exploitative, unhygienic and unsafe housing conditions. When they become ill, access to health care is more difficult for

them, as there is a risk that their lack of status will be discovered and that they may face deportation due to the applicable obligation to report to the authorities. This group of persons is also rarely covered for old age or unemployment. The human rights to health, to an adequate standard of living and to social security oblige the state to guarantee the core areas of these rights also to people without legal residence and to actually enable them to make use of them.

Access to healthcare in particular is associated with major hurdles for persons without legal residence status. The obligations of hospitals to report such cases to the Foreigners' Authorities, responsible also for deportations, prevent many from receiving urgently needed treatment. This *de facto* obstacle to asserting the human right to health could be overcome, for example, through anonymous health insurance certificates or the abolition of reporting obligations to the Foreigners' Authorities (as has already been done for schools).

The dignity of the human being and, in particular, the human right to participate in social life ultimately lead to the obligation to provide a prospect for permanent residence to persons who have lived without legal residence status for a very long time and who, despite all obstacles, have found a new home in the host country. In the formulation of regulations on the right to stay, the general reference to a presumed pull effect for potential migrants would turn those affected into a mere means to an end and thus violate their human dignity. Moreover, such an argument fails to recognise the considerable burden of living for many years without a legal residence status. There are statutes of limitations for many offences in criminal and civil law; something similar might be conceivable for offences under aliens laws as well.

2.6. Persons obliged to leave the country

Migrants without a valid residence title are in principle obliged to leave the country. The vast majority of these persons leave voluntarily. Voluntary departure quite rightly takes precedence over enforcement of the

obligation to leave the country. Persons who are obliged to leave the country must always be protected from treatment that would violate their human rights (cf. for example, Article 3 of the European Convention on Human Rights). Danger to life and limb and other humanitarian hardship must be averted in all cases.

Occasionally, the state enforces the obligation to leave the country by coercive means (such as deportation or detention). Even and especially in such extreme situations, the state must not violate the personal dignity and human rights of those affected by these measures. The means must always be proportionate. Coercive measures should never be taken if the persons concerned are simply unable to fulfil the obligations to cooperate imposed on them, for example to obtain travel documents. This can be the case if the country of origin refuses to issue these documents, or does not recognise the person as its citizen. Church institutions have conducted independent monitoring of deportations for more than twenty years to ensure that the occurrence of human rights violations during the procedure is reduced. The EU return Directive (cf. Art. 8 para. 6) introduced an obligation to monitor in 2008.

Detention pending deportation is a particularly serious encroachment on civil liberties. It is a deprivation of liberty that neither serves the purpose of prosecution nor the execution of punishment. Detention pending deportation can therefore be considered as generally problematic. It is reasonable to ask to what extent the mental and physical impairments associated with detention are proportionate. The detention of minors to enforce their obligation to leave the country must be rejected as a matter of principle. The same applies to family separation through detention or deportation.

3. Migration and global justice

As cross-border phenomena, migration and flight have long been the subject of international policy and cooperation. Discussions have increasingly focused on the multifaceted connections between migration and devel-

opment since just after the turn of the millennium, and since 2015 at the latest. International cooperation in migration and development issues brings together fields of work that have been on the agenda of churches, their aid agencies and welfare associations for many decades. The churches share the concerns of other international organisations to contribute to a humane global migration order and to counteract social injustice around the world.

3.1. International migration and refugee policy

After the Second World War, the focus was initially on dealing with refugees and displaced persons in Europe. It was not until 1967 that the Geneva Refugee Convention of 1951 was extended in time and scope to refugees outside Europe and to reasons for flight that occurred after 1951. The International Organization for Migration (IOM), as it is called today, was established in 1951 for the resettlement of displaced persons from Europe, a geographical restriction that was not lifted until 1988. At the same time, the United Nations started to codify the rights of migrants globally in a specific human rights treaty (see below “Migrant Workers Convention”). However, the decision to admit migrants who do not seek international protection remains a sovereign right of states. How these decisions are made is shaped by national interests, unless a state has (exceptionally) limited its leeway by bilateral or multilateral agreements. It follows, therefore, that international cooperation in dealing with flight and managing migration still takes place in different legal and institutional contexts.

3.1.1. International agreements for the protection of refugees

The Geneva Refugee Convention provides the legally binding framework and the minimum level of protection for refugees (cf. Chapter VI.2). Accordingly, the UN High Commissioner for Refugees (UNHCR) assists states in the protection of refugees, for example by operating refugee camps, conducting asylum procedures, resettling refugees in third countries (“resettlement”) or by helping refugees to integrate into their host

countries. As the guardian of the Geneva Refugee Convention, UNHCR calls for its observance and advocates for greater international cooperation among states in the protection of refugees. Contrary to the impression one might gain from public debate, the majority of those seeking protection do not come to Europe; in fact, 85 per cent of all refugees worldwide are in developing countries.³⁷

The Global Compact on Refugees also serves the objective of shared responsibility for dealing with refugees and bolstering international cooperation.³⁸ It was negotiated around the same time as the Global Compact for Safe, Orderly and Regular Migration (see below) and adopted by the UN General Assembly at the end of 2018. The Global Compact on Refugees does not contain any new refugee or human rights obligations, but reaffirms and builds on existing ones. Its principal objective is to ensure that refugees are integrated into the host society. They should no longer have to live in refugee camps, but have the opportunity to earn their living through their own work and lead self-determined lives.

In the Global Compact on Refugees, the states of the world have made a political commitment to achieve four interrelated objectives: (1) to ease the pressure on host countries; (2) to enhance the self-reliance of refugees; (3) to expand the admission of refugees in third countries through resettlement and other humanitarian admission programmes; and (4) to promote the conditions for a return to the country of origin in dignity and safety. A framework has been created for this purpose, in which states can learn from each other, achievements can be measured, and pledges of financial support for UNHCR and particularly affected states can be obtained. When the Global Compact on Refugees was concluded, only 15 of the 193 UN Member States supported UNHCR with substantial funding; Germany is currently the second largest state donor. The Global Compact on Refugees highlights the challenges for effective refugee protection as if under a magnifying glass: it relies on voluntary political commit-

³⁷ UNHCR, *Global Trends: Forced Displacement in 2019*, Geneva 2020 (www.unhcr.org/5ee200e37.pdf).

³⁸ www.unhcr.org/dach/wp-content/uploads/sites/27/2018/11/GCR_final_GER.pdf.

ments by states, and control of their political implementation by international public opinion. It aims to make states jointly politically accountable for the protection and dignified life of refugees. It avoids any legal debate so as not to endanger the current status of international refugee law. A first interim assessment so far is sobering: financial support for UNHCR has not risen substantially; and the creation of new resettlement programmes has been counteracted by the reduction of other reception capacities, above all by the sharp decline in US American resettlement places (at least here there is now justified hope for a significant improvement). The Covid-19 pandemic further impeded international cooperation for the protection of refugees.

3.1.2. Externalisation of border protection

More recently, international cooperation has also increasingly focused on externalising border management, i.e. strengthening the border and security authorities of countries of origin and transit to prevent migrants – including many seeking protection – from reaching their destination countries in the Global North. These measures are criticised for bolstering repressive and human rights violating governments; as a consequence, causes for flight and migration are further intensified, and, under certain circumstances, human rights violations even are aided and abetted. At the same time, the human rights violations that migrants suffer on their way have become more visible to the public: escape and migration routes are dangerous when people arrive in a state that already disregards the human rights of its own population, that pursues policies hostile to refugees and migration, and in which strong xenophobic tendencies prevail; or when they are in financial need. They are at risk of various forms of exploitation and abuse, even torture, sexual violence, killing, as well as arbitrary detention by border guards, police or military forces, by self-appointed vigilantes or criminals.

3.1.3. People smuggling vs trafficking in human beings

Both in the area of people smuggling and trafficking in human beings, states engage in international cooperation and have signed international agreements motivated by the fight against crime.³⁹ However, these two phenomena must not be equated with each other.

Smuggling of human beings covers acts by which someone enables another person to enter a state by irregular means with that person's consent and in return for payment. There is a legitimate interest in prosecuting these actions as people smuggling is a business of organised crime. However, the fewer legal access routes there are, especially for those seeking protection, the more the legitimacy of the criminal policy interest in prosecution is called into question.

People smuggling becomes trafficking in human beings when violence, fraud, deception, abuse of power or taking advantage of hardship enter the equation and trafficking is carried out for the purpose of exploitation. The phenomena of human trafficking and exploitation are sometimes even called "modern slavery". According to a survey by the International Labour Organization (ILO) and the Walk Free Foundation around 40 million people worldwide were victims of "modern slavery" in 2016.⁴⁰ In addition to various forms of labour exploitation and forced labour, sexual exploitation and forced marriage were also taken into account. Trafficking in human beings is considered to be a particularly fast growing area of crime worldwide. In the case of trafficking in human beings, states are not only concerned with combating organised crime, but also with protecting victims from serious human rights violations. However, depending on national and regional circumstances, considerable efforts are still necessary to improve and prioritise the protection of victims. The commitment

³⁹ Of particular significance in this regard is the Convention against Transnational Organized Crime (the Palermo Convention), adopted by the UN General Assembly in November 2000.

⁴⁰ "Global Estimates of Modern Slavery" (www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/documents/publication/wcms_575540.pdf).

of church and civil society actors against trafficking in human beings and for the victims' concerns is of great importance.⁴¹

Since the early 2000s, agreements have been signed at UN and regional levels – also in Europe – to fight people smuggling and trafficking in human beings. Cooperation between the security services in many states has increased on this basis. At the same time, there is growing criticism of the focus on fighting crime, which means that the treatment of trafficked persons depends on their usefulness for law enforcement and not on efforts to overcome the human rights violations they have suffered. Similarly, measures to prevent trafficking in human beings have not yet been sufficiently the subject of binding international agreements. An important step in the right direction is the Council of Europe Convention on Action against Trafficking in Human Beings with its review instrument GRETA.

It is not uncommon for victims of human trafficking to lack legal residence status or to live under particularly precarious conditions for other reasons. They suffer severe forms of exploitation and experience heightened levels of defencelessness. The prevention of trafficking in human beings must address this particular vulnerability of trafficked persons.

3.1.4. International agreements on migrant workers

The relevant conventions by the International Labour Organization (ILO)⁴² and, above all, the United Nations Migrant Workers Convention of 1990 set out the rights of migrant workers in detail. However, the “Migrant Workers Convention” in particular has hardly been accepted by the destination states of migration in the Global North.⁴³ Although migrants are already entitled to the protections afforded under the general treaties

41 Cf. also in this regard the *Pastoral Orientations on Human Trafficking* by the Vatican Dicastery for Promoting Integral Human Development, issued in 2019.

42 Cf. the Migrant Workers Convention (1949) and the Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers (1975).

43 So far, only 55 states have ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, including neither any member of the European Union, nor the United States or Canada.

on human rights, the resistance directed at this Convention demonstrates plainly that conflicting interests in the field of migration policy essentially hinge on whether the states are countries of origin, transit or destination. Against this background, the debate on the human rights of migrants has largely moved to the existing international human rights bodies over the last 30 years. By describing problems, recommending interpretations and issuing legally binding rulings, they have done important work in convincing people and made a significant contribution to defining the rights of migrants in concrete terms.

The figures⁴⁴ show the need for international cooperation to deal with migration: there are 272 million international migrants around the world; the main countries of origin are India (17.5 million), Mexico (11.8 million) and China (10.7 million). More than half of all international migrants live in Europe and North America (141 million).

The migratory movements from Africa and Asia to Europe, which dominate our local media, are only a small part of the global phenomenon. A large proportion of all transnational migrants move between countries with medium income levels. Migrants born in Africa, Asia and Europe tend to stay in their respective regions. In most countries of the Gulf Cooperation Council, migrants form the majority of the population.

3.1.5. International cooperation on migration policy

International cooperation on migration policy took place from the mid-1990s onwards, starting initially within the framework of development cooperation, especially from 2006 in the “Global Forum for Migration and Development” (GFMD; cf. also Chapter VI.3.2.1). At the same time, the United Nations widened its focus on migration in all countries of the world and the need for global cooperation to deal with the challenges and opportunities posed by migration. In 2018, this resulted in the Global

⁴⁴ All of the following figures are obtained from: International Organization for Migration, *World Migration Report 2020*, Geneva 2019 (https://publications.iom.int/system/files/pdf/wmr_2020.pdf). 58 per cent are men, 42 per cent women.

Compact for Safe, Orderly and Regular Migration (GCM, Global Compact for Migration), which was developed in parallel with the UN Refugee Pact. Receiving strong support from churches and civil society, these measures created a political framework that takes into account the numerous aspects and dimensions of migration and is intended to guide and promote cooperation. It specifies standards and introduces a political review mechanism (International Migration Review Forum). The Global Compact for Migration is not legally binding but relies on the political will of the participating states. It largely reaffirms the applicable human rights standards, but sadly also falls short of them in some areas. The Global Compact for Migration represents a form of global governance that uses cooperation, networking, evidence and public accountability instead of legal rules. Moreover, it involves not only states, but also social actors such as civil society and the corporate sector. This can strengthen its implementation.

The Compact lists 23 goals to which the states commit themselves politically. They include reducing negative causes of migration, opening safe migration pathways with predictable admission decisions, ensuring fair and ethically responsible labour recruitment and working conditions, including combating trafficking in human beings, reducing detention of migrants, ensuring access to basic services of general interest, promoting migrant inclusion and social cohesion, as well as promoting return and readmission to countries of origin. The Compact lists measures with which the goals are to be achieved; the selection is the responsibility of the states. With its standards it also creates a framework and boundaries for negotiations between states, for example, on the return of rejected migrants. Only its implementation will tell whether the Global Compact for Migration will achieve its purpose of promoting safe, orderly and regular migration. The International Review Forum, which takes place every four years, as well as review forums at regional and national levels, provide the space for this. Church actors are also called upon to take part.

3.2. Migration and development

3.2.1. The correlations between migration and development

Development cooperation is seen as a primary field of action to enable and promote global justice. The aim is to sustainably improve economic, social, ecological and political conditions through cooperation between different countries and regions and thus to counteract global inequalities in human living conditions, to realise development rights and to enable development opportunities.

The churches in Germany have been active and organised in all areas of development cooperation since the end of the 1950s. MISEREOR was established as the German Catholic Bishops' Organisation for Development Cooperation back in 1958. The foundation of Bread for the World as the central relief organisation of the Protestant regional churches and many free churches in Germany followed in 1959; it is now part of the Protestant Agency for Diakonia and Development. Acting in cooperation with civil society institutions, churches, church organisations and their international partner organisations are often particularly active where the actions of state agencies are limited or where they cannot get involved. The correlations between migration and development have played a vital role in the church organisations for development cooperation since the beginning. In this context, both flight in the sense of the Geneva Refugee Convention and other forms of forced migration, and thus the protection of migrants, have been a focus of the work.

“Migration and development” is a cyclical issue. A kind of pendulum movement can be observed between different phases. There are times when important actors, such as international organisations, view migration as a positive phenomenon for socio-economic development in the countries of origin (1960s to mid-1970s and since the end of the 1990s). In contrast to this perception, there were also periods (especially at the end of the 1970s and during the 1980s) in which migration was regarded as less beneficial to development in the regions of origin. Migration was

rather perceived as an expression and reinforcement of the opposite of development, namely “underdevelopment”. Following many debates as well as dialogue processes and initiatives organised at global level since the end of the 1990s, the multifaceted relationship between migration and development and the related fields of action have more recently returned to the international agenda, underscoring the need for global policy approaches and responses to this area of tension. At the international level, for example, the Global Forum on Migration and Development (GFMD) was launched in 2006 on the initiative of the United Nations Member States. The interconnections between migration and development inevitably elevate migration to the status of a global policy issue. The GFMD provides an informal, international platform for exchange and cooperation between states, civil society and the private sector. Churches, church agencies, diaspora communities and migrant organisations are also involved in the Global Forum. One of the key objectives of the Global Compact for Migration adopted in 2018 is to “create conditions for migrants and diasporas to fully contribute to sustainable development in all countries”⁴⁵. The correlations between migration and development are also key aspects in the debate on the United Nations Sustainable Development Goals.

There is a complex interrelationship between migration and development that always requires precise analysis. For example, the migration of skilled workers and those with certain specialisations can have consequences for the development of a region or country. Political, social, economic and environmental changes can also trigger migratory movements. However, to view migration as either an inevitable consequence or a cause of a lack or absence of development does not do justice to the complexity of the challenges associated with migration and development. For example, in many contexts it can be observed that migration movements become more likely due to development processes and only decrease again in a further development phase (this is often referred to as a “migration

⁴⁵ United Nations. General Assembly, *Global Compact for Safe, Orderly and Regular Migration*, 6 (www.un.org/depts/german/migration/A.CONF.231.3.pdf).

hump”). Development instruments such as education and qualification may precipitate the increased departure of skilled workers if suitable jobs initially remain scarce.

The positive consequences and potentials of migration have returned to the fore over the last two decades, replacing a period of focus on the negative implications during the 1970s and 80s, when migration was perceived as an expression and reinforcement of “underdevelopment”. More recent discussions have addressed in particular the vital contributions of migrants to the development in their countries and places of origin and their families, or the positive effects of migration on social and economic development in their host countries.

Migration movements are extremely diverse in terms of the motives for migration, the places and countries of origin and the legal status of the immigrants. From a political and from a humanitarian viewpoint in particular, migration for reasons of flight occupies a central and decisive position in the migration debate, but only accounts for slightly more than 10 per cent of migration movements. In the past, this has led to a clear distinction between migration and flight, especially for political and legal reasons. However, the observations of the last decades make it clear that the distinction can often not be made sharply, although it remains important and necessary. This is also true with regard to development cooperation and other areas of international cooperation: too much confusion between flight under the Geneva Refugee Convention or other forms of forced migration on the one hand and non-forced migration on the other hand makes it difficult to formulate meaningful strategies. Migration in which the participants enjoy a significant degree of freedom of choice can be an important factor for development processes – especially if it takes place in a regulated manner and under fair conditions; by contrast, refugee movements are accompanied by human hardship and in turn require solutions in other fields of action.

Comparatively “new” reasons, such as climate-related changes to the environment or displacement due to infrastructure projects can also lead to

migration in combination with other factors, such as a lack of economic prospects. People are often compelled to set off because they do not see any opportunity to improve their living conditions in their place of residence. Very few people immediately become cross-border migrants, they rather move from rural areas to the nearest cities. Those who do migrate across borders usually stay in the same region or continent. Young people are also sent by their families to faraway places, hoping that their remittances will improve the often precarious family income in the long term. Especially when migration is not exclusively based on a voluntary decision, but is also forced by circumstances, “mixed migration motives” are present. This is of crucial importance for the interconnections between migration and development and for the associated overall political perspective on migration.

3.2.2. Thematic areas of the debate on migration and development cooperation

The GFMD’s international conferences can serve as an indicator of the issues discussed in other forums as well. There are four main thematic areas: mobility of knowledge, skills, qualifications and labour through migration; remittances of migrants to their countries of origin; migration and diaspora; return of migrants to their countries of origin.⁴⁶ Together with these topics, attention should also be paid to the rights-based approaches which are primarily the focus of church and civil society discourse.

Mobility of knowledge, skills, qualifications and labour through migration

As people migrate, their knowledge, skills, qualifications and labour come along. In this area, international debates tend to focus on the associated effects on the countries of origin. In more recent discussions, however,

⁴⁶ Cf. in this regard in particular: Albert Krater/Marion Noack, *Migration und Entwicklung – eine neue Perspektive?*, Federal Agency for Civic Education (www.bpb.de/gesellschaft/migration/kurzdossiers/260906/migration-und-entwicklung-eine-neue-perspektive).

the effects on the development of the destination countries are gaining in importance again. Quite often the debates focus on the economic consequences of migration. However, this also entails the fundamental risk of measuring people primarily on the basis of their “economic value” or even reducing them to this, which is expressed, for example, in the problematic concept of “human capital” and associated theories.

Often described as “brain drain” in international discussions, the migration of people and their knowledge may have negative implications for the social, political and economic development of a region or country. Immigration, on the other hand, which accordingly is called “brain gain”, may have positive effects on a region or country, provided the potential and skills of the migrants are recognised and given adequate opportunities to come to fruition. In recent years, the countries of origin have also benefited from the fact that valuable knowledge and skills acquired during migration can be brought back upon return. In addition, modern media also enable virtual communication between countries of destination and countries of origin; in this way, for example, medical professionals who originally come from a country of emigration can exchange knowledge with colleagues in their countries of origin.

Viewed from this perspective, the question of human development, including its interdependent links to social, political and economic development, is of fundamental importance (refer for example to the United Nations Human Development Index). In what ways are migrants’ development rights realised? Under which conditions are development opportunities opened up? What are the consequences for the socioeconomic development of a country or region?

In the context of conflicting priorities of migration and development, there is an international debate about which development policy measures can mitigate or even prevent the negative economic and social impacts of migration in the countries of origin and destination. At the international level, the following measures are considered: improving working conditions and promoting education (qualifications) in countries of ori-

gin; developing partnership-based cooperation between countries of origin and destination countries; ethical recruitment of workers by destination countries (“fair migration”); improving the registration and recognition of migrants’ qualifications in the destination countries; and measures that provide employment opportunities and generate income.

Women and men have very different experiences in the context of migration, which up to the present day is anything but neutral in terms of a person’s gender. This has fundamental consequences for realising their development rights and opening up development opportunities. Although the causes of migration for women today are just as diverse as for men and the proportion of women migrating independently is rising in many regions of the world, migration – especially when it is forced by precarious living conditions – can lead to the reproduction and perpetuation of gender-based inequalities. Among other things, this concerns employment in sectors that are stereotypically considered women’s work, often only precarious and low-paid job opportunities, or forms of moral stigmatisation and prevention of the enjoyment of fundamental human rights. However, the increasing global participation of women in education and the labour market also leads to the breaking down of traditional gender orders; this can sometimes be reinforced in migration situations.

Remittances by migrants to their countries of origin

Remittances are usually personal transfers of money that migrants make to their countries of origin. Currently, remittances are an important factor in economic development and thus also a key topic in the debate on the links between migration and development. In 2017, such financial transfers to low and middle-income regions were estimated to 466 billion US dollars. This means that the remittances exceed the total expenditure of “Official Development Assistance” by more than three times.⁴⁷ However, the high fees for individual remittances, currently at an average of 7 per-

47 Cf. World Bank Group, *Migration and Remittances. Recent Developments and Outlook*, April 2018, 3 et seq.

cent, are problematic. A significant reduction in the transaction costs is stated as a goal in the Sustainable Development Goals.

Remittances mainly stabilise and improve the income situation of the migrants' families and communities in the country of origin. Particularly, households in poor and rural areas, characterised by seasonal income fluctuation, benefit from this. Remittances enable the purchase of food or clothing and are also used for expenditure on healthcare and education. They are therefore an indirect contribution to poverty reduction. From a global perspective, inequality between countries tends to decrease through remittances. The potential to mitigate inequality is an insight that has also found its way into the Sustainable Development Goals.⁴⁸ However, because remittances primarily improve the situation of the migrants' families and do not have a direct social and structural impact, they can also cause inequality within communities, especially since the people most affected by poverty in a region are rarely able to migrate. In order to strengthen the long-term and structural added value of collective remittances, there are approaches to promote the association of migrants in networks and organisations. Within the frameworks of such initiatives, migrants living in the diaspora invest in the improvement of public goods in their regions of origin, for instance in infrastructure projects. In this way, their families, but also the entire community, benefit more sustainably than through individual, private financial transfers. However, it should also be noted that the interests of the people remaining in their places of origin are not always identical with those of the migrants abroad, and therefore conflicts can arise over the use of these collective funds.

Migration and diaspora

The topic of "diaspora"⁴⁹ is based on the observation that migrants living in the diaspora generally maintain strong contacts to their countries of origin and may take the responsibility for development projects. In this

48 Cf. Goal 10 of the global Sustainable Development Goals ("Reduced Inequalities").

49 Refer to Chapter IV for the biblical and theological perspective on "diaspora".

context, the term “diaspora” refers primarily to the situation of a group of migrants who perceive and describe themselves through common characteristics or features. These may include a common origin, a common history, a shared cultural awareness or the fundamental desire to return to the country of origin. Although current discussions at international level use the term “diaspora” in a wide variety of ways, there are nevertheless close ties to the topic of remittances. Despite all the positive aspects, it should not be ignored that the diaspora is sometimes also involved in driving conflicts in the respective countries of origin or is politically instrumentalised by the countries of origin.

Migrants and their organisations and networks are key actors in the development of their home countries. They can have a formative influence on social, economic and political development processes by virtue of their knowledge, skills, resources and values, but also through their participation in the political realm and in civil society. These observations have prompted numerous countries to develop suitable measures and institutions to structure cooperation with the diaspora community. With these measures, relations with the countries of origin and integration into the “new” society are in a tense relationship that must be taken into account.

Return of migrants to their countries of origin

The fourth thematic area is the significance of returning migrants for the development of the country of origin. Experience and qualifications migrants have acquired in their host country can be used in the country of origin and thus contribute to development. This applies to both permanent and temporary returns. Reintegrating migrants in their country of origin is sometimes associated with sizable challenges. Nonetheless, it can make an important contribution to the achievement of development goals.

The transfer of knowledge and experience is of crucial importance, provided the right framework conditions are in place. The political proposal for “circular migration”, i.e. a temporary form of labour migration in which migrants should regularly return to their countries of origin, also stems

from these observations.⁵⁰ However, such considerations only seem acceptable if the rights of the migrants concerned can be safeguarded.

Other focus areas within migration policy and development

Besides the GFMD agenda topics described above, church and civil society actors are setting additional priorities. Some of them have also been incorporated in the Global Compact for Migration (see above). Strengthening the communities and societies from which migrants come or in which they have been received, whether temporarily or permanently, is crucial for development cooperation. Also relevant are the defence of human rights, efforts towards good governance, the creation of livelihoods and the fight against environmental degradation and climate change. A particular focus is placed on protecting migrants at all stages of their journey, establishing safe and legal migration pathways, protecting vulnerable groups, avoiding detention and access to basic services, regardless of the individual residence status. This includes access to healthcare and education, as well as mechanisms through which migrants can assert their rights. Measures for better exchange between the host communities and migrants are also promoted – combined with the objective of enabling participation and counteracting xenophobic resentment. On the one hand, church and civil society actors in development cooperation aim to create prospects for people in their countries of origin; on the other hand, however, their mission is not to prevent migration, but rather to contribute to a rights-based and development-promoting shaping of migration.

3.2.3. Development cooperation and its significance for migration

Particularly since the recent (temporary) increase in migration to Europe, the question of the impact of development cooperation on migration has been increasingly discussed. To the extent that development cooperation between different countries and regions succeeds in sustainably improv-

⁵⁰ Cf. for example the recommendations of the Global Commission on International Migration in its report "Migration in an interconnected world: new directions for action" (2005).

ing living conditions and reducing disparities in socio-economic development in the long term, people have better opportunities to live in their home countries and create lasting prospects there. Where development succeeds, people will have greater opportunities to achieve personal fulfilment and more options to lead meaningful lives. This may also reduce the pressure to migrate in order to find better or simply basic living conditions. However, the expectation that this will lead to a drop in migration in a short period of time is incorrect. On the contrary, there are indications that with improvements in education and income, the number of people actually choosing to migrate will, initially at least, rise and only decrease again when a certain average income level has been attained (see 3.2.1 above). As a rule, the expectations on the performance of development cooperation must not be overloaded. Trade and climate policies are at least as important for the assurance of adequate living conditions. The manifold other factors for migration must also be taken into account, such as demographic change, rising inequality, poor governance or imitation and network effects.⁵¹

It becomes problematic when development cooperation is utilised primarily as an instrument for containing migration, as expressed in debates with the often misleading term “fighting the causes of flight”. Migration is then not seen as a fundamental component of human life, but primarily as a precarious phenomenon that needs to be limited. However, whether and to what extent development cooperation is relevant for any migration policy objectives cannot be addressed or answered without taking into account the complexity of migration causes and the manifold impacts of migration. The social, economic, political and ecological situation in both the countries of origin and the countries of destination must be considered. Simple causal assumptions about why people migrate will lead to misjudgements in migration policy and development cooperation.

51 For more detailed information: Expert Council on Integration and Migration, *A Joint Endeavour: Shaping Migration from Africa to Europe*. Annual Report 2020 (www.svr-migration.de/wp-content/uploads/2020/04/SVR_Jahresgutachten_2020-1.pdf).

Development cooperation cannot be used as a simple means to reduce migration movements. It can, however, contribute to changing the forms and causes of migration and hence to reducing the circumstances of *forced* migration. The debate on expanding legal and safe migration pathways is therefore of fundamental significance from a perspective of development policy. Combined with solidifying national and geopolitical (power) interests, a one-sided and polarising debate loses focus of the multi-layered positive effects of migration on human, social, political and economic development. The complex relationship between migration and development requires a comprehensive, holistic debate at the global level in order to formulate joint agreements on goals and renew them accordingly. In order to unfold the significance of migration in the social and societal transformation processes of our times and to be able to formulate on this basis sustainable, migration-sensitive political strategies, the understanding of development needs to be continuously reflected and reviewed in a critical manner.

4. Migration and Europe

For a long time, immigration and asylum laws have been more than just part of German domestic policies and legislation. Instead, migration to Germany is now largely regulated by European Union law. This is composed of two strands: on the one hand, regulations to safeguard the freedom of movement of the nationals of the Member States, i.e. the right of all EU citizens to freely choose their place of residence and abode within the EU (cf. 4.1); on the other hand, Union law regulations in the area of migration and asylum that affect people from states outside the EU (so-called “third-country nationals”) (cf. 4.2). The EU and its Member States are bound by human rights in both of these areas, as reaffirmed by the Charter of Fundamental Rights of the European Union.

The European Union’s heads of state and government gathered in Tampere, Finland, in October 1999 to discuss the creation of an area of freedom, security and justice. The Tampere Council conclusions contain important principles for a common migration and asylum policy. The start-

ing point is “a shared commitment to freedom based on human rights, democratic institutions and the rule of law.” The heads of state and government affirmed that “this freedom should not ... be regarded as the exclusive preserve of the Union’s own citizens.” For it “would be in contradiction with Europe’s traditions to deny such freedom to those whose circumstances lead them justifiably to seek access to our territory. This in turn requires the Union to develop common policies on asylum and immigration.” The conclusions continue that these “common policies must be based on principles which are both clear to our own citizens and also offer guarantees to those who seek protection in or access to the European Union.” The European Council furthermore agreed to ensure “fair treatment of third country nationals who reside legally on the territory of its Member States”, to promote a “more vigorous integration policy” aimed at granting non-EU citizens “rights and obligations comparable to those of EU citizens” and to take measures to “fight against racism and xenophobia”. Information campaigns, opportunities for legal immigration, the prevention of smuggling and exploitation of migrants, stronger support for countries of origin and transit to promote the voluntary return of irregular migrants, and the conclusion of readmission agreements were considered for the efficient control of migration.⁵² In principle, these objectives have remained largely unchanged to date. However, in the following period (also against the backdrop of Islamist attacks) the focus increasingly turned to linking migration policy and the fight against terrorism. This was not only reflected in the focus on border controls, visa issuance and return policies, but also in reinforced discourses of insecurity and defence in the political discussion on migration.

4.1. Freedom of movement in the EU – migration of Union citizens

The migration of EU citizens and their family members to other EU Member States is comprehensively guaranteed by the right of free movement.⁵³

⁵² Cf. Presidency Conclusions of the European Council on the Special Meeting of the European Council in Tampere on 15 and 16 October 1999 (https://www.europarl.europa.eu/summits/tam_en.html).

⁵³ Cf. Art. 45 Treaty on the Functioning of the European Union (TFEU) and Art. 15 para. 2 Charter of Fundamental Rights of the European Union.

This is based on the EU's fundamental economic freedoms, in particular the free movement of workers and the freedom of establishment for entrepreneurs. EU citizens migrating to other countries in the Union therefore do not need an entry or work permit. The inherent objective of enabling citizens to actually exercise economic freedoms means that freedom of movement differs from the conventional instruments of foreigner and residence laws, in which considerations of sovereignty and immigration control and protection of the local population from competition play a particular role. This is often overlooked in political discussions.

The Treaty of Rome (1957) already guaranteed to citizens of the Member States of the European Economic Community the right to settle as workers or self-employed persons anywhere in the common area. Freedom of movement thus grants the right to migrate within the EC, and today in the EU, for economic purposes. In the 1990s, this right was extended beyond the economic sphere to a general – albeit not unlimited – right of free movement with European citizenship. This promise of freedom must be protected in a spirit of solidarity, particularly in view of economic and labour market problems in many Member States. Only in this way can the European Union continue to be perceived as a just idea and thus as a viable project for the future for all Union citizens.

Freedom of movement draws on the principle of non-discrimination of Union citizens to ensure fundamental equality with the nationals of each Member State, also with regard to social benefits. Obstacles impeding the freedom of movement must be dismantled throughout the EU. These principles also apply (with certain restrictions as described in Chapter VI.5.3) to Union citizens who become unemployed or are only marginally employed. Here, the categorical difference between the right to freedom of movement and conventional foreigner and residence laws becomes particularly clear.

Despite continuing challenges, freedom of movement within the EU represents a significant achievement of the process of European integration. Many Union citizens now take the possibility to migrate within the EU

for granted. Freedom of movement has contributed significantly to the fact that Europe is actually perceived as an “area of freedom” in everyday life.

4.2. Migration of third-country citizens

EU Member States agreed on a far-reaching communitisation of the policy areas of migration and asylum in the Treaty of Amsterdam, which was adopted in 1997 and came into force in 1999. This was followed by various legal acts to regulate the migration of third-country nationals, such as the family reunification Directive⁵⁴, the Directive on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment⁵⁵, the student Directive⁵⁶ and the Directive on a permanent residence right for long-term resident migrants in the EU⁵⁷. In addition, there are a number of EEC/EU association agreements (e.g. with Turkey) which ensure that the citizens of the states concerned enjoy to varying degrees similar rights to those of EU citizens.

In addition, there are also regulations under EU law in the area of flight and asylum (4.2.1). The issue of dealing with those seeking protection at the EU’s external borders in the Mediterranean is particularly problematic (4.2.2). Opportunities for family reunification are highly relevant from the perspectives of human rights and integration policy (4.2.3).

4.2.1 The Common European Asylum System (CEAS)

With the Schengen Agreement of 1985 and the implementing agreement that followed in 1990, Germany, France and the Benelux countries agreed,

54 Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification, L 251/12.

55 Directive 2009/50/EC of 25 May 2009, L 155/17.

56 Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service, L 375/12.

57 Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents, L 16/44.

among other things, to abolish border controls and to harmonise visa regulations. These regulations were supplemented already in 1990 by the Dublin Convention with a procedure for determining the state responsible for conducting an asylum procedure. Both agreements were initially treaties concluded between the governments of the states concerned. Until now, some EU Member States still do not participate in the Schengen system of open internal borders (Bulgaria, Ireland, Croatia, Romania and Cyprus), while there are also non-EU states in Europe where the corresponding regulations apply (Iceland, Liechtenstein, Norway and Switzerland).

Following the communitisation of immigration and asylum policies by the Treaty of Amsterdam in 1999, the EU adopted numerous legal acts which, as a first step, were intended to lead to the harmonisation of asylum systems in the Member States and to initiate the introduction of a Common European Asylum System (CEAS). Thus, minimum standards for conducting asylum procedures (asylum procedures Directive⁵⁸), reception conditions during the asylum procedure (reception Directive⁵⁹) and for the recognition of refugees and persons in need of subsidiary protection (qualification Directive⁶⁰) were established. The aim was to guarantee a comparable level of protection in all Member States. Building on the Dublin Convention, the so-called Dublin Regulation now determines in the form of a common EU legal act⁶¹ which Member State is responsible for conducting the asylum procedure. The core element of the “Dublin system” is the principle that only one Member State should be responsible

58 Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast), L 180/60.

59 Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast), L 180/96.

60 Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast), L 337/9.

61 Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast), L 180/31. It is now in its third version.

for conducting an asylum procedure. Usually, this is the state in which a person seeking protection first crossed the border into the EU. Germany came out strongly in favour of this principle – also in connection with the “model” of the controversial concept of safe third countries, which was enshrined in Article 16a of the Basic Law in 1993. Only in exceptional cases are EU Member States other than those at the EU’s external borders responsible.

In the Stockholm Programme of 2009, the EU states formulated the goal of creating a “Europe of asylum”, which should be a “common area of protection and solidarity.” In the same year, the Treaty of Lisbon entered into force, introducing the principle of solidarity and fair sharing of responsibilities among Member States for all legal acts adopted in the field of border control, asylum and immigration. The European Parliament was given a co-decision power on these issues at the same time. In practice, however, it is still the Member States at the Southern external borders of the EU where the majority of those seeking protection arrive⁶² and where asylum applications must generally be processed according to the rules of the Dublin Regulation. For years, the asylum systems in these countries have been too fragile to adequately guarantee the human rights and EU law requirements for the examination of asylum applications, for the reception during the asylum procedure and for integration after a protection status has been granted. The EU failed to recognise to the necessary degree the excessive strain that was placed, at least temporarily, on the asylum systems in the states at the external borders. In view of the living conditions in reception centres and the lack of minimum social protection, the European Court of Human Rights declared, as early as 2011, the return to Greece of those seeking protection to be in violation of human rights; this applies equally to transfers to Italy in special constellations, such as for families with small children. Returns must be considered and reviewed in light of this case law. Even when international protection is

⁶² Other external borders of the EU may also be affected, for instance in the Eastern Member States, depending on the conflict and crisis situation.

granted, the chances for integration in certain Member States tend to be meagre, especially if the persons concerned are particularly vulnerable.

These serious weaknesses of the Common European Asylum System became increasingly obvious with the growing influx of protection seekers from 2013 onwards. It was particularly evident that the regulations – contrary to the objectives agreed in Tampere and Stockholm – were neither designed nor suitable to ensure a fair distribution of protection seekers among the Member States. From 2015 onwards, distribution by “relocation” depended on a voluntary commitment of the receiving Member States, and the reception of persons rescued from distress at sea required the mediation of the European Commission on a case-by-case basis.

The so-called EU-Turkey deal of March 2016⁶³ was intended to halt or reduce movements of refugees to Europe via the Eastern Mediterranean route. In this legally non-binding declaration it was agreed that migrants without a justified claim to asylum would be returned directly to Turkey from the Greek islands. In return, EU states would take in Syrian refugees residing in Turkey, and assist Turkey in taking care of the refugees. From the very beginning, the question of how to determine, in a timely manner and in accordance with the rule of law, which arriving persons on the Greek islands would be entitled to a protection status proved to be problematic. After all, the right to a fair procedure, as enshrined in human rights and European Union law, continues to exist. In order to prevent overcrowding in the camps on the islands, it would at least have been necessary to have a well-staffed asylum authority on-site, competent, independent procedural counselling and a strengthening of the competent courts; alternatively people should have been transferred to the mainland. In both options, the provision of humane accommodation and the guarantee of adequate care would have been necessary. Instead, a disastrous situation was allowed to develop on the Greek islands, where the five existing camps were at times filled to ten times their capacity. This has

⁶³ <https://www.consilium.europa.eu/de/press/press-releases/2016/03/18/eu-turkey-statement/>.

been sharply criticised by the churches, as well as by international and European human rights institutions.

In 2016, the European Commission submitted a number of far-reaching proposals to reform the CEAS, which were discussed rather controversially. The legal acts were never adopted, as the parties were unable to reach an agreement before the European Parliament elections in 2019. In September 2020, the European Commission presented proposals for a New Pact on Migration and Asylum adding to and partially replacing the proposals of 2016. Its focus lies on strengthening the external border management and improving cooperation with third countries and countries of origin, especially with regard to returns. In addition, a mandatory solidarity mechanism is proposed, which, however, should only apply in the event of a crisis situation, if an EU Member State is under particular pressure, or if it has to deal with the reception of persons rescued from distress at sea. It does not stipulate that all Member States demonstrate solidarity by taking in protection seekers by way of “relocation”; instead, this should also be possible by taking on so-called “return sponsorships” – a euphemism that many perceive as cynical. Member States would therefore still not be obliged to relocate those seeking protection. In the EU Member State of first entry, a “pre-entry screening” should be carried out first, by which the persons would be assigned to different procedures. Not included are the usual provisions for information and legal protection of the persons concerned. Asylum procedures for persons coming from countries of origin with a comparatively low recognition rate are proposed to be carried out in an accelerated “border procedure”. “Normal asylum procedures” should take place for all other persons seeking protection, either in the country of first entry or in another Member State, provided it signals its willingness to receive the persons. Unresolved so far is whether the procedures should take place in closed facilities. In view of the current situation, especially on the Greek islands, it is unclear how the EU intends to ensure a swift asylum procedure at its external borders in a manner that respects the rule of law and human rights. With its proposals in the area of asylum procedures and on the revision of the Dublin Regulation, the Commission generally maintains the current principle that an

asylum application should be lodged in the Member State where the person first entered the EU. It is to be feared that the excessive burden placed on Member States with an EU external border will persist or even increase and that the duration of the procedures will become longer.

There have been growing efforts since 2012, also at EU level, to contribute to creating safe and legal pathways for refugees within the framework of reforming European asylum policy. One of the possibilities identified is the “resettlement” of recognised refugees from a third country at the request of UNHCR. So far, the EU’s resettlement programmes have focused on setting priorities and targets, and in addition on financial support to offer Member States an incentive to participate. However, like the intra-European “relocation” of asylum seekers, resettlement ultimately depends on the willingness of the respective Member State to grant admission. Although a greater degree of commitment would be desirable, it is fair to say that a larger number of EU Member States have participated in resettlement programmes since 2016 and the EU has been able to expand its pledges to UNHCR. The Covid-19 pandemic interrupted this trend in 2020. It is to be hoped that pledges for the admission of refugees will again rise considerably in the years ahead.

Europe has achieved a great deal in recent decades – also and particularly in the areas of migration and asylum. Yet, a practicable and at the same time solidarity-based asylum system that does justice to the concerns and needs of those seeking protection and guarantees a fair sharing of responsibility among EU Member States still does not seem to be in sight.

4.2.2 The situation of protection seekers and migrants at the EU external borders in the Mediterranean

Another problem that has increasingly come into focus in recent years is the way the EU and its Member States deal with migration to Europe via maritime routes. Here, the fight against people smuggling is played off against the right to effective access to an asylum procedure, safeguarding the human rights of migrants and the maritime and humanitarian duty to

rescue people from distress at sea. However, fundamental rights must not be violated even in the fight against crime. The coast guards of particular EU Member States at the external borders and also the European border agency Frontex are repeatedly accused of turning away the (often no longer seaworthy) boats with protection seekers, even towing them back into non-EU waters (“push-backs”) or failing to intervene against such action. Already in 2012, the European Court of Human Rights clarified that the prohibition of refoulement (non-refoulement principle) also applies on the high seas and must be respected by states.⁶⁴

The handling of shipwrecked protection seekers was and is particularly controversial. There has been widespread criticism – also from the churches – that there are no longer any effective sea rescue missions by the EU states, while at the same time civil society sea rescues are made more difficult or even prevented, and dubious cooperation is entered into with the “Libyan coast guard”. Shipwrecked persons who are pushed back or returned to Libya are at risk of the most severe human rights violations in the camps run by militias. Also criticized in this context is the aerial surveillance by the EU agency Frontex, which informs the “Libyan coast guard” of the position of boats in distress at sea, thus preventing access to protection in Europe.

Given the difficult situation at the EU’s external borders, proposals have been raised in the political debate to outsource the examination of the eligibility of refugees for international protection to third countries. However, the Southern states in the Mediterranean region have already rejected this several times. The proposal is also hard to implement for other reasons. For the EU would have to ensure that human rights are fully respected in the states concerned. This applies to the asylum procedures and to asylum standards as well as to the reception conditions for refugees. In view of the problematic human rights situation in most non-European Mediterranean countries, their often limited application of

⁶⁴ European Court of Human Rights, *Hirsi Jamaa and Others v. Italy*, Appeal No. 27765/09, Grand Chamber judgment of 23 February 2012.

the Geneva Refugee Convention and major deficits in the rule of law, this does not seem feasible in the foreseeable future. It remains unclear how it could be ensured that accommodation is provided in a humane manner and that those seeking protection are not deprived of their freedom. The unacceptable human rights situation on the Greek islands shows that the EU has not yet found a solution, even within its own territory.

4.2.3 Family reunification

In all contexts of migration, the protection of family life is of utmost importance – as a recognised human right of every family member, and for the chances of successful integration. The EU family reunification Directive regulates the requirements, scope and procedures for family reunification or preservation of family unity for third-country nationals legally residing in Germany and for recognised refugees. It must be interpreted in the light of fundamental and human rights obligations: the right to family life, the prohibition of discrimination and the principle of the best interest of the child.⁶⁵ These are also the yardstick for the design of family reunification for other third country nationals, in particular beneficiaries of subsidiary protection, and for German nationals with third-country family members abroad. Many EU Member States limit the right to family life to the core family of parents and their minor children. In most cases, reunification with other family members (parents of adults, siblings or other relations) is usually only permitted in cases of proven dependency or need.

Despite the special protection afforded to families by the German Basic Law (Art. 6 para. 1), the regulations on family reunification in Germany have been the subject of political controversy for more than 40 years. Most of the time, the focus is on how legal and administrative restrictions can be put in place. It often took years of court proceedings to achieve improvements in family reunification. At times the legislator has even withdrawn legal improvements that had already been adopted. On the one

⁶⁵ Art. 8 and 14 ECHR, Art. 7 and 9 GRC, Art. 3 and 6 GG, Art. 3, 9 and 10 CRC.

hand, German lawmakers have sometimes pushed the limits of the Basic Law and European legislation to curtail the possibility of family reunification for certain groups. On the other hand, they have also privileged family reunification for highly qualified foreigners, and thus in effect created different categories of families that are more or less worthy of protection. The high value of family unity is subordinated to the objective of migration control. This is in considerable tension with the fundamental ethical convictions of the churches and also highly problematic in terms of human rights (cf. also Chapter VI.2.1).

Church counselling services report that – in addition to restrictive legal regulations – the extremely lengthy and complex administrative procedures lead to frustration and despair among the families concerned. This applies both to family reunification for recognised refugees and the more limited reunification of beneficiaries of subsidiary protection, as well as to the reunification of third-country nationals with their family members in Germany. The hurdles include scheduling problems, difficulties in reaching the German missions abroad and other authorities, problems with the required efforts to learn the German language while still abroad, and the sometimes very high requirements for proof of family relationships or identity.

Current law recognises for citizens of the European Union and their family members – even if the latter are third-country nationals – that the protection of family life is fundamental to the exercise of freedom of movement and must therefore not be subject to any special restrictions. By contrast, a variety of measures to curtail family reunification in Germany have led to German citizens and citizens of third countries facing high and hardly comprehensible hurdles when they seek entry permissions for close family members from a third country.

Beneficiaries of subsidiary protection in Germany (most commonly refugees fleeing civil war) whose closest family members live outside of the EU face an even more daunting predicament. The quota of 1,000 persons per month for family reunification with beneficiaries of subsidiary pro-

tection remains an alien element within the legal regulations on family reunification. It is virtually impenetrable from a practical perspective alone, for example with regard to the question of the order in which applications are filed to determine when the quota is fulfilled. More serious is the fact that this regulation forces those seeking protection to live separated from their closest relatives (i.e. their wives or husbands and also their minor children) for years. When deciding on this restriction, the German lawmakers largely ignored that enabling family unity is necessary both in terms of integration policy and human rights.

Through its rulings, the Court of Justice of the European Union (CJEU) has repeatedly strengthened the right to family reunification and thus the protection of the family. It is to be hoped that these rulings are adequately respected in Germany and contribute to improving the situation of refugee families.

5. Migration and integration

Social cohesion is discussed controversially, especially with regard to migration. This often involves different understandings of integration (5.1). In this context, attention is also paid to the conditions and indicators for successful integration (5.2), the participation of migrants in the welfare state (5.3) and questions of long-term residence and naturalisation (5.4).

5.1. Integration – facets of a controversial concept

The concept of integration is controversial. Some see in it the demand that migrants adapt to the “host society”. In order to distance oneself from such an understanding, terms like “inclusion”, “participation” or “cohesion” are sometimes preferred. Criticism of the use of the term can be justified, for example, if “integration” is understood exclusively as demands on migrants, without including the openness of the respective host society towards social diversity. A narrow understanding of integration that relieves the host society of its duty to create the necessary conditions for integration would indeed be problematic. At the same time, the con-

cept of integration should not be dropped prematurely – the more so since it is constantly encountered in debates and conversations, not least in various studies and surveys. A closer look at its use and its facets therefore makes sense.

In the social sciences, integration is not necessarily linked to migration. Rather, integration generally means a permanent process of creating cohesion. Two important conclusions can be drawn from this already: firstly, integration is not a state, but a process. This also means: statements on the “state of integration” are snapshots; the struggle for cohesion is permanent. Secondly, integration never concerns only individual persons, migrants for instance, but describes processes in which the whole society is involved.

With regard to everyday life, integration processes mean the very concrete striving of people with a migration history for social participation, recognition or belonging. Simply put, such a process consists both of individuals adapting to framework conditions in society and of society’s framework conditions being adjusted to the needs and characteristics of immigrants. The latter is necessary because some personal characteristics simply cannot and should not be changed. An individual process of integration will not be successful if equal participation or recognition is denied because of these characteristics. For this reason, even integration concepts that rely on largely one-sided adaptation require the participation of the majority society: it must change the framework for social participation in such a way that social participation and social recognition are also made possible for newcomers. This may include active anti-discrimination policies and the acceptance of religious or linguistic plurality. The extent to which a society needs to adapt in order to achieve satisfactory participation and recognition of immigrants is the subject of political, media and academic debates on integration. The broad discussion about competing integration models cannot be comprehensively reflected here. However, at least the most important lines of conflict should be made clear; for they also influence political action and debates on migration policy.

In general, three philosophies can be distinguished with regard to the political consequences: (1) *Assimilation* models define integration as a predominantly one-sided adaptation of the individual to the framework conditions of the majority society. It is not necessarily assumed that this is the only desirable model of integration. But a change in the society's framework conditions in favour of a small group would be unrealistic in assimilation models. Instead, the focus is on processes of gradual adaptation of individuals to existing framework conditions, sometimes over several generations. A critical objection to this is that it can certainly be possible and sensible for societies to change framework conditions. And even in assimilation concepts, the integration of migrants will only succeed if discrimination is prevented. (2) *Multiculturalism* models emphasise the recognition of cultural diversity by state and social institutions. This approach, originally aimed at national minorities, has been increasingly applied to migrants since the 1980s. The underlying principle is that the granting of cultural rights, including the cultivation of one's own language and religion, creates a solid foundation for social, political and economic participation and recognition. This means that ethnic or religious groups can claim certain rights. Not just the absence of discrimination, but also the promotion of cultural practices of migrants is relevant. Multiculturalism is criticised for the inherent risk of fragmenting society into many small parts, each with their own values and culture. Furthermore, there are warnings against the oppression of individuals within cultural minorities. A set of binding values for all, usually based on human rights, is therefore usually included in all realistic concepts of multiculturalism. (3) *Post-migrant models* are linked to concepts of multiculturalism, while also criticising them. They argue that the struggle for participation of ethnic, cultural or religious groups ultimately perpetuates a one-dimensional perspective on belonging and recognition. They prefer instead a perspective that focuses on individual characteristics. Such models are in turn criticised for the fact that the need to construct and assert one's own identity can be a burden and is only feasible for a few people. Critics also object that many migrants willingly and voluntarily see themselves as belonging to certain groups and not only as individuals.

It is not necessary to espouse one of these integration models in order to engage in constructive debate on the issue of “integration”. What is important for one’s own orientation, is that integration is about two central goals: firstly, the cohesion of society and secondly, the opportunities for participation and the recognition of each and every individual. In any case, it must also be taken into account that a complete and unilateral adaptation of immigrants would be just as undesirable as an exclusive transformation of society’s framework conditions. It is therefore necessary to find the “golden mean” again and again for each specific question.

In the churches, approaches from all the models described are discussed. Both for reasons of principle and with regard to the practical experiences of the churches’ migration work, a one-sided view of integration is warned against. On the one hand, an understanding of integration that aims at complete assimilation – and thus non-recognition of otherness – can hardly be advocated. On the other hand, positions rooted in a radical cultural relativism should also be treated with scepticism, as they do not assume any shared foundation of values. Furthermore, for churches and for society as a whole, integration is not possible without conflict. The right ways to secure cohesion and to realise individual opportunities for participation and social recognition can, should and may be argued about.

5.2. Prerequisites and indicators for successful integration processes

5.2.1. Foundations of integration

Despite the outlined problems and reservations with regard to the various models of integration, criteria can be named which – especially from the churches’ perspective – are fundamental for successful integration processes. Integration in a comprehensive sense should always take into account several dimensions: the participation and recognition of individuals, and the cohesion of a society. A distinction must also be made between “social integration” and “system integration”: while the former refers to the persons acting, the latter is about the respective function and the interaction of social fields. “Social integration” and “system integration” go

hand in hand. Both areas are also important in the churches' integration work.

Solidarity

Integration needs solidarity; to be more precise: any societal and social integration requires practical solidarity and not just the consideration of interests. Integration is built not only on systemic prerequisites found, for example, in the legal system, but also on a moral order that has an integrating effect. An active civil society, to which church actors contribute decisively, ensures that human rights are upheld and promotes social cohesion. Through concrete acts of solidarity, mutual recognition of groups and individuals with or without a migration history is achieved. The sometimes perceived foreignness of migrants obscures the fact that they are also our neighbours. The idea of solidarity and the respect for human dignity it expresses are – beyond integration – relevant to all situations of disadvantage or degradation. It is important that churches – together with other forces in society – mobilise adequate value commitments.

A continuous process to achieve participation and recognition

Integration aims to expand the opportunities for all members of a society, including immigrants. Thus, integration is a continuous process that refers to the participation of all members of a society, to mutual socio-cultural and legal recognition. Participation means access to education, employment, housing, family, health, politics, culture and media. The opportunity to learn the German language is an important prerequisite for participation in German society. As the basis of cohesion, participation and recognition are mutually dependent. Without participation in key areas of society, there can be no belonging. Conversely, recognition is also a condition for participation, in order to perceive discrimination in key fields or even exclusion from the distribution of life opportunities or to avoid it from the outset. The negative effects of discrimination in the allocation of housing or jobs, for example because of foreign-sounding names, have already been proven. It is important to take countermeasures.

For successful integration, integrating migrants into a supposedly homogeneous “national society” is a misguided notion. Rather, it is helpful to imagine integration as an often arduous process of negotiating legal, political and cultural norms. In addition to the necessary validity of mandatory norms, as derived from the Basic Law and human rights, there are other areas where processes of negotiation are appropriate. In such negotiation processes, one must bear in mind that migrants usually have to face greater challenges at the individual level when it comes to making the necessary adjustments. It is therefore all the more important that they receive appreciation and recognition.

Relevance of institutions

Societal fields such as education and employment only work if the participation of the members of the society is sufficiently ensured. And participation itself is influenced by systemic processes such as institutional regulation of access. Public institutions such as authorities and educational institutions should establish and adhere to clear rules of access and the prevention of discrimination. The intercultural opening of social institutions is an indispensable prerequisite for successful integration.

Networking with other organisations in civil society, including immigrant organisations, belongs to the tasks of church institutions as it can improve the quality of counselling and assistance services. At the same time, it demonstrates that church actors can activate solidarity in a practical way. Likewise, churches must call for improvements in institutional rules for participation and implement them themselves in their areas of responsibility. It is relevant for successful integration not only to advise immigrants and their descendants, but also to involve them as advisors. This can counteract the misconception that migrants are generally needy.

Against exclusionary demarcations

When people or groups are reduced to their ethnicity or religion, it becomes more difficult to break down barriers between new and long-term

residents, and social exclusion is promoted. In contrast, integration means breaking down exclusionary boundaries. All in all, it is worth shifting the focus of the debate on integration as recognition of plurality and to see people in and with their diverse roles. Such an approach can also help to dismantle manifold misconceptions of other groups. Premature judgments and categorisations are neither reasonable nor justified. On the contrary: “othering”, the attribution of otherness, creates problems not only for the group labelled as different, but for society as a whole. Combating discrimination and prejudice is essential for successful integration processes.

Necessary distinctions

Integration policy must be able to specify the level at which integration is to take place and cohesion is to succeed: for example in families; in formal organisations such as schools, church congregations, associations, companies; in social fields such as employment, housing and health. Finally, it is also important to include political institutions at municipal, regional, national and also European level. Each of these areas or fields has its own modes of functioning, which can shape the course of integration.

Migrants are not a homogeneous group. They are different not only in terms of their reasons for migration, but also in terms of their level of education, age, gender, religion, ethnicity, etc. and have different needs and abilities. This also leads to different requirements for integration services. It is important that neither social differences nor cultural plurality become entrenched in permanent inequalities.

Plurality and openness

Integration also means accepting plurality, diversity and change as central features of modern societies and learning to deal with them positively. A climate of openness to social change in society is a crucial prerequisite for successful integration. Societies are diverse even without migration (cf. Chapter III). Migration can give such processes an additional boost. It ex-

pands the scope of ethnic and religious diversity. This can be understood as stimulating the development of intercultural competences – among immigrants and local communities alike.

Recognising cultural diversity may lead to a variety of conflicts, for example with regard to behaviours, gender roles, family relationships and dress codes. In an open society, such conflicts must be dealt with without violence or repression. Peaceful and respectful interaction always means seeing all participants as autonomous actors. Here, a church that is aware of its own plurality can serve as a positive example for other institutions in society. It is important not to prevent what is foreign, but to put one's own convictions and interests up for discussion in a culture of dialogue. Such a reflexive attitude towards migration can provide impulses for individual and collective development towards an adequate approach to social and cultural plurality by recognising areas of agreement and dealing with conflicts.

5.2.2. Indicators of integration

Since the EU Justice and Home Affairs Council adopted the “Common Basic Principles for Immigrant Integration Policy in the European Union” in 2004, there have been continuous forms of coordination and exchange between the Member States in the field of migrant integration. With the “Handbooks on Integration”, the development of the “Migrant Integration Policy Index” (MIPEX) and annual integration reports of the Member States, EU states have developed comparable indicators. Important indicators include the principle of equality and the prevention of discrimination, access to education and employment, the attainment of qualifications, reduction in school drop-out rates, assertion of the right to family life, access to housing and health, security of residence rights, naturalisation pathways and political participation, for example through voting rights in local elections.⁶⁶ Many Member States have reformed their mi-

⁶⁶ The most recent MIPEX report was published in December 2020 (<https://www.mipex.eu/key-findings>).

gration laws and integration policies based on the MIPEX reports that have been published every four years since 2004.

Germany's integration policies have progressed as well – partly as a result of the Immigration Act of 30 July 2004. Language and orientation courses and, above all, measures for the recognition of foreign professional qualifications have been improved. Since 2015, however, some changes in the law have led to a regression towards a more temporary understanding of residence, which means longer uncertainties for immigrants and refugees. Nevertheless, contrary to many fears, the social climate for integration in Germany has remained stable or even improved, as the Expert Council on Migration and Integration points out in its integration barometer.⁶⁷ This gives reason to be confident that Germany will be able to cope with current and future integration tasks, even under more difficult conditions.⁶⁸

5.3. Migration and the welfare state

Germany maintains a strong and established welfare state and a compulsory social insurance system to guarantee fundamental rights and to protect people in the event of illness, unemployment and social hardship. The welfare state plays a crucial role in social integration as a whole, including the integration of immigrants and their descendants. Compared to many societies from which migrants come, the gap in prosperity and social security is wide. In the political and societal debate on immigration, concerns are often expressed that the welfare state cannot provide for all those who wish to immigrate. The very question of whether there is any significant “immigration into the social systems” to begin with is controversial. There is no doubt that access to social welfare must be legally regulated, as is the case in Germany.

⁶⁷ Expert Council on Migration and Integration: Integration Barometer 2020 (www.svr-migration.de/presse/presse-svr/ib2020/).

⁶⁸ Cf. also the report of the Independent Expert Commission of the Federal Government on the Framework Conditions for Integration Capability from January 2021 (www.integrationsbeauftragte.de/resource/blob/215856/1840766/ec98464ec613b490d3f6e0242d094c40/bericht-fachkommission-data.pdf).

A welfare state that grants social protection to people coming legally to Germany for a certain period of time, is entitled, within the scope permitted by human rights, to establish differentiated rules for access. It is legitimate for people to migrate voluntarily in order to improve their living conditions; but potential receiving societies have fewer obligations towards them than towards those seeking protection. Labour migration allows benefit considerations to be made that are not possible with regard to the admission of refugees. However, there are also obligations of justice towards migrant workers and their societies of origin. Another distinction is to be drawn between protection seekers and third-country immigrants on the one hand, and EU citizens and their family members who migrate to Germany within the framework of the rules on freedom of movement on the other hand. The following outlines some different aspects of access to the welfare state, as well as challenges that arise for the welfare state in the context of migration.

5.3.1. Access to social benefits and integration into the welfare state

Migrants who reside legally in Germany, be it temporarily or permanently, are entitled to comprehensive integration into the welfare state. It would run contrary to the understanding of a democratic welfare state based on the rule of law to deny them social rights to which Germans and other residents are entitled. In addition, social rights guaranteed under human rights (such as housing, food, healthcare) of those who will probably only have a short stay in Germany or whose residence status has not yet been clarified, must also be safeguarded through access to certain social benefits.

A differentiation of social benefits according to residence status is only possible within narrow limits and must never be arbitrary. For the benefits of basis security, the Federal Constitutional Court has stated that “human dignity may not be relativised by migration-policy considerations”.⁶⁹ For those seeking protection who are still in the asylum procedure, and for

⁶⁹ Ruling of 18 July 2012, summarising statement 3 and margin note 95.

people who may not be deported, restrictions on social benefits have been enacted in the Asylum Seekers' Benefits Act. The legislator has justified these restrictions with the (so far unproven) assumption that the social benefits could have a "pull effect". The churches have repeatedly pointed out that for persons who are subject to the Asylum Seekers' Benefits Act, existing additional needs must also be taken into account. A possibly intended deterrent effect is not a legitimate reason for withholding basic social services from people (cf. also Chapter VI.2.2).

When migrants are included into the social welfare systems financed by levies, integration into the welfare state takes place. Of course, migrants can make use of the corresponding benefits, as they also finance the social welfare systems with their contributions. Since the German social security system with its various agencies (such as job centres, health insurance, pension funds) is rather complex, some entitlements are not known to all migrants and therefore remain unclaimed. This may be the case if there are no comparable benefits in the country of origin, or if the social system is organised differently there. Providing good social counselling here also helps to prevent immigrants from slipping into precarious situations.

The situation of internal EU migrants must be considered separately, as the rules on freedom of movement apply (cf. Chapter VI.4.1). EU citizens with employment status, with the right of residence for the purpose of schooling or training, and with a permanent residence right have full access to social benefits for themselves and the family members who are entitled to join them, even if they do not have a living wage. However, EU citizens exercising the right to freedom of movement for the purpose of seeking work do not have access to basic security benefits. Persons without gainful employment may only exercise their right to freedom of movement if they are able to finance their livelihoods by themselves. By contrast, self-employed persons and employees enjoy freedom of movement as soon as they engage in a commercially relevant activity. They are not required to provide for themselves completely. Rather, these groups are entitled to all social benefits that are granted to national employees in general. The question of support for those EU citizens who decide to stay

permanently in Germany without a secure income has not been sufficiently clarified. Even if there is no entitlement to benefits, minimum human rights standards must still be respected. While the common market has been further expanded, living conditions and welfare state protection have remained different in the Member States. A common regulation for minimum standards of basic social security remains one of the unsolved tasks at EU level.

The following applies in general: just like other migrants, EU citizens living and working in Germany should not be seen primarily as passive recipients of social welfare benefits. Rather, greater attention should be paid to the fact that migrants actively participate in financing the German welfare state through their social insurance contributions and taxes.⁷⁰

The churches are committed to preserving the consensus that social protection must follow the same rules for all people living legally in Germany.

5.3.2. Challenges for the welfare state

The challenges facing the social security system and the entire welfare state are changing with migration. The extent of these changes also depends on the scale of migration, on the level of qualifications migrants bring with them, and on how they can put these skills to good use. A large proportion of people with a migrant background have been successfully integrated into education and training and, as a result, into the labour market. They support productivity and economic performance in Germany and contribute to securing the welfare state with their social security contributions. At the same time, it should not be ignored that people with a migrant background on average score less well than the population without a migrant background with regard to key indicators of their social situation (unemployment, proportion of people without education, pov-

⁷⁰ Cf. Timo Baas: *Unionsbürgerinnen und -bürger in Deutschland – eine Übersichtsstudie zu Vorteilen und Herausforderungen bei der Inanspruchnahme der Arbeitnehmerfreizügigkeit*, EU Equal Treatment Office 2019 (www.eu-gleichbehandlungsstelle.de/resource/blob/207132/1583340/86fca213057490855bfb1ae1e2b64911/studie-2019-data.pdf).

erty risk rate, rate of basic security in old age). This is caused by many factors and is also the result of delayed or missed integration into the education and training system, but also of employment below the actual qualification and, not least, of discrimination. The close correlation between social background and educational attainments in Germany is a stumbling block for successful integration. As a result, persons with a migrant background have on average fewer opportunities on the labour market and are overrepresented in the social welfare systems.

Even though the welfare state in Germany is comparatively well-developed, its instruments have so far been insufficiently geared towards preventing hardship. Deficits in the education system and in the prevention of social hardship make the integration of persons with a migrant background and the participation of people from disadvantaged backgrounds equally difficult. They also have negative effects on political participation.

The admission of a large number of protection seekers in 2015/16 initially led to an increase in the number of persons with a migrant background receiving welfare benefits. Since in Germany the number of benefit recipients is often used as indicator of social problems, there is a risk of misinterpretation. If the Federal Government had refused to take in many refugees at that time, both the number of people receiving assistance and the poverty risk rate among the population with a migrant background would probably be lower. But one would hardly be able to say that Germany would be a more just country.

Many migrant workers are exploited in Germany. Some of the abuses in slaughterhouses and agriculture received much public attention during the Covid-19 pandemic in 2020. Labour exploitation violates the fundamental rights of the persons concerned and at the same time harms the welfare state. After all, a welfare state financed by taxes and levies depends on fair wages being paid and social security contributions being correctly transferred. Increased monitoring of workplaces and more decisive action to combat undignified working conditions would help workers gain their rights and dignity, but would also strengthen the welfare state.

Migration can bring to light problems that have been virulent for a long time. This carries the risk that they are then misinterpreted only as a consequence of migration. For example, the reception of a large number of refugees and increased immigration from the newer EU Member States Bulgaria and Romania has revived political attention to housing policy, although the need for action in this field is by no means new. Housing shortages also exacerbate integration problems. Increasing competition for affordable housing must be avoided in order to uphold acceptance of immigration. Such competition particularly affects people in the lower third of the income scale. Political action is needed to counter it effectively.

5.3.3. Mitigation of demographic change?

Social policy faces the major challenge of coping with demographic change. Although migration and successful integration cannot meet these challenges alone, they can help to mitigate them to a certain extent. A regulated migration policy can thus contribute to ensuring the sustainability of the welfare state. In the migration debate, there are repeated calls for migration to be managed clearly according to educational potential and the chances to make a productive contribution. This cannot apply to people seeking protection in Germany from existential threats. In the case of people who want to migrate in order to improve their living conditions, on the other hand, a differentiation according to qualification aspects is generally permissible.

However, questions of justice also arise here. Migration policy must be ethically responsible towards the interests of the countries of origin and their non-migrating population as well (cf. Chapter VI.3). Emigration may be in the interest of the countries if it alleviates a poor labour market situation, if the country benefits from the remittances of its nationals working abroad, or if returning labour migrants use the skills they have acquired abroad for the benefit of the country. Organised skilled migration programmes can be in the mutual interest of the country of origin and the host country, but should also guard the interests of the migrants. The potential benefits should not make us forget the risks. The departure of

talented people can leave a gap in the country of origin. It can be particularly detrimental when highly qualified and innovative people leave the country.

However, it should also be noted that well-trained professionals often do not have the opportunities in their country of origin that correspond to their qualifications. Developing sustainable programmes that do justice to the people concerned is of great importance and a challenge for the coming years. From a socio-ethical perspective, it is imperative not to pursue a migration policy that harms the countries of origin and curtails their development potential.

5.4. Questions of residence and citizenship law

5.4.1. Long-term residence prospects

In Germany, legal residence is the legally established and factual standard case. Particularly in view of the high number of people who have been “tolerated” for years or sometimes decades, there is a recurring discussion about which group of persons should be granted a residence permit for humanitarian reasons and thus the prospect of a permanent residence. Even people with legal residence often do not have long-term residence certainty. According to the Residence Act, they receive a residence permit, i.e. only a temporary residence title. They must fulfil additional requirements to receive an unlimited residence title (“settlement permit” or “permanent residence permit – EU”) after five years of legal residence. With regard to this “consolidation of residence”, a delay has been observed in practice in recent years: there has been a steady rise in the number of those who have a temporary residence permit for family or humanitarian reasons, although they have lived in Germany for more than five years. This also has negative effects on integration.

The churches and their counselling services must continue to pay attention to these developments – in exchange with the respective local Foreigners’ Authorities. Opportunities for integration in the search for train-

ing and employment, in business start-ups that are being prepared, or on the housing market must not remain unused because third parties are given the incorrect impression that a residence permit for a stipulated time is only a temporary stay in Germany. This is not the only reason why an unlimited permanent residence title after more than five years of legal residence in Germany should become the rule more firmly than it has been up to now. The EU long-term residence permit, which entitles people to freedom of movement within the EU, has also been used insufficiently so far.

5.4.2. Naturalisation

Equal dignity must also encompass a realistic option for equal participation. In Germany – as in many other parts of the world – this can only be achieved by acquiring citizenship. It is incompatible with the democratic principle of an immigration society if migrants and possibly also their children or grandchildren remain excluded from political participation for years and decades. Many people who have been legally resident for a long time, or who were even born here, are in fact severely restricted in their opportunities for political participation in Germany.

The number of naturalisations among both EU citizens and third-country nationals is comparatively low. In terms of social cohesion in Germany, it should not be left to political indifference that even people who have migrated from Germany's European neighbouring states are rarely represented in regional state parliaments or in the national parliament, the German Bundestag. If they are not naturalised, they also do not participate in regional referenda or plebiscites, as EU citizens may only vote at municipal level.

Compared to EU citizens, the different legal statuses of third-country nationals who have lived in Germany for a long time is even more serious. Depending on their residence title, the legal status of third-country nationals and their families is often weaker than that of EU citizens, who can in principle invoke the provisions of equal treatment enshrined in EU law

on the free movement of persons. On the one hand, this concerns stricter regulations on family reunification, but on the other hand, it also concerns problems that may arise – despite a long stay in Germany – when the residence title is extended: for example, in the case of unemployment, incapacity to work or an employment record that for other reasons shows gaps. Longer stays abroad can also lead to the loss of the residence title issued in Germany. The consequences of the relatively weak legal status of third-country nationals who have lived in Germany for a long time on integration policy should not be underestimated.

Nonetheless, the last two decades have certainly also seen progress: since the reform of the Nationality Act in 2000, the principle of place of birth (*ius soli*) applies in Germany under certain conditions, in addition to the principle of descent (*ius sanguinis*). In 2014, the obligation to opt for one citizenship, which obliged children who had acquired citizenship by birth in Germany to give up their other citizenship, was limited. Churches were among the advocates of this reform. The decision was particularly important because it not only largely reversed a measure that was counterproductive in terms of integration policy, but also more clearly underlined the principle that there should be no different classes of citizenship. This principle must also be observed in future debates.

Overall, it has not yet been possible to achieve a sustainable increase in the number of naturalisations. Additional reforms should therefore be pursued with regard to legislation, such as an expansion of the groups of persons entitled to naturalisation, and a reduction of the minimum period of residence. In addition, it should be avoided that people are forced to give up their previous citizenship when acquiring German citizenship. Changes are also required in the practice of naturalisation. The so-called naturalisation potential in Germany, i.e. the number of persons who fulfil all legal requirements for naturalisation, is already in the millions, even under current legislation.

Germany as a country of immigration should strive actively for a culture of naturalisation. This would require – especially on the part of the com-

petent authorities – a welcoming approach to the possibility of naturalisation and an emphasis on the positive aspects associated with citizenship. For example, Foreigners' Authorities could be instructed to provide information on naturalisation and on suitable advice centres. Simplifying administrative procedures to reduce waiting times and duration of procedures, among other things, would also seem to be reasonable. Church institutions are willing to participate in developing a culture of naturalisation, be it through counselling and education, participation in campaigns or other contributions to public discourse.

In view of the fact that Germany is constituted as a democratic polity, access to political participation should be open to as many people as possible who have lived in Germany for a long time. In the case of integration in general and naturalisation in particular, it is always important to examine how questions arising in the reality of an immigration society can be answered in an appropriate and humane manner.

Church action in a migration society: tasks and orientation

VII

The history of the Church as a community assembled by Jesus Christ (*ekklesia*) has been the history of people on the move from its very inception. Each of the Church's fundamental tasks can also be rendered as a migration story. In the proclamation of the Good News, in worship and in service to others, God creates a community in diversity. In addition to strong foundations in biblical theology and social ethics, a very everyday dimension is decisive for church convictions on questions of migration and flight: the experience of Christians who live a life *as, with* and *for* migrants.

What does migration mean for the churches in Germany? How do they fulfil their mission in a social and religious landscape that is changing due to migration? What characterises their commitment? What do they stand for together?

Pastoral care for migrants

German society is shaped by the experience of migration; just over a quarter of the population has a “migrant background”. The Church is equally diverse, and the life stories of many pastors and parishioners are biographies of migration. This plurality enriches society and the Church alike.

Christians who have migrated and continue to migrate to Germany, attach great importance to the opportunity of attending church services in their mother tongue and of celebrating rites in their accustomed form. “One Church, Many Languages and Peoples” – this is the guiding principle in the Catholic Church for the pastoral care of Catholics of other mother tongues.⁷¹ As there are always new first-generations of migrants, mother-tongue missions continue to grow. The increasing presence of believers from the Eastern Churches in communion with Rome is also raising awareness for the fact that the Catholic Church not only encompasses

⁷¹ Cf. *Eine Kirche in vielen Sprachen und Völkern: Leitlinien für die Seelsorge an Katholiken anderer Muttersprache* (Working Papers of the German Bishops' Conference No. 171, Bonn 2003).

many languages and cultures, but also a variety of rites.⁷² In view of the growing diversity of “international congregations”, the EKD, in turn, advocates cooperation with local congregations. Recommendations to its member churches include the development of new forms of congregations, culturally sensitive pastoral care and the integration of church employees.⁷³ Across denominations, the question arises how people with different backgrounds can find a home in church communities.

Besides the pastoral care that is specifically afforded to Christian migrants, there is also the pastoral mission in a wider sense: after all, love for one’s neighbour is the central yardstick and point of orientation for all church actions. Churches are called upon to provide pastoral care to persons in need, irrespective of their religion and belief. Especially people who have lost loved ones, are separated from their friends and family, who have suffered traumatic experiences during their flight, or are uncertain of their future prospects, require support and accompaniment. Pastoral services in refugee facilities are an important addition to other forms of support.

The Church of Jesus Christ has been shaped by migration from its inception. Today, too, it fulfils its pastoral responsibility for people on the move.

Accompaniment towards baptism

Particular pastoral accompaniment is needed when migrants espouse the Christian faith and express a wish to be baptised. Changing religion (“conversion”) calls for sensitive awareness of the significance of such a step. After all, not only do the baptism candidates renounce their previous religion, they may also experience detachment from the cultural context that shaped their identity, as well as from their family settings.

⁷² Cf. *Christen aus dem Orient: Orientierung über christliche Kirchen im Nahen Osten und Nordafrika und die pastorale Begleitung ihrer Gläubigen in Deutschland* (Working Papers of the German Bishops’ Conference No. 283, Bonn 2016) and *Kirchenrechtliche Fragen in der pastoralen Praxis mit Gläubigen der katholischen Ostkirchen: Eine Handreichung* (Working Papers No. 316, Bonn 2020).

⁷³ *Gemeinsam evangelisch! Erfahrungen, theologische Orientierungen* (EKD Text 119, Hannover 2014).

Baptism is preceded by preparatory steps that familiarise the candidates with the Church teaching and life, and gradually introduces them to the community of faith. The wish to be baptised is taken seriously as the expression of a free decision of conscience.⁷⁴ Congregations and parishes carry significant responsibility for the well-being of their new members, especially when the conversion to the Christian faith is questioned critically in official hearings and in court.

Refugees who turn to Jesus Christ and receive baptism are entitled to special accompaniment by the churches.

Understanding migration as normality, enabling integration

Caritas and Diakonie began their services to migrants already in the 19th century. With the increasing recruitment of “guest workers” during the 1950s, the church welfare organisations established counselling centres in more and more cities, soon supplemented by integration services. However, the widespread belief that Germany was not a country of immigration prevailed for a long time in politics and society; initially, therefore, no integration policy was developed. Integration only took place in everyday life, for instance in sports clubs and trade unions, in municipal settings, and in churches and their welfare organisations.

When the churches organised a first “Day of Foreign Residents” in 1975, it was certainly intended to set an agenda: guests should become fellow citizens, while strangers should become neighbours and friends. The day of action developed into the “Intercultural Week”, which is still celebrated every year at the end of September in over 500 cities, districts and municipalities on the initiative of the Protestant and Catholic churches and the Greek Orthodox Metropolis. Its objective remains to advocate for better political and legal framework conditions for the coexistence of the

⁷⁴ Cf. *Christus aus Liebe verkündigen: Zur Begleitung von Taufbewerbern mit muslimischem Hintergrund* (Working Papers of the German Bishops' Conference No. 263, Bonn 2009), pp. 63–64, and *Zum Umgang mit Taufbegehren von Asylsuchenden. Eine Handreichung für Kirchengemeinden*, published by Kirchenamt der EKD and VEF (2013).

host society and immigrants. What is mentioned here as an example is an underlying principle of all church action: to work to ensure that people in Germany – regardless of origin, religion, belief, gender and sexual identity – can live a life in dignity, freedom and security. This includes social participation, such as access to education, employment and taking part in shaping the community.

Integration affects all of society and is not limited to the field of migration. In fact, however, it is often the case that migrants are forced to overcome particular hurdles. It is therefore important that the host society creates favourable framework conditions for the participation and recognition of migrants. This also requires a fundamental openness to social change and cultural diversity. Migrants, in turn, must have both the willingness and opportunity to become familiar with and to appreciate societal life in Germany. Integration is a task that never ends. It must be understood as a multifaceted, reciprocal and continuous process.

As an immigration country, Germany needs a naturalisation culture that enables long-term residents to participate in shaping the political community as citizens with equal rights. Here, too, churches and welfare organisations can make an important supporting contribution with their counselling and education centres.

The prerequisite for social cohesion is the recognition of fundamental common norms of a liberal democracy and associated fundamental rights, such as respect for the dignity of every human being, gender equality, the right to physical integrity, freedom of belief and conscience, and freedom of expression and art. Anyone who degrades other people because of their world view, origin, gender or sexual identity violates this social consensus. This applies equally to the indigenous population and to immigrants.

The churches are all too aware of the painful lessons they have learned in this context. Tensions and ambivalences regarding the recognition of norms that are considered indispensable for liberal democracy and a pluralistic society are still found today. Becoming aware of such learning pro-

cesses makes clear that democracy and human rights cannot be solely assigned to a particular culture, religion or world view.

Integration is a two-way process – the churches are committed to enabling a dignified life and equal participation for all.

Fighting racism

The church leaderships in Germany and worldwide have clearly declared that racism is incompatible with the Christian faith. For the Catholic Church, the Second Vatican Council unequivocally stated that “any discrimination against men or harassment of them because of their race, color, condition of life, or religion” must be reproved as this is “foreign to the mind of Christ” (*Nostra aetate* 5). The World Council of Churches also joined with other church partners to affirm: “People of faith must condemn racism because it denies human dignity and membership in the one human family and distorts the image of God in every human being.”⁷⁵ The entirety of racist theories – whether they are based on biologicistic or culturalist assumptions – run contrary to the Christian image of humankind.

Our society has been massively shaken by right-wing extremist attacks and assaults in recent decades: refugee shelters have been set on fire, people attacked or murdered because of their origin; political leaders and volunteers who stand up for good ways of living together have fallen victim to threats and attacks; Jewish and Muslim places of worship have been desecrated.

The churches, too, must face up to this evident problem of racist violence and right-wing terrorism in Germany and be equally vigilant against structural racism. Although many initiatives bear witness to the resoluteness of Christian commitment against racism, racist notions, associated

⁷⁵ Message from the conference “Xenophobia, Racism and Populist Nationalism in the Context of Global Migration”, Rome 2018 (www.oikoumene.org/resources/documents/message-from-the-conference-xenophobia-racism-and-populist-nationalism-in-the-context-of-global-migration).

tensions and societal fault lines can also be found in the realm of the Church.

At times, the invocation of “Christian values” is also used to exclude and devalue people from other cultural or religious backgrounds. Whoever argues in such a way is engaging in a populist instrumentalisation of Christianity, which is firmly rejected by the churches.⁷⁶ Out of their Christian faith – and also because of their own history of guilt – the churches bear a special responsibility for overcoming all forms of enmity towards human beings. The churches vehemently oppose antisemitism, antiziganism, Islamophobia and other inhumane attitudes. In addition to initiatives by the dioceses, regional churches and other church organisations, the ecumenical federal working group “Church and Right-Wing Extremism” (Bundesarbeitsgemeinschaft Kirche und Rechtsextremismus, BAG K+R), makes an important contribution here. What the various actors have in common is the conviction that there is no place for group-focused enmity in churches and church institutions.

Racism denies the God-given dignity of each human being. The churches assume their responsibility for living together in mutual respect and appreciation and oppose all tendencies of enmity towards human beings.

Protecting religious freedom, promoting interreligious dialogue

Those who reject plurality often use bogeymen to defame and stigmatise entire religious communities. As different as the phenomena may be, Jews and Muslims fear for their safety because of anti-Semitic and Islamophobic resentments. They are entitled to the solidarity of the churches.

⁷⁶ Cf. for example *Dem Populismus widerstehen: Arbeitshilfe zum kirchlichen Umgang mit rechts-populistischen Tendenzen* (Working Papers of the German Bishops' Conference No. 305, Bonn 2019), the compendium of Protestant texts on engagement against right-wing populism and right-wing extremism (<https://www.ekd.de/texte-und-materialien-kirche-gegen-rechtspopulismus-49879.htm>) and the BAG K+R brochure “Einsprüche: Studien zur Vereinnahmung von Theologie durch die extreme Rechte” (Berlin 2020).

For the Christian churches themselves, recognising the high value of religious freedom involved a long learning history. Today we know: human dignity and religious freedom belong together. It is precisely for this reason that the churches stand up not only for their own rights, but also for the rights of Jewish, Muslim and other believers. There is a broad ecumenical consensus among church leaders worldwide that Christians should build “relationships of respect and trust with members of other religions” in order to “promote mutual understanding, reconciliation and cooperation for the common good.”⁷⁷

In the past decades, a variety of networks for interreligious dialogue have grown in Germany as well: in discourses at the level of senior clergy, in academia, in educational institutions and welfare organisations or in local synagogue, church and mosque communities. In addition to theological and spiritual exchange, dialogue of life and dialogue of action are of considerable importance: people from different religious communities quite naturally share their everyday lives and a common commitment to the society in which they live. Encouraging examples for this kind of inter-religious life and cooperation are found in the numerous Jewish-Christian-Muslim initiatives within the project “Do you know who I am?” (“Weißt du, wer ich bin?”). The spectrum ranges from interreligious and intercultural celebrations, practical assistance for refugees and educational work to the commitment to democracy and human rights.

Together with Jews, Muslims and all people of good will, Christians are committed to diversity and dialogue in order to contribute to social cohesion. The religious communities stand by each other when people are attacked, injured or even killed, and bear witness to their shared desire for peaceful coexistence. Support must be offered to church institutions, intercultural and interreligious initiatives and educational programmes that strengthen relationships between religions and cultures and thus promote democracy and the protection of human dignity in society.

⁷⁷ World Council of Churches (WCC), Pontifical Council for Interreligious Dialogue, World Evangelical Alliance (WEA): *Christian Witness in a Multi-Religious World* (2011).

A religiously diverse society requires the recognition and protection of religious freedom for all as well as lively forms of interreligious dialogue. The churches contribute to this, together with other religious communities.

Strengthening the rights of refugees

The Church's commitment to refugees has been developed and expanded to a considerable degree over recent years. Pope Francis' words on the mission towards refugees – "welcome, protect, promote, integrate" – stand as an interdenominational expression of what the churches are advocating.⁷⁸ Because Christians are called to stand up for the dignity of every human being, charity, service to others and solidarity do not know any boundaries based on origin.

Since 2015, several hundred thousand volunteers in Germany's two major churches have been active in helping refugees. Many of them continue to work with great perseverance for the participation of refugees: by teaching them about the language and culture in their new environment; by assisting them in dealing with authorities; by supporting them in finding housing or work; and by being there for them in a reliable way.

In addition to voluntary commitment, the various programmes run by Caritas, Diakonie and other church welfare organisations, relief agencies and religious congregations form the second important pillar of the mission to refugees: professional legal and procedural counselling, measures to promote language and integration, vocational counselling and educational services, special support for refugee women and underage refugees, psychological and medical care and international aid projects that benefit those seeking protection in countries of first reception. It is quite common to encounter close connections between professional and volunteer initi-

⁷⁸ Encyclical *Fratelli tutti: on fraternity and social friendship* (2020), No. 129. Cf. in addition *Guidelines for the German Catholic Church's Commitment to Refugees* (Working Papers of the German Bishops' Conference No. 282, Bonn 2016) and "... und ihr habt mich aufgenommen." *Zehn Überzeugungen zu Flucht und Integration aus evangelischer Sicht*, published by Kirchenamt der EKD (Hannover 2017).

atives. In addition, many projects are characterised by close ecumenical and civil society cooperation.

Christians must not be indifferent to the fact that more than 80 million people around the globe have been forcibly displaced. The churches will therefore remain resolute in their various efforts for the protection and rights of refugees.

Protecting families

The family is the fundamental form of community, preceding the state and other forms of social associations. Enshrined in the Basic Law, this protection extends to all families in Germany – also and especially to those with a refugee background. The European Convention on Human Rights also emphasises the importance of the family unit.

The churches have consistently advocated that persons granted subsidiary protection must also have a legal right to family reunification in Germany. Those seeking protection will find it easier to accept their new lives if they are united with their nearest and dearest. Children in particular, who have experienced severe psychological trauma through exposure to war and forced displacement, need an environment in which new trust can grow. In fact, however, numerous refugees in Germany will be forced to wait for many years before they have a chance of being reunited with their close family members, that is, with their husband, wife or minor children. The churches have consistently voiced their sharp criticism of this practice, both from an ethical standpoint and with regard to integration policy. The churches and their welfare associations take their responsibility for uniting families seriously: by providing practical and financial support, or by advocating for political and administrative improvements.

People need their families, and especially children need their parents. Reuniting families is a priority for the churches.

Supporting particularly vulnerable persons

Women seeking protection who flee alone or with their children are at particular risk of becoming victims of violence, sexual assault or exploitation. The situation of unaccompanied minors or those who are persecuted due to their sexual identity is similarly precarious.

The churches are concerned that the special need for protection of women and minors on the move should be accorded greater attention. The aim must be to enable them to live independent and empowered lives. This requires, among other things, accommodation where privacy is protected, as well as appropriate psycho-social support and suitable education programmes.

Unaccompanied minors, women on the move and those persecuted for their sexual identity are at particular risk of becoming victims of violence. The churches stand up for their protection.

Fighting exploitation and trafficking in human beings

Several million migrants around the world are victims of trafficking in human beings. Labour exploitation and forced prostitution are common in Germany as well. Church institutions come to the assistance of victims, both here and in the countries of origin: by providing social and legal counselling as well as practical assistance to those escaping exploitation. Often, members of religious orders and social workers are the only people victims can turn to in their desperate situation.

EU citizens are also often exploited in several relevant industrial and service sectors in Germany. They quite often work under inhumane conditions and well below a living wage. For years now, church welfare organisations have therefore been demanding equal treatment under social law and comparable minimum social standards throughout the EU.

High-ranking representatives of different denominations and religions signed a declaration in the Vatican in 2014 in which the faith communities pledge to do everything in their power to ensure that “modern slavery” is overcome and the victims are set free.⁷⁹ The churches in Germany feel equally committed to this goal, both in their charitable work and as advocates in the political and legal field. The necessary steps include projects that offer a viable exit for victims of human trafficking, as well as initiatives to prevent human trafficking in the countries of origin. In addition, church institutions can make a practical contribution in their business activities by eliminating exploitative practices from their supply chains.

The churches vigorously advocate for overcoming undignified working conditions and the liberation from modern slavery.

Helping people without residence documents to exercise their rights

Among the most vulnerable migrant groups are people who have neither a residence status nor a toleration permit. States have a legitimate interest in ensuring that people do not reside irregularly in their territory. At the same time, however, fundamental social human rights must be upheld despite a person’s unlawful residence, especially the right to education and health.⁸⁰

It took tough political wrangling before children of families lacking legal status were permitted to attend school without having to fear that their status might be disclosed. However, knowledge of this legal situation among school authorities and schools still needs to be significantly improved. When it comes to health care, legal uncertainties and information deficits persist for persons without residence documents, impeding their

⁷⁹ Declaration of Religious Leaders Against Modern Slavery (www.endslavery.va/content/endslavery/en/events/declaration/signed.html).

⁸⁰ Cf. the guide “Zum Umgang mit Menschen ohne Aufenthaltspapiere” (EKD Text No. 85, 2006), the working aid “Leben in der Illegalität in Deutschland” (Declaration of the Migration Commission No. 25, 2001) as well as more recent information on the website of the Catholic Forum “Leben in der Illegalität” (<https://forum-illegalitaet.de/>).

access to medical services. Among the consequences of this predicament is that even easily treatable conditions may develop into serious illness, or that high-risk pregnancies are recognised too late. Church services make an important contribution here, but cannot close the gap in healthcare provision. Additional steps are urgently required to uphold the right to health, regardless of residence status.

For people who – for various reasons – have been living irregularly in Germany for years, pragmatic regulations are needed that do justice to human dignity. This should include measures to regularise their residence, which has been effective in other countries. The aim must be to offer pathways into legality to protect people from exploitation and violence.

Undocumented people also have a right to education, as well as to health-care and medical services. The churches advocate for the preservation of their human rights and for pathways into legality.

Responsible support during return

Controversial discussions repeatedly flare up around the situation of persons who are required to leave Germany because their residence title has expired, their asylum application was rejected, or they are ineligible to apply for asylum in Germany. Some put forward the opinion that the rule of law would be adequately upheld if persons obliged to leave Germany did so as promptly as possible. Others counter that it is precisely for reasons of the rule of law that any danger to life, human rights violations and other humanitarian hardships these persons might suffer after leaving the country must be averted. The rule of law is characterised by the fact that an official and judicial decision can be reviewed and revised.

The churches do not categorically call into question a state's interest in ensuring that persons obliged to leave the country do return to their country of origin, or to a country that is responsible for their asylum procedure. However, the churches warn against declaring an increase in departure or deportation numbers as a desirable political goal in itself. The focus must

always be placed on protecting the dignity and physical integrity of the individual and on upholding the rule of law. If, after a thorough examination, it is determined that a return is responsible and reasonable, voluntary departures must be promoted and deportations avoided. No person seeking protection may be compelled to return to regions where there is a risk to life and limb. Deportations will generally remain irresponsible under pandemic conditions.

The aim of all agencies involved must be to ensure a return in safety and dignity. The rights of the person concerned must be fully respected before, during and after their return. This is one of the reasons why the churches fund deportation monitoring at some locations in Germany. These independent monitoring services seek to discuss any violation with the competent authorities and in doing so, improve the observance of human rights.

Church associations have provided counselling services to those obliged to leave Germany for many years. The churches continue to advocate for independent counselling without ties to the authorities as a means of avoiding conflicts of interest and uncertainty. This is in the interest of both those seeking protection and the rule of law.

The responsibility for protection seekers who leave Germany must not end with their departure. Instead, those returning to their home countries should receive assistance in building a dignified livelihood and reintegrating within society. Programmes run by aid agencies and their partner organisations are important here, alongside initiatives based on long-standing personal relationships between church institutions in Germany and returnees. The aid agencies face the stiff challenge of striking a balance between the concerns of those that have returned from abroad, the people migrating within the country and those that have always stayed at home.

The churches' responsibility does not end when people obliged to leave Germany must return to their country of origin or the country of first reception.

Return must take place in safety and respect for the dignity of the affected persons.

Averting humanitarian hardship

Experiences of the churches' work for refugees indicate that negative asylum decisions can lead to unreasonable hardship, even if they are formally and legally correct. Church agencies help protection seekers to find a suitable remedy in this kind of situation: for example, appealing against an official decision, filing a complaint or summary proceedings in court, submitting a petition or appealing to a hardship commission.

Once these means have been exhausted, a parish, congregation, or a religious order, may in a specific case arrive at the decision to offer sanctuary to the protection seeker, known in Germany as "church asylum". Those responsible must weigh up the extent to which the person might face a threat to life and limb or unacceptable humanitarian hardship in the event of deportation, and whether the legal requirements for a renewed examination of the case – such as resumption of the asylum procedure – are satisfied. The high degree of personal commitment involved in decisions by parishes, congregations and religious orders to assist those seeking protection in these situations, deserves appreciation and support.

In recent years, the German Bishops' Conference and the Protestant Church in Germany have consistently advocated that church asylum be respected as a last resort. They were able to agree on a procedural arrangement with the Federal Office for Migration and Refugees in 2015 after an initially controversial debate on church asylum. Since then, representatives of the two major churches have consistently called for adherence to this procedure, both towards church and government actors. It is important that the parishes, congregations and religious orders stick to the agreed communication channel and notify the federal office accordingly. In return, the state must guarantee that the described hardship is reviewed conscientiously and that official decisions abide by the principles of the rule of law. Ultimately, it must be in the interest of everyone involved to

find solutions that are legally viable and justifiable from a humanitarian point of view, and thus serve the supreme objective of the legal system, namely the protection of human dignity. This clear foundation on the highest value enshrined in our constitution means that church asylum, contrary to what is occasionally claimed, is not in opposition to the rule of law and its principles. Instead, it can contribute to strengthening the rule of law through frank communication with the competent authorities and persistent references to the presence of humanitarian hardship.

Besides the dedicated contacts in the regional Protestant churches and in the Catholic dioceses and regional offices, the Federal Ecumenical Working Group “Asylum in the Church” also contributes to the work in the field of granting sanctuary.

Granting church asylum to those seeking protection is a final resort to avert danger to life and limb. While fully acknowledging the rule of law, the churches call for the review of state decisions if the persons concerned are expected to suffer unreasonable hardship.

Advocating a European refugee policy based on human rights

The churches in Germany have, for a long time, called for a European refugee policy that is built on human rights, justice and solidarity. At European level, the Churches’ Commission for Migrants in Europe (CCME) works with the Conference of European Churches (CEC) to coordinate the work with refugees among Protestant and Orthodox member churches. Likewise, the Catholic Commission of the Bishops’ Conferences of the European Union (COMECE) with its Working Group on Migration and Asylum, as well as the International Catholic Migration Commission (ICMC), call for a refugee policy that is consistent with humanitarian principles.

The measures for which the churches are working together, include: high reception and procedural standards that are accepted and implemented by all EU Member States; effective sea rescue operations at the external bor-

ders; support for non-European countries of first reception; agreements for solidarity-based sharing of responsibility between EU states; and safe and legal pathways. Specifically, the churches are committed to ensuring the safe entry to Germany and Europe for those seeking protection by supporting family reunification or cooperating in humanitarian reception programmes. Also, in view of the catastrophic situation of refugees in camps at the EU's external borders, the churches are working hard for tangible improvements. This is done not least through concrete charitable initiatives on the ground.

The existing EU hotspots, especially in the Aegean, have significantly contributed in recent years to the deplorable circumstances in which protection seekers have been forced to live. Acts of violence along the shared external borders, including “push-backs” in the Mediterranean and the Balkans, blatantly contravene the fundamental rights enshrined in European law. Europe will be unable to overcome the humanitarian crisis at its external borders if it cannot agree on a fair responsibility-sharing mechanism and relocation programmes that take into account the concerns of host countries and refugees alike, as well as a clear focus on human rights.

Together with other actors of civil society, Christians in Europe are called upon to advocate for a reorientation of European refugee policy. It is an encouraging sign that in the meantime numerous cities, municipalities and districts from several EU states have expressed their voluntary willingness to receive those seeking protection.

The churches advocate a reform of European refugee policy based on solidarity and human rights. This includes safe and legal pathways.

Saving lives through search and rescue

Since 2014, the United Nations Refugee Agency (UNHCR) has registered over 19,000 refugees and migrants who attempted to cross the Mediterranean to Europe as dead or missing. The Mediterranean is considered one of the world's most deadly migration routes. The situation of refugees and

migrants in countries such as Libya, ravaged by civil war, is so desolate that people accept the risk of perishing in the Mediterranean. International law requires that people be rescued from distress at sea. Accordingly, EU states must not evade their duty to save human life at their shared external border.

Against this background, the churches have repeatedly advocated for an effective state-organised search and rescue mission in recent years. They have also drawn attention to the fact that cooperation with the “Libyan coast guard” leads to the violation of human rights. Non-governmental, civilian search and rescue operations are necessary and legitimate if it is no longer guaranteed by the EU community of states. Humanitarian organisations save lives, and also draw attention to political failures. Their work must neither be obstructed nor criminalised.

The churches have supported civilian search and rescue missions in multiple ways over recent years, for instance through pastoral care or political, legal and financial support. A sea rescue alliance was founded in the realm of the Protestant Church in 2019, tasked with deploying rescue vessels. It enjoys strong ecumenical and civil society support.

International law requires that people be rescued from distress at sea. Where this is not done by state institutions, civilian rescue at sea is necessary. The churches support search and rescue initiatives and oppose political attempts to prevent the rescue of people in distress at sea.

Assuming international responsibility

Migration and refugee movements are global phenomena. It is therefore important to think beyond the borders of Germany and Europe. More, not less, international cooperation is needed in questions of migration and flight. The Global Compact for Migration and the Global Compact on Refugees, whose negotiations were accompanied and supported by the churches, offer important starting points here. The Refugee Pact can, for example, help to provide countries of first reception with the support they

need, strengthen the refugees' own abilities to act and expand access to resettlement and other admission programmes in third countries.

People are forced to leave their homes due to poverty, war and environmental devastation. Therefore, a responsible migration and refugee policy is closely linked to a multilateral peace policy as well as to global efforts to combat climate change and enable sustainable development. The churches and their relief organisations are committed to ensuring that migration policy and development cooperation jointly serve the promotion of global justice. The aim is not to prevent migration, but to overcome the causes of forced migration. A rights-based and development-promoting understanding of migration is of central importance.

The churches will continue to promote the humane treatment of people seeking protection and of migrants as a global task.

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