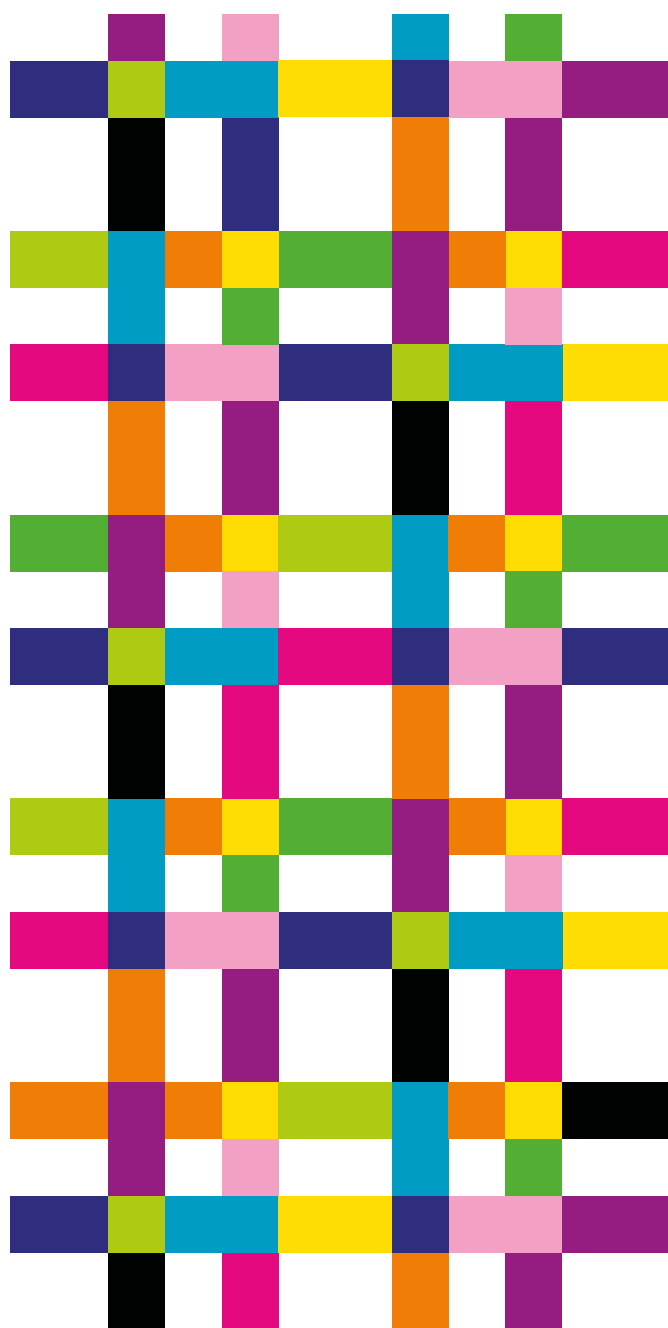


Migration Policy

THE SYNODAL COUNCIL'S POSITION



Reformierte Kirchen
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Human migration has been a fact throughout the world for centuries. For a long time Switzerland was a country of emigration, with 19th-century famines and population growth leading to mass emigration. These days, Switzerland has become predominantly a country of immigration. Huge movements of refugees and migrant people are a feature of the southern hemisphere, where countries are barely able to cope with resulting pressures. In other words, migration has affected Switzerland for centuries, both in terms of giving and of taking, and both as a country of emigration and as a host country.

However, migration issues are controversial. The arrival of people from different linguistic, cultural and religious backgrounds can indeed cause problems and put the identity of the host community to the test. This will continue to be the case for as long as increasing numbers of people see migration as offering them the hope of better living conditions, and for as long as our economy continues to require both very highly-educated and very low-skilled foreign workers.

But there is another factor fuelling debate on migration policy: many members of the public are deeply ill at ease and unsettled by the pace of change in the world. Populists tap into this unease, which they rush to blame, often successfully, on “foreigners”. They employ xenophobic, not to say racist slogans to deflect attention from the many complex causes of public unease. However, the populist remedies offered are too simplistic. What is neglected is not only a policy of searching for real solutions but also a mode of conduct guided by Christian ethics and the belief in human rights and the rule of law.

This paper by the Synodal Council of the Reformed Churches Bern-Jura-Solothurn seeks to explain what is at stake in these debates: the humanity which our Christian faith requires us to exercise, but also human rights enshrined in law and the constitutional rights declared by Switzerland.

Little is truly new about these principles. In matters of migration the churches have for decades supported the vulnerable, seeing this as a biblical obligation. The



Old Testament continually reminds the people of Israel of their experiences as strangers bound in slavery in Egypt calling them to show solidarity with people living as strangers in an alien land. The New Testament takes this further when it states that in a meeting with a stranger the Christian encounters Christ himself, that whenever a stranger is welcomed, it is Christ himself who is welcomed. In their Constitution, the Reformed Churches Berne-Jura-Solothurn affirm that “the Word of God applies to all areas of public life, including the state and society at large, business and cultures” (art. 2:4). Wherever necessary, therefore, the church will even raise its voice against the state and society in order to support people in their struggle for their rights. For it is the conviction of the church that in so doing, it is helping the state to respect the fundamental and human rights inscribed in the Swiss Federal Constitution. The church therefore sees its role of critical observer as an expression of solidarity with the state and society.

The Synodal Council intends that the seven principles listed below form a basis for discussion within the

church, and serve as guidelines in the public debate on migration issues. The principles are intended for persons of authority within the church, for staff members and for all parishioners, but especially for individuals working in the area of migration. The quotations from the Bible, the Swiss Federal Constitution and human rights declarations that preface each of the seven principles are there to provide pointers and stimulate discussion. Passages from the Bible are not intended as “proofs” but rather as good examples extracted from the great wealth of biblical testimony.

Each of the seven principles is further complemented by some brief theological reflections and comments on issues of migration policy and the life of migrants.

The final section entitled “What can we do?” contains suggestions for action by different church bodies. The Migration Service of the Reformed Churches Berne-Jura-Solothurn will be happy to assist and provide support in organising talks; it can also supply specific project documentation, information and other materials to encourage practical implementation in the parishes.

All people are made in the image of God, and must therefore be protected in their dignity.

Testimonials from the Bible

“So God created man in his own image, in the image of God he created him; male and female he created them.” (Gen 1:27)

“[...] but the seventh day is a sabbath to the LORD your God; in it you shall not do any work, you, or your son, or your daughter, or your manservant, or your maidservant, or your ox, or your ass, or any of your cattle, or the sojourner who is within your gates, that your manservant and your maidservant may rest as well as you. You shall remember that you were a servant in the land of Egypt, and the LORD your God brought you out thence with a mighty hand and an outstretched arm.” (Dt 5:14-15)

“There is neither Jew nor Greek, there is neither slave nor free, there is neither male nor female; for you are all one in Christ Jesus.” (Gal 3:28)

From a theological point of view, all people have an unconditional right to respect for their dignity. Universal human dignity is not bestowed upon people by human communities and societies, but comes before all human decisions. Human dignity is grounded in the fact that the Triune God is devoted to all human beings without exception, as the Father who created them; as the Son of God, Jesus Christ, who died on the Cross for all and who rose from the dead; and as the Holy Spirit who gives life to, renews and protects Creation. Hence, human dignity must be protected unconditionally.

Constitutional and human rights

“Human dignity must be respected and protected.” (Constitution of the Swiss Confederation [CSC], art. 7)

“Everyone has the right to privacy in their private and family life and in their home [...]” (CSC, art. 13)

“No one may be deported to a state in which they face the threat of torture or any other form of cruel or inhumane treatment or punishment.” (CSC, art. 25)

“Everyone has the right to seek and to enjoy in other countries asylum from persecution.” (Universal Declaration of Human Rights [UDHR], art. 14)

We desire that all people entering Switzerland be perceived first and foremost as individuals worthy of human dignity, and that the notion of providing asylum to people in need be upheld. We therefore oppose a paradigmatic shift in the Swiss Federal Asylum Act that would relegate the protection of persecuted human beings to a secondary level while according priority to deterring such people and protecting the native population from allegedly excessive numbers of asylum seekers.

We desire that human beings be respected as individuals rather than being perceived as mere workers. We therefore strongly oppose the misuse of workers as a source of labour when the economy requires it and the revocation of their and their family members' residence permits when they are no longer in gainful employment.

We also desire that human dignity be respected within migrant groups, and strongly oppose any form of physical or mental abuse or oppression, even if such actions are said to be justified by cultural tradition.

Fundamental rights must apply equally to all people.

Testimonials from the Bible

“For the assembly, there shall be one statute for you and for the stranger who sojourns with you, a perpetual statute throughout your generations; as you are, so shall the sojourner be before the LORD. One law and one ordinance shall be for you and for the stranger who sojourns with you.” (Num 15:15f)

“For if a man with gold rings and in fine clothing comes into your assembly, and a poor man in shabby clothing also comes in, and you pay attention to the one who wears the fine clothing and say, ‘Have a seat here, please,’ while you say to the poor man, ‘Stand there,’ or, ‘Sit at my feet,’ have you not made distinctions among yourselves?” (James 2:2-4)

Constitutional and human rights

“Everyone shall be equal before the law. No one may be discriminated against, in particular on grounds of origin, race, gender, age, language, social position, way of life, religious, ideological, or political convictions, or because of a physical, mental or psychological disability. Men and women shall have equal rights. The law shall ensure their equality, both in law and in practice, most particularly in the family, in education, and in the workplace [...]” (CSC, art. 8)

“[Children and young people] may personally exercise their rights to the extent that their power of judgment allows.” (CSC, art. 11:2)

The universality of human dignity grounded in theology finds legal expression in the principle of equality before the law. Both the protection afforded by law and the obligation to uphold the law therefore apply regardless of any differences in gender, race, social position or religious conviction. Anyone who resides within the confines of a country has a right to protection and care. There is a great risk of this universal right to protection being repeatedly undermined by particular political interests. Given these tendencies the churches are obliged to champion unconditional respect for fundamental rights.

We desire that the fundamental human rights of all those residing in Switzerland be respected, and that immigrants – men, women and children – may in reality be able to claim their rights. We oppose any attempts by locals to take advantage of the precarious legal status of migrant people.

We desire that all forms of racism and discrimination be overcome. We oppose racial tendencies in daily life and new laws that encourage a spirit of discrimination. We are also opposed to migrants themselves exercising any discrimination in the name of religion or culture.

The socially disadvantaged and minorities deserve our particular solidarity.

Testimonials from the Bible

“Is not this the fast that I choose: to loose the bonds of wickedness, to undo the thongs of the yoke, to let the oppressed go free, and to break every yoke? Is it not to share your bread with the hungry, and bring the homeless poor into your house?” (Is 58:6-7)

“Truly, I say to you, as you did it to one of the least of these my brethren, you did it to me.” (Mt 25:40)

“He has shown strength with his arm, he has scattered the proud in the imagination of their hearts, he has put down the mighty from their thrones, and exalted those of low degree; he has filled the hungry with good things, and the rich he has sent empty away.”

(Lk 1:51-53)

Constitutional and human rights

“[...] and that the strength of a people is measured by the well-being of its weakest members [...]” (CSC, Preamble)

“Persons in need and unable to provide for themselves have the right to assistance and care, and to the financial means required for a decent standard of living.” (CSC, art. 12)

“The Confederation and the Cantons shall [...] endeavour to ensure that:

- a) everyone has access to social security;
- b) everyone has access to the health care that they require;” (CSC, art. 41,1)

The intention of God’s actions towards his creation is for all creatures to be able to participate in the fullness of his gifts. As not every one of his creatures can partake to the same degree, God primarily focuses on those who have been excluded. The Old Testament shows God as giving priority to the poor; in the New Testament, Jesus’ actions and words make it clear that God sides with the sick, the marginalised and the outcast. From its earliest days, therefore, the church has felt duty-bound to demonstrate particular solidarity with the disadvantaged among us, and has exercised this duty through its welfare work.

We desire that state and society take heed of people living on the margins, provide them with the necessary protection and help them rediscover purpose and the ability to act for themselves. We deplore the fact that migrant people tend to be overlooked, and that many are falling through the social welfare net as they refrain from drawing benefits out of a fear of potential consequences. We refuse to accept that minimal assistance to people in need should be perverted into an instrument of deterrence.

We desire that political circles address the issue of undocumented people in a realistic manner that places the individual at the centre. We reject priority being given to the implementation of the law on foreigners rather than respect for fundamental rights.

Social cohesion shall be promoted, both in Switzerland and across the world.

Testimonials from the Bible

“And the effect of righteousness will be peace, and the result of righteousness, quietness and trust for ever.”

(Is 32:17)

“[...] to guide our feet into the way of peace.” (Lk 1:79)

“And there was given to him the book of the prophet Isaiah. He opened the book and found the place where it was written: The Spirit of the LORD is upon me, because he has anointed me to preach good news to the poor. He has sent me to proclaim release to the captives and recovering of sight to the blind, to set at liberty those who are oppressed, to proclaim the acceptable year of the LORD.” (Lk 4:17-19)

God’s intention that all his creatures share in his gifts – and thus are enabled to live in peace, freedom and justice – is universal. This truth is reflected today in a positive way in that the peoples of the world depend on each other for their prosperity. On the negative side, however, the demand for resources and greed for power in one part of the world are the cause of hunger and misery in many other parts. The challenge for countries in the northern hemisphere consists in not only recruiting highly qualified specialists from countries in the south, but also sharing the burden of global migration. Measures for effective integration and the establishment of a culture of mutual respect will contribute towards social cohesion in our country, and to stability and solidarity contribution mechanisms in international relations. God’s universal saving obliges the church to perceive as “neighbours” even those who live in distant lands, and to champion their welfare with equal vigour.

Constitutional and human rights

“The Swiss People and the Cantons, mindful of their responsibility towards Creation, resolved to renew their alliance [...] in a spirit of Solidarity and Openness towards the World, determined to live together with mutual Consideration and Respect for their Diversity, conscious of their common achievements and their Responsibility towards future generations, [...]”

(CSC, Preamble)

“Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.” (UDHR, art. 28)

We desire that cultural diversity be tapped into as a source of creative potential and strength for our society. We desire that integration be perceived as a process with many aspects. We oppose prejudices against cultural and religious groups that lead to tensions and divisions in the lives of our communities.

We desire that migration and development policies promote peace and respect and uphold the defence of human rights. We are opposed to a cherry-picking migration policy that encourages the emigration of highly-educated and highly-skilled labour (brain drain) from less developed countries.

All are called to contribute to the good of our society and the protection of its political culture.

Testimonials from the Bible

“But seek the welfare of the city where I have sent you into exile, and pray to the LORD on its behalf, for in its welfare you will find your welfare.” (Jr 29:7)

“So whatever you wish that men would do to you, do so to them; for this is the law and the prophets.” (Mt 7:12)

“You are the salt of the earth; but if salt has lost its taste, how shall its saltiness be restored?” (Mt 5:13)

God’s commandment obliges each and every one to participate actively in a community in which all can live in peace, freedom and justice. It is an obligation that includes all areas of community life, including the family, the church, civil society and the state. In all these areas we are called upon to contribute our strengths, skills and ideas that we may thrive in our lives together. The prophetic Word deals in different ways with situations of exile and migration, but it is precisely when people most reject their new environment and most intensely yearn for their homeland that the Word insists upon integration mechanisms to enable all to flourish. It follows, then, that migrant people are called upon to the best of their ability to embrace responsibility in their new situation, and that the state and our society should create the right conditions for this to happen.

Constitutional and human rights

“The Swiss People and the Cantons, [...] determined to live together with mutual Consideration and Respect for their Diversity, [...], and in the knowledge that only those who use their freedom remain free [...].” (CSC, Preamble)

“All individuals shall take responsibility for themselves and shall, according to their abilities, contribute to achieving the tasks of the state and society.” (CSC, art. 6)

We desire that fair and objective discussions take place involving all concerned, and that the fears of community members be addressed and analysed to establish what lies behind them. We oppose any stirring up of unreasonable fears and the vague fear of “being overrun by foreigners” as well as the misuse of individual cases in order to discredit all migrant people.

We desire that all people be given the chance to participate fully in and to be responsible members of the community in which they live. We refuse to accept the fact that not all migrants are accorded this opportunity.

We desire that Christians aid and assist people in need. We oppose the punishment of people who selflessly assist needy and vulnerable people who have no residence permit.

The exercise of religion shall be respected as a source of personal identity.

Testimonials from the Bible

“And Sarah died at Kir’iath-ar’ba (that is, Hebron) in the land of Canaan; and Abraham went in to mourn for Sarah and to weep for her. And Abraham rose up from before his dead, and said to the Hittites, I am a stranger and a sojourner among you; give me property among you for a burying place, that I may bury my dead out of my sight.” (Gen 23:2-4)

Constitutional and human rights

“Everyone has the right to choose freely their religion or their philosophical convictions, and to profess them alone or in community with others.” (CSC, art. 15)

“[...] this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.” (UDHR, art. 18)

Religious faith is one of the fundamental aspects of human identity. In theological terms, it is revealed in the Bible that God is unconditionally devoted to mankind, and in turn expects unconditional devotion from mankind. Each person is responsible for their own relationship with God, which is therefore a matter of personal conscience. However, this relationship is lived out not just by the individual but always also in the community. It follows, therefore, that not only should each individual’s decision of faith be protected, but also the faith that is professed in communal forms. The Christian churches’ attitude towards other religions must therefore be characterised by respect, openness and an active desire for dialogue.

We desire respect for religious pluralism in our country, and that members of all religions be allowed to profess their faith both in private and in public. We refuse to accept that members of other religions should be deprived of the opportunity to pass their faith on to the next generation, be that by teaching their children or training specialists who are able to contextualise their faith within our country’s societal fabric.

We desire that all people be allowed to choose their religion freely. We oppose any disregard for religious freedom or any other fundamental rights in the name of religious rules and regulations.

The family is to be protected as the foremost place of belonging, fulfilment, mutual acceptance and integration.

Testimonials from the Bible

“When a man is newly married, he shall not go out with the army or be charged with any business; he shall be free at home one year, to be happy with his wife whom he has taken.” (Dt 24:5)

“Now when they had departed, behold, an angel of the LORD appeared to Joseph in a dream and said, Rise, take the child and his mother, and flee to Egypt, and remain there till I tell you.” (Mt 2:13)

“For this reason a man shall leave his father and mother and be joined to his wife, and the two shall become one flesh. This mystery is a profound one, and I am saying that it refers to Christ and the church.” (Eph 5:31-32)

According to the first chapter of Genesis, mankind was created as man and woman; people therefore since the very beginning have been orientated towards community. The very core of human community is the family, in which man and woman live together in profound intimacy, and in which children may experience the protection and security they require to thrive. Children are among the weakest and most vulnerable members of our society; this applies particularly to children of immigrants. Special care must therefore be given to the family as a setting primarily intended to protect children.

Constitutional and human rights

“The right to marry and to have a family is guaranteed.” (CSC, art. 14)

“The Swiss People and the Cantons,[...] determined [that] families are protected and encouraged as communities of adults and children.” (CSC, art. 41,1c)

“Children and young people have the right to the special protection of their integrity and to the encouragement of their development.” (CSC, art. 11)

We desire that migrant families be able to live together. We therefore strongly oppose restrictive regulations on family reunification as well as the general suspicion that international marriages involving persons without a residence permit are a sham.

We desire that marriages only be contracted if both parties freely agree to be married to each other. We oppose any form of domestic violence.



What can we do?

These principles of migration policy and our analysis of the current situation require us to take action. Action is necessary. Depending on the person, situation and context, there are various ways in which we can act. The following is a list of various possibilities and focal points:

These principles require of

our parishioners,

- not to simply accept fear and resistance but to take heed of one of the best remedies against fear: the advice given by Jesus in his parable of the Good Samaritan (Luke 10), whereby we become the stranger's "neighbour" by supporting him or her;
- to act in accordance with these principles of migration policy in their families, in their workplace, and among their friends, to the best of their abilities;
- to actively participate in a parish integration project.

our parishes,

- to address current migration issues in theological and ethical terms;
- to share responsibility for harmony among the population as a whole, and to help achieve as peaceful a common future as possible;
- to perceive migration issues as a core part of parish work, and to pass responsibility for these issues to the church council and staff;
- to implement exemplary integration projects designed to encourage contacts between local residents and immigrants.

the Synodal Council,

- to encourage our parishes to address the situation of their community as a whole – both local and immigrant – and to set an example through their activities;
- when speaking to authorities, in plebiscites and in legislative consultation processes, to uphold these principles of migration policy, and to express these fundamental positions.

the services of our church, in particular our Migration Service,

- to analyse the situation in terms of migration policy, and to draw up the necessary theological, sociological and legal materials;
- to develop projects for parishes and parishioners designed to encourage contacts between members of local and immigrant communities, thereby furthering mutual understanding;
- to address specific issues such as interreligious dialogue, migration churches, asylum questions and undocumented persons, etc., and to pursue solutions in accordance with these principles of migration policy, and in co-operation with partner organisations;
- to advise and support parishes and their migration-related work.

Further information

Publication (in German or French) by the Synodal Council of the Reformed Churches Bern-Jura-Solothurn

Begegnung und Dialog der Religionen

Eine Standortbestimmung der Reformierten Kirchen Bern-Jura-Solothurn, Bern 2010
www.refbejuso.ch/publikationen/migration-integration.html

Publications (in German or French) by the Migration Service of the Reformed Churches Bern-Jura-Solothurn

www.refbejuso.ch/migration

Leitfaden zur Integrationskampagne Joint Future

(Fachstelle Migration/Caritas/HEKS) Bern 2001

Der Fremdling in deinen Toren ...

Ein Leitfaden für Kirchgemeinderäte, 2. Aufl., Bern 2005

Bauprojekte anderer Religionen und Konfessionen in der Gemeinde

Sieben Ratschläge für Pfarreien und Kirchgemeinden
(Hrsg.: Fachstelle Migration, Röm.-kath. Fachstelle Kirche im Dialog, Christkatholische Kirchgemeinde) Bern 2007

Der Dialog des Lebens

Überlegungen zum Zusammenleben der Religionen,
2. Aufl., Bern 2007

Ängste, die wir nicht mehr haben

Ein Blick auf überwundene Schwierigkeiten beim religiösen Zusammenleben, Bern 2009

Gottes Volk hat viele Farben

Migrationskirchen als Herausforderung und Chance für die Reformierte Kirchen Bern-Jura-Solothurn, Bern 2009

Zehn Sätze zu Integration

Bern 2011

“... damit ihr einander kennen lernt”

Angebote zur Förderung des christlich-muslimischen Dialogs, (Hrsg.: Fachstelle Migration, Röm.-kath. Fachstelle Kirche im Dialog, christkatholische Kirchgemeinde) Bern 2010

Zeitschrift vice-versa

Mitteilungen der Fachstellen Ökumene, Mission, Entwicklungszusammenarbeit und Migration. Free publication, three times/year

Publication (in German or French) by the Swiss Federation of Evangelical Churches (SEK/FEPS), Bern

www.sek-feps.ch

Migrationspolitische Leitlinien

Bern 1996





Key websites (in German or French)

www.aller-anfang-ist-begegnung.ch

A joint campaign by several cantons and the Swiss Federal Government on encounters among people of diverse origins

www.bfm.admin.ch

Swiss Federal Office of Migration

www.bfs.admin.ch

Swiss Federal Statistical Office

www.ekm.admin.ch

Swiss Federal Commission on Migration (FCM)

www.ekr-cfr.ch

Swiss Federal Commission against Racism (FCR)

www.fluechtlingshilfe.ch

Swiss Refugee Council (OSAR)

www.gef.be.ch/gef/de/index/soziales/soziales/migration.html

Canton Bern social welfare department, integration division

www.humanrights.ch

Information platform on human rights

www.inforel.ch

Information on religions, religious communities and movements

www.integration-be.ch

Platform of specialised agency for questions of migration and integration in Bern

www.kofi-cosi.ch

Swiss conference of agencies specialised in integration

www.kompass.humanrights.ch

Human rights education for adolescents and young adults

www.migration-population.ch

Swiss Forum for Migration and Population Studies (SFM), Neuchâtel, Switzerland

www.ohchr.org

Office of the U.N. High Commissioner for Human Rights

www.pom.be.ch/pom/de/index/migration.html

Canton Bern police and military affairs department, migration service

www.refbejuso.ch/migration

Information and publications provided by the Migration Service of the Reformed Churches Bern-Jura-Solothurn

www.sek-feps.ch

Swiss Federation of Evangelical Churches (SEK)

www.unhcr.ch

The United Nations Refugee Agency – UNHCR Switzerland



Reformierte Kirchen
Bern-Jura-Solothurn
Eglises réformées
Berne-Jura-Soleure

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