

Policy on

*Asylum Seekers
& Refugees*



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A Report by the
Race Relations Committee
to the
2003 General Assembly
of the
Presbyterian Church in Ireland





1. The Presbyterian Church in Ireland (hereafter "PCI") as part of the Church Universal sees the challenge posed by asylum-seekers and refugees in a global context. Whereas at national and local level the issues are those of immigration, reception, provision and hospitality, the Church is in the first instance concerned about those conditions which cause displacement: conflict, oppression, unfair trading relationships, the arms trade, poverty and hunger. Through its Overseas Mission, World Development, Race Relations and Inter-Church Relations instruments the PCI, in common with other churches, often has first-hand, personal contact with such situations of distress. Accordingly the contemporary tide of displaced men, women and children needs to be addressed at its multifarious roots and by the community of nations in our increasingly inter-connected world.

2. **Historically** the question of refugees has been on the agenda of the churches at least since the end of the Second World War. Millions of children, women and men were displaced and rendered homeless through the years of conflict. This led to the setting up of the Commission on Inter-Church Aid and Refugee World Service (CICARWS) of the World Council of Churches, established in 1948. Ireland played its part. The Haven, a home for mainly Russian refugees, was opened in Dublin and supported by the churches of the Irish Council of Churches for many years. Concern for refugees continued through Christian Aid, Tear Fund and Trocaire. The recent influx of asylum-seekers and refugees from a number of countries into this island faces the Irish churches, like the rest of society, with a new set of challenges.


3. **Theologically and Ethically** the churches' concern is rooted in the biblical understanding of the dignity and worth of the human being.

- (i) *Individuals* are created in the image of God the Father, potentially redeemed through the Son, cherished by the Holy Spirit and called to fullness of life. They are accordingly deserving of respect, fundamental human rights and opportunity.
- (ii) The individual is set within the *family*, a factor which is perhaps of even greater importance for cultures where the extended family is the norm more than it is in Western societies with their focus on the nuclear family. This can have important implications for policy and provision for asylum-seekers and refugees.
- (iii) The Church is concerned also for *community*. This suggests variety and inclusiveness. As the world increasingly becomes a global village so the stranger who is different becomes increasingly our neighbour, with whom we must coexist and interact harmoniously.

4. Ultimately the Church's positive vision of inclusive community is derived from the heavenly vision, as expressed for instance in Revelation 7:9:

"After this I looked and there before me was a great multitude that no-one could count, from every nation, tribe, people and language, standing before the throne and in front of the Lamb."

5. However, despite policies of integration and programmes of community relations, experience has underlined the gap between vision and reality. Diversity easily



disintegrates into fear, suspicion, hostility and violence. For instance the former Yugoslavia broke down into ethnic conflict once the restraint of a Communist dictatorship was removed. Add race, which is usually a factor in the case of asylum-seekers and refugees, and the difficulty of achieving an inclusive community is heightened. Sociologists, psychologists, demographers, economists and political scientists all have their contribution to make to our understanding of such failures of human relationships; but for the Christian the diagnosis is sin, in both persons and societies. Neither are churches immune:

"We are obliged to confess that racism is a sin, not only of individual Christians, but of churches and societies at large. People have become accustomed to patterns of neglect of and contempt for others, of injustice and prejudice, of degradation and exploitation, and now regard them as 'normal'. This demonic pervasiveness of racism compels us to speak of 'collective sin'." "None is righteous, no not one." (Rom. 3.10). "We are thrown together in a solidarity of sin." (Racism in Theology: Theology Against Racism – Report of a Faith and Order Consultation, Geneva, 1974, p.7)

6. It is on the basis of our acknowledged complicity in this sin, as individual Christians and as a church, that the PCI calls on others also to face and confess their racism and aspire to a nobler vision. Christian faith asserts that in the Cross Jesus Christ identified himself with both the sinner and the sinned against, the oppressor and the victim. And through the suffering of the Cross He won the victory over the powers of sin and negativity:

"He is the victorious victim. Out of the depth of his suffering he is the Lord of history, a history undercutting the histories of demonic oppression and of the evil revolt against God." (ibid p.6)

"Because of the costly grace of Christ we are enabled to confess that racism is a sin which separates us from God and from our fellow human beings. Without it racism could be regarded as a disastrous fate which leaves us with despair or apathy." (ibid. p.7)

7. Therefore, despite the forces of negativity which often frustrate human schemes and dreams, the PCI seeks to bear faithful witness, in its words, in its actions and in its own life, to the possibility, under God, of inclusive and diverse human community.



8. The PCI is associated with the Churches' Commission on Racial Justice, a Commission of the Churches Together in Britain and Ireland. A member of the PCI's Race Relations Committee, Ms Fee Ching Leong, represents the Irish churches on the Commission. That Commission has set out a series of basic humanitarian values and principles which, with minor adaptations, the Race Relations Committee and the Inter-Church Relations Board now commend to the General Assembly as consonant with the above faith statement, and as applicable in both jurisdictions, as follows:

We believe that all people are created equal in dignity and personhood, and are made in the image of God. We affirm respect for the dignity and worth of every person regardless of nationality, ethnicity, culture, colour or religion. Human life, personal safety and physical security should be upheld in the law and practice of institutions; this concern for humanity is also reflected in international law and human rights instruments.

While recognising the need for controls, we believe that hospitality and compassion should underlie any approach to people seeking asylum and refuge. Misleading or disparaging terminology should be rigorously avoided when referring to asylum-seekers, refugees and other immigrants.

We believe that people seeking refuge in the UK or Ireland can enrich and enhance the cultural, religious, economic and political life of British and Irish society, and should not be treated with hostility and suspicion.

We believe it is the responsibility of the respective Governments and of the media to resist negative stereotyping of targeted groups (such as "Arabs" or "Algerians") and to promote the positive aspects of immigration among the general public, stressing the value of diversity and the contribution made historically by immigrants to society, and facilitating the social inclusion of immigrants as central to combating racism and racial discrimination.

While absolute respect for the right to seek asylum must remain, there is a need for international policies that will address the root causes of forced migration, such as the destructive aspects of international trade, conflict and poverty. The situation could be addressed in partnership with other Governments by developing conflict prevention and resolution measures, securing a massive reduction in international inequality, reducing the trade in armaments, and putting human rights standards at the heart of development policy.

9. The faith convictions and ethical principles outlined above will obviously lead the PCI to support or question specific immigration policies and practices and their implementation as these develop and as situations change. Moreover these principles will apply with varying relevance at any given time to the UK and the Republic. However we highlight the following current concerns:

(a) Terminology

Heightened concern about terrorism, the location of accommodation centres and alarmist press reporting have helped make asylum-seekers and refugees into an emotive subject. Terms are used loosely, such as "illegal immigrants" or "bogus asylum-seekers". But the seeking of asylum is a human right guaranteed by the 1951 Geneva Convention on Refugees and the 1967 protocol, to which both the UK and Ireland, together with some 130 other countries, are signatories. The Convention is an international treaty to which both countries are thus legally bound. Accordingly the right to apply for asylum is precisely that, a right and not a concession. Within the European Community this was underpinned by the 1999 Treaty of Amsterdam which includes in its objectives "absolute respect for the right to seek asylum" based on "the full and inclusive application of the 1951 Geneva Convention and its 1967 Protocol".

A person who applies for asylum (an asylum-seeker) and whose application is subsequently approved, is then granted the legal status of a refugee. A refugee is defined by the Convention as:

Someone who is unable to return to their country of origin due to a well-founded fear of persecution for reasons of race, religion, nationality, political opinion or membership of a particular social group, and who is not afforded protection by the forces of law and order of his/her own state.

This definition falls short of contemporary needs in several ways. For example, it does not include those displaced within their own country or those forced to leave for environmental reasons.

An asylum-seeker, that is a person who has applied for refugee status in a country other than their own, is legally resident in the receiving country until the application is processed. A person whose application for asylum is successful and who becomes a refugee continues to be legally resident in the receiving country. Thus informed, church members should courteously but immediately challenge anyone who refers generally to asylum-seekers or refugees as "illegals", "bogus", "economic migrants" and similar.

(b) Migrant workers/guest workers

With regard to the right to work it should be remembered that many asylum-seekers and refugees are highly educated and skilled, and are both willing and ready to contribute to the economy and to the common good of the receiving country. Many who themselves are or whose families were immigrants are making an invaluable contribution to business life and to institutions such as hospitals. But even here



questions need to be asked. As the Church and Nation Committee of the Church of Scotland comments:

"The West is quite happy to take in economic migrants if they are professionals, or technologically skilled. It welcomes the computer wizards of Bangalore but does not want the persecuted peoples of Sri Lanka or the Punjab". (Report to the General Assembly, May 2002, p5). We should also examine what effect our offer of lucrative posts to professionally qualified men and women from poorer nations is having on the quality of life for their own people – a brain and skills drain from them to us, to meet our exorbitant western needs!

(c) Freedom of movement and residence


The international Covenant on Civil and Political Rights (1966), which both countries have signed, states: *Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his/her residence.* (CCPR, Art 12 (1))

As noted above, the biblical understanding of what it means to be a human person suggests that we are most truly ourselves only in relationship to others, in family and community. Therefore, as Christians we are particularly mindful of the importance, for asylum-seekers and refugees, of being included in the wider community and maintaining natural friendship and contact with family. Policies which separate asylum-seekers from their family members, their ethnic or their faith community make it more difficult for them to integrate, to learn English or Irish, to become part of a worshipping community of their choice, and to access public facilities such as libraries, and so on.

(d) Immigration regulations and procedures

We support the continuing development of overall immigration policies in both Ireland and the United Kingdom, and of accompanying legislation, which is fair and transparent, and which honours both countries' obligations under international law. Such a policy should have at least the following features:

- (i) While taking a clear stand against illegal immigration, it should recognise and respect, without ambiguity, the rights of individuals to seek asylum. A "saving clause" or other provision should make allowance for the fact that asylum-seekers are not required to have the same documentation as other categories of persons entering the country.
- (ii) Decisions about the operation of such a "saving clause" should be made only by properly trained officials. They should have up-to-date, reliable information on countries of origin. While it is important to clamp down on traffickers, carriers should not be held responsible for making such judgements.
- (iii) Where a process, such as application for refugee status, involves a number of stages, and includes at any stage the right of appeal, legislation should



ensure that sufficient time is given for each stage to be fairly enacted. In particular, where translation or legal services are essential to the fair hearing of a claim, sufficient time should be allowed for such services to be accessed.

- (iv) The right to seek asylum should be clearly upheld as a right which applies to *individuals*. The concept of a "safe country" is misleading. It violates the principle that the right to seek asylum is an individual right, and that all asylum claims should be evaluated on an individual basis.
- (v) Regarding removals to EU countries, not all member states recognise persecution by non-government agencies as persecution within the meaning of the 1951 Convention. Those who have been persecuted and whose governments will not protect them should have the right to asylum.
- (vi) Consideration should be given to having asylum policy and administration taken out of the political sphere and handed to independent but accountable multiagency commissions in either country. These should have maximum communication and seek to harmonise policy and practice. In particular, the situation of students from abroad, guest workers (including church workers) and other immigrants, short-term or long-term, regarding crossing the border between the Irish Republic and Northern Ireland needs to be clarified.

(e) Accommodation centres

Recent publicity about the siting of accommodation centres locally, for example in a hotel in Sittingbourne in Kent, underline the difficulty of implementing a compassionate system of accommodation for asylum-seekers, while respecting the rights of local residents. Small, community-based accommodation is preferable to large accommodation centres, in which asylum-seekers are segregated from the local community. The standard of accommodation, cleanliness, safety and the nature of the regime should be subject to rigorous inspection and not left mainly to the discretion of the centre manager.

(f) Detention

"The churches remain absolutely opposed in principle to the detention of people who are not even suspected of committing any crime. (By the Geneva Convention) we maintain that those seeking asylum should not be detained, or held in prisons, unless they have been charged with a serious criminal offence – in which case their detention should be governed by criminal law procedures – or if there is evidence to support a suspicion that they are a threat to public safety." (CCRJ)

As a church we strongly endorse this view, recognising that it applies in Northern Ireland to the practice of detaining asylum-seekers in Maghaberry Prison – a situation generally recognised as unsatisfactory. We support bodies such as the Law Centre (NI) in urging that provision similar to Bail Hostels be made, enabling contact to be maintained with newly-arrived asylum-seekers, and services to be provided such as legal advice, welfare, translation services and assistance with form-filling.



(g) Children

Children's rights should be paramount: (i) Children and families with children should not be detained. (ii) Both Governments should be scrupulous in applying to asylum-seeking children the UN Convention on the Rights of Children. (iii) Regarding deportation, where children are involved in cases where refugee status might otherwise be refused, clemency should be shown. Families should not face the choice of being broken up or sent to a country which the children have never seen or can barely remember. (iv) In order to facilitate integration, children should be educated in local schools as far as feasible.

(h) Support and assistance

Regarding the Republic of Ireland:

The Children's Rights Alliance, a coalition of 72 NGO's concerned with children, made a pre-budget submission to the Government of the Republic in which it called for an increase in the weekly payments made to asylum-seekers in direct provision. The recommended increases are from Euro 19 to Euro 38.10 (adult) and from Euro 9 to Euro 17.90 (child). We support this increase but strongly maintain that such weekly payments should continue to be made to qualified recipients through the Department of Social and Family Affairs rather than be transferred to the Department of Justice.

Regarding the UK


We note with concern that asylum-seekers will continue to be expected to live on 70% of the basic levels of Income Support, leading to real poverty and consequent social exclusion. The new regulation requiring asylum-seekers to apply for acceptance at the point of entry and "as soon as possible", this being determined by the subjective judgement of immigration officers, seems set to lead to destitution. We note with concern that those staying with relatives rather than in a Centre may be denied any support.

Regarding Northern Ireland

While welcoming the fact that immigration officers now travel from Liverpool to conduct interviews at Belfast International Airport, we understand that, to date, cost of travel to and from the airport for those required to report weekly has still to be borne by them out of their basic weekly allowance.

(i) Offences

We note the following comment from the Churches' Commission for Racial Justice regarding the UK Immigration Bill, 2002: *"We welcome the fact that people bringing asylum-seekers to Britain will not be held guilty of an offence if they were acting on behalf of an organisation which exists to help asylum seekers. We worry, however, that those within the Churches or outside them who offer sanctuary to asylum-seekers who have been refused the right to stay in Britain but who church members believe would suffer gravely if sent home may be subject to an unlimited fine and*



fourteen years imprisonment. We intend to continue our attempts to build a sanctuary movement within the Churches in Britain, along the lines of the movement in Germany."

(j) Trafficking and Illegal Working

We note also the CCRJ's statements: "Those trafficked into prostitution should not be compelled to leave the UK when discovered – this would enable the traffickers to further exploit them on the grounds that going to the police will simply mean their being returned to the desperate situation from which they were trying to escape in the first place. Similarly giving the police and immigration officers power to enter and search business premises will not eradicate illegal working and will make those working illegally more subject to exploitation."



10. Invited to contribute to a PCI document for submission to a National Forum on The Future of Europe the Race Relations Committee have urged:

- That the issues of Migration, Asylum-seekers and Refugees be viewed within the EU context as primarily a European problem, to be addressed collectively, rather than as one which variously affects individual member states; and that the EU accordingly work towards a greater degree of equality between member states in welcoming refugees and asylum-seekers.
- That the EU recognise the moral responsibility of the Continent of Europe, both historically and in terms of contemporary economic structures, for those conditions in other parts of the world which produce huge numbers of uprooted people, not least within the continent of Africa.
- That the EU note the long-standing concern of many churches in Europe for refugees and asylum-seekers, recognising that care for "the stranger" is deeply rooted in the biblical vision of society and of relationships between nations.

11. **Additionally** the PCI questions the effect of the Dublin Convention, requiring asylum-seekers to apply for asylum in the country in which they first arrive. This appears to give too little recognition to factors such as language, already-resident family members and friends, and the need to cross other countries to reach, for example, Britain or Ireland by a land route. As noted above, the PCI, with the CCRJ, are concerned lest this lead to injustice, hardship, heartache and physical danger to those being returned to a country they did not intend to be their destination.

12. Public discussion about immigration, asylum-seekers and refugees has raised the issue of nationality, and with it citizenship, identity, diversity and unity. While celebrating diversity, a society or nation needs a common vision and shared values which transcend difference and make for social cohesion. It seems to us that part of the alarm created by the arrival in our midst of new neighbours stems from a lack of a positive understanding of what it means to be British, or indeed Irish. As the Presbyterian Church in Ireland we would encourage such a debate.

However as a church we share with others in the Christian family the bond of faith in the Lord Jesus Christ, membership in his Body, the Church Universal, and the vision of the Kingdom of God. We are uniquely placed to contribute to the discussion of the unity of that part of the human family which shares these islands.



13. While it is important that the PCI plays its due part in formulating and monitoring legislation, procedures and provision for asylum-seekers and refugees, and in shaping public opinion, as a church the PCI manifests itself primarily at local congregational level. It is precisely there that the church can meet, assist and relate to the asylum-seeker and refugee in practical ways.

14. **Accordingly the PCI encourages its congregations to become centres of welcome**, extending the hand of friendship and a caring heart to those who come as strangers into their locality. While it is sadly true that there have been incidences of hostility in local communities – one first-hand report tells of a refugee being spat at in the street – there are concrete examples of a different attitude. One congregation has initiated a Welcome Centre, now run in conjunction with other churches, which offers friendship over a cup of tea and referral services for such things as health, education, housing and so on. Such initiatives can best be taken in partnership with other interested parties locally, whether other churches or voluntary organisations, hopefully in partnership with statutory bodies.

15. **Many asylum-seekers and refugees are Christians.** A survey just completed for the Irish Council of Churches documents the significant contribution being made to church life, sometimes within mainline denominations, more often through both newly-founded ethnic churches or new church fellowships. It also describes some of the genuine difficulties of Christian communities with very different cultural backgrounds relating to one another. One member of our Race Relations Committee describes the integration of new immigrant members into existing local congregations as *"increasingly exciting and increasingly complex"* (Rev Alan Boal). In the Sunday School at Abbey Presbyterian Church, Dublin, some 8-10 nationalities are represented. To welcome "the stranger in our midst", whether Christian or of another faith tradition, can be described as the "home leg" of Overseas Mission.

16. **Individual Christians and congregations can foster understanding and counter uninformed prejudice in their local community.** Asylum-seekers and refugees make up a tiny minority of the resident population of Ireland, north and south. They face all of the challenges involved in adapting rapidly to a new culture, including, in some cases, learning a new language (though it should be remembered that many asylum-seekers not yet fluent in English are fluent in several other languages already). In addition, they may have had to leave their own country in traumatic circumstances and may be experiencing profound feelings of displacement, loneliness and grief. Therefore those of us who are part of the majority community have a particular responsibility to educate ourselves regarding the wider global context in which we all stand. This would include informing ourselves, for example, about the world-wide refugee population (most of whom are hosted by developing countries facing economic difficulties of monstrous proportions compared to ours); about the reasons people may have for seeking asylum in Ireland or the UK; about the policies of our own governments with regard to asylum-seekers and their need for housing, food, legal assistance, and so on; about the kinds of trauma that asylum-seekers may have experienced and the ongoing effects of such trauma; and about the links between people's reasons for seeking asylum and wider development and justice issues. We urge our local congregations to seek out or set up



adult education programmes covering such matters. One such example is a four-week intensive course leading to an international Diploma in Humanitarian Assistance, available in Dublin, through the College of Surgeons.

For prayer and further reflection



17. "Who is my neighbour?" We do not need to phone a friend or ask the audience to answer this question. We think we know. The Bible teacher who asked Jesus this same question thought he knew the answer too, but the response Jesus gave, in the form of the Parable of the Good Samaritan, pushes the boundary way beyond what he expected.

18. "Who is my neighbour?" Who is worthy of my help, my understanding, my forgiveness, my respect, my love? God's Word confronts our prejudice, fear, intolerance and hatred, and reminds us that we all need to be changed.

19. "Who is my neighbour?" The question broadens our horizons, breaks down the barriers of religion, culture, race and social class. It sets the scene for how we should treat and value those who come to this country as Asylum-seekers, Refugees or Immigrants.

Here is a Bible check-list for further meditation:

Who is my neighbour?	Luke 10:25-37
How to treat a foreigner	Leviticus 19:33-34
How foreigners can be a blessing	The book of Ruth
Justice, love and fellowship	Micah 6:8
Treating others as we treat the Lord	Matthew 25:31-46
The gift of hospitality	Hebrews 13:2
Breaking down barriers	Ephesians 2:11-22

20. *What the Bible says about the Stranger* (The Churches' Peace Education Programme, Interchurch House, 48 Elmwood Avenue, Belfast BT9 6DW).

No welcome Here? Asylum seekers and refugees in Ireland and Britain. Published by Democratic Dialogue, 53 University Street, Belfast BT7 1FY.

A Place of Refuge? Asylum seekers and Refugees in Northern Ireland: a Needs Assessment, by Dr Robbie McVeigh.

Forced to Flee: frequently asked questions about asylum seekers and refugees, by the Refugee Action Group (both available from the Multi-Cultural Resource Centre, 9 Lower Crescent, Belfast BT7 1NR).

Comments, questions or requests for further information will be welcomed by the Committee. Send to:

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