



Universidad Pontificia Comillas
Instituto Universitario de Estudios sobre Migraciones

Wider protection for refugees and other forcibly displaced persons:

**Christian thought and praxis as reflected in
the vision of Pope Francis and the experience of
the ecumenical monastic community of Taizé**



Valcárcel, 2016

Tesis para la obtención del título de Doctor
Directora: Dra. Dña. Cristina Gortázar Rotaeche
Codirector: Dr. P. Fabio Baggio C.S.
Autora: Amaya Valcárcel Silvela

Madrid | Mayo de 2019

CONSTANCIA REGISTRAL DEL TRIBUNAL DEL ACTO DE LA DEFENSA DE TESIS DOCTORAL

TÍTULO:

Wider protection for refugees and other forcibly displaced persons: Christian thought and praxis as reflected in the vision of Pope Francis and the experience of the ecumenical monastic community of Taizé.

Más protección para los refugiados y desplazados forzosos: Pensamiento y praxis cristianas reflejadas en la visión del Papa Francisco y en la experiencia de la comunidad ecuménica monástica de Taizé.

AUTOR: Dña. Amaya Valcárcel Silvela

DIRECTOR: Dra. Dña. Cristina Gortázar Rotaeché

CO-DIRECTOR: Dr. P. Fabio Baggio C.S.

TUTOR-PONENTE:

DEPARTAMENTO: Instituto Universitario de Estudios sobre Migraciones

FACULTAD O ESCUELA: Programa de Doctorado en Migraciones Internacionales y Cooperación al Desarrollo

Miembros del Tribunal Calificador:

PRESIDENTE: Firma:

VOCAL: Firma:

VOCAL: Firma:

VOCAL: Firma:

SECRETARIO: Firma:

Fecha de lectura:

Calificación:

*For I will take you out of the nations;
I will gather you from all the countries
and bring you back into your own land.*

Ezequiel 36, 24

REFUGEES ...

a poem by Brian Bilston

They have no need of our help
So do not tell me
These haggard faces could belong to you or me
Should life have dealt a different hand
We need to see them for who they really are
Chancers and scroungers
Layabouts and loungers
With bombs up their sleeves
Cut-throats and thieves
They are not
Welcome here
We should make them
Go back to where they came from
They cannot
Share our food
Share our homes
Share our countries
Instead let us
Build a wall to keep them out
It is not okay to say
These are people just like us
A place should only belong to those who are born there
Do not be so stupid to think that
The world can be looked at another way

(Now read from bottom to top)

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DECLARATION

I certify that except where due acknowledgement has been made, the work is that of the author alone; the work has not been submitted previously, in whole or in part, to qualify for any other academic award; the content of the thesis is the result of work which has been carried out since the official commencement data of the approved research program; and, any editorial work carried out by a third party is acknowledged.

Amaya Valcárcel

Date

ACKNOWLEDGMENTS

It was in the mid-1990s in Rome, while I was still a law student, that I met Ali, a Somali refugee, in a soup-kitchen of the Trastevere neighbourhood, where I was volunteering with the Community of Sant'Egidio. Ali told me once and again of his desire to bring his family to Italy. At that time, the war in Somalia complicated a family reunification but I understood how important it was for Ali's wellbeing and happiness to have his family with him. I was not able to do much for him, but without knowing it, Ali opened my eyes to what would become my future professional life. He was the first refugee I had spoken to and I decided to direct my career to the world of refugees. I am grateful for Ali and for all that he has meant to me.

For their academic support I thank my supervisors, Professor Cristina Gortázar Rotaecche and Fr. Fabio Baggio C.S. I thank them for directing my dissertation and for assisting me so patiently draft after draft. I received from them helpful insights and examples of solid scholarship.

I thank the staff of the *Instituto Universitario de Estudios sobre Migraciones* and the Pontifical University of Comillas. I thank Professors René M. Micallef SJ and Diego Alonso Lasheras SJ for their support at the Pontifical Gregorian University in Rome. In the classrooms and corridors of these dear universities, where I earned my degree in law and undertook biblical studies respectively, I was influenced by the concern for social justice of the Society of Jesus, based on the motto “en todo amar y servir” of St. Ignatius of Loyola and his passion for Christ and his Gospel. I want to mention two professors who had a great influence on me: Luis Vela SJ and Juan García Pérez SJ, who taught me Philosophy of Law and Theology respectively. May they rest in peace.

I thank all the staff of Jesuit Refugee Service (JRS), past and present, who helped me with my work through their input, and especially for their inspiration and commitment. Mark Raper SJ, Denise Coghlan MS, and Kike Figaredo SJ have challenged me without words, by their lives and their commitment, since I first joined JRS in 1998 until today. They earnestly believe in the treasure that refugees bring into our lives. Without their trust and inspiration I would have never begun my journey with refugees. Parts of this research were written during field trips to India and Lebanon in the course of my work with JRS, in 2017 and 2018. In particular, I am grateful for the support of Stan Fernandez SJ and Nawras Sammour SJ in the South Asia and Middle East regions respectively. I also thank David Holdcroft SJ for reading and commenting on an earlier draft of my thesis.

The observations and analysis of the arrivals of migrants and refugees in the southern coast of Spain were carried out in different periods between 2017 and 2019. I thank Helena Maleno for her insights from the other side of the Gibraltar Strait, in Tangiers.

The field research in Taizé, France, undertaken during a series of stays in the community of Taizé between 2016 and 2018, was the most inspiring and useful experience of this dissertation. I deeply thank the brothers of this community, who shared their knowledge and their lived experience of welcoming, protecting and integrating refugees. I thank in particular Brothers Alois, Charles-Eugène, David, Marek, Hervé, and Luc, for believing in the refugees. I thank Orsi and Ferenc Hardi for their life commitment as truly dedicated refugee support professionals. Without their assistance this thesis would not have seen the light. I thank all the people who live in and around the village of Taizé and who, in their daily life and in silent anonymity, have contributed to improve the lives of the refugees, in particular Christine Chevignard and her team of French teachers, as well as George Bouillin, mayor of Taizé and his wife Christiane. I also thank the young people in Taizé involved in accompanying the refugees, in particular Jorge García-Hoces and Janka, Bori and Margit Hardi. They all set an example of openness of mind and heart.

I thank my friends Angela Sánchez Nagy, Mabela Ruiz-Gallardón and Mónica Ruiz-Casares who have helped me reading and correcting parts of my dissertation, and for their friendship. From them I continue to learn the concern for social justice.

I acknowledge the invaluable assistance of Isabelle Shively and of my dear cousin Isabel Saavedra for their comments regarding logic and proof-reading at various stages.

I sincerely thank all the refugees who – due to confidentiality concerns – cannot be named, but who so generously gave me their time and shared painful stories with honesty and trust. I want to acknowledge the inspiration and support of my friend Antony Mukui, a refugee from Kenya who passed away when I was writing this dissertation.

I thank Darío, my father, from whom I have learnt the virtue of generosity, and my sisters Marina, Diana and Mía, who love me and support me. I want to offer this work in memory of my mother, Amaya. What I do and what I am, I owe it to them.

I especially thank my husband Giuseppe and my daughters, Amaya and Arianna, for their love. I dedicate this work to them.

The guiding principle in this research has been:

Xenophilia, or the love for the stranger, is central to the Greco-Roman culture. Xenophilia means taking care of, or rather, feeling love towards those who do not speak my language, that is to say the *xenos*, the stranger. What, after all, do the humanists teach, if not to know and translate another language? To forget these fundamental elements of our past means to expose ourselves, again, to the risk of auto-destruction.

Massimo Cacciari, *La Mente Inquieta*, 2019

From a Christian perspective, xenophilia could be translated in these words:

There is no one who is a stranger to the heart of the Church, no one in whom her ministry has no interest.

Pope Paul VI, *Ecclesiam Suam*, 94

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Rest of “patera” from Morocco, coast of Tarifa, Andalucía, Southern Spain. Tarifa and Tangiers are only 14km away but crossing the Gibraltar strait is risky due to the strong currents coming both from the Atlantic Ocean and the Mediterranean sea. (Valcárcel, 2019)

GLOSSARY OF TERMS

Asylum: the grant, by a State, of protection on its territory to persons from another State who are fleeing persecution or serious danger. A person who is granted asylum is a refugee (declaratory act by which a person is recognized refugee). Asylum encompasses a variety of elements, including *non-refoulement*, permission to remain on the territory of the asylum country, and humane standards of treatment. However, someone receiving asylum is not always considered a refugee. Many States maintain the possibility of offering asylum to persons who do not have all the conditions to be granted refugee status according to the 1951 Geneva Convention. This is why it is understood by the doctrine that asylum is offered and refugee status is guaranteed.

At European level, a decision on an asylum application means a decision on an application for international protection as defined in Art.2(h) of Council Directive 2011/95/EC, i.e. including requests for refugee status or for subsidiary protection status, irrespective of whether the application was lodged on arrival at border, or from inside the country, and irrespective of whether the person entered the territory legally (e.g. as a tourist) or illegally.

Asylum seeker: a person whose request or application for asylum has not been finally decided on by a prospective country of refuge.

It is a basic principle of international refugee law that asylum seekers must be treated on the assumption that they may be refugees until their status has been determined. This is because refugee status is a declaratory status. Although far from exclusively, many asylum seekers live in urban areas dispersed among the local population. However, they may not yet have gone through refugee status determination procedures and so they may have no legal status within their country of refuge. Others may be recognised as refugees by UNHCR but may be only barely tolerated by the host government, thus making them vulnerable to harassment and extortion by police and other authorities.

The term ‘asylum seeker’ is usually associated with those seeking recognition as refugees through a refugee status determination procedure.

Cartagena Declaration on Refugees: a Declaration adopted by a colloquium of experts from the Americas in November 1984. The Declaration enlarges the refugee definition to include “... persons who have fled their country because their lives, safety or freedom have been threatened by generalised violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order”. While the Cartagena Declaration is not a treaty, its provisions are respected across Central America and have been incorporated in some national laws.

Catholic social teaching: is the Catholic doctrine on matters of human dignity and common good in society. Its roots are in the Hebrew prophets. It is a teaching founded on the life and words of Jesus Christ and it is also based on the writings of Catholic thinkers such as Thomas Aquinas and Augustine of Hippo. It is based on and inseparable from the understanding of human life and human dignity. The ideas address oppression, the role of the state, subsidiarity, social organization, concern for social justice, and issues of wealth distribution. Its foundations are widely considered to have been laid by Pope Leo XIII’s 1891 encyclical letter *Rerum Novarum*, which advocated economic distributism while criticizing both socialism and capitalism. According to Pope John Paul II, its foundation “rests on the threefold cornerstones of human dignity, solidarity and subsidiarity”.

Cessation clauses: legal provisions that indicate when refugee status comes to an end. Cessation clauses are found in Article 1c of the 1951 Convention, and in Article 1 (4) of the 1969 OAU Convention.

Convention on the Reduction of Statelessness: a Convention that provides for the acquisition of nationality by those who would otherwise be stateless and who have an appropriate link with the State through birth on the territory or through descent from a national. The Convention also provides for the retention of nationality by those who would become stateless if they were to lose the State's nationality. The Convention was adopted in August 1961 and came into force in December 1975. UNHCR has been mandated with specific functions under Article 11 of the 1961 Convention on the Reduction of Statelessness.

Convention relating to the Status of Refugees: a Convention that establishes the most widely applicable framework for the protection of refugees. The Convention was adopted in July 1951 and entered into force in April 1954. Article 1 of the 1951 Convention limits its scope to "events occurring before 1 January 1951". This restriction is removed by the 1967 Protocol relating to the Status of Refugees. To date, there are 148 States who are parties to the 1951 Convention and/or the 1967 Protocol. States Parties to the 1951 Convention only: Madagascar, Saint Kitts and Nevis. States Parties to the 1967 Protocol only: Cabo Verde, United States of America, Venezuela.

Convention relating to the Status of Stateless Persons: a Convention that provides the definition of a stateless person and establishes a framework by which a stateless person who is lawfully resident in a State can have legal status. The Convention was adopted in September 1954 and entered into force in June 1960.

Convention refugees: persons recognised as refugees by States under the criteria in Article 1 A of the 1951 Convention, and entitled to the enjoyment of a variety of rights under that Convention.

Country of first asylum: a country in which an asylum seeker has been granted international protection as an asylum seeker or a refugee.

Customary law: laws that derive their authority from the constant and consistent practice of States, rather than from formal expression in a treaty or legal text. In international law, *opinio juris* (also known as *opinio juris sive necessitates*) is the second and subjective element used to judge whether the practice of a state is due to a belief that it is legally obliged to do a particular act. When *opinio juris* exists and is consistent with nearly all state practice, customary international law emerges. The International Court of Justice (ICJ), in its jurisprudence, has relied on, and interpreted, Article 38 (1) (b) of the ICJ Statute to include two elements that assist the Court to determine the existence of an alleged customary international law – state practice and *opinio juris*.

Detainees (administrative detention)

Except in cases of declared national emergency, arbitrary detention of refugees and asylum seekers is a matter of international law. More and more often, Governments tend to set restrictive measures for the entrance of migrants, including the forcibly displaced. Many asylum seekers, including refugees, are kept in immigration detention centers usually due to the lack of documentation. In February 1999, UNHCR revised its 1996 Guidelines outlining applicable Criteria and Standards relating to the Detention of Asylum Seekers.

Asylum seekers should not be detained. They should be offered alternative models to detention.

Durable solutions: any means by which the situation of refugees can be satisfactorily and permanently resolved to enable them to live normal lives. UNHCR traditionally pursues the durable solutions of voluntary repatriation, local integration and resettlement.

First instance decision means a decision made in response to an asylum application at the first instance level of the asylum procedure.

Exclusion clauses: The exclusion clauses enumerated in Article 1F of the 1951 Geneva Convention on Refugees operate to disqualify persons from the benefits of refugee status by reason of serious transgressions committed, in principle, prior to seeking asylum. The idea of an individual “not deserving” protection as a refugee is related to the intrinsic links between ideas of humanity, equity, and the concept of refuge. The primary purposes of these exclusion clauses are to deprive the perpetrators of heinous acts and serious common crimes, of such protection, and to safeguard the receiving country from criminals who present a danger to that country’s security. If the protection provided by refugee law were permitted to afford protection to perpetrators of grave offences, the practice of international protection would be in direct conflict with national and international law, and would contradict the humanitarian and peaceful nature of the concept of asylum. From this perspective, exclusion clauses help to preserve the integrity of the asylum concept.

Final decision on appeal means a decision granted at the final instance of administrative/judicial asylum procedure and which results from the appeal lodged by the asylum seeker rejected in the preceding stage of the procedure. As the asylum procedures and the numbers of decision making bodies differ between states, the true final instance may be, according to the national legislation and administrative procedures, a decision of the highest national court.

Gender-related persecution: persecution that targets or disproportionately affects a particular gender. Under certain factual circumstances, gender-related persecution may come within the refugee definition.

Global Compact on Refugees: The Refugee Compact was developed by the UNHCR in consultation with governments and other actors. An initial draft of the Compact was released in January 2018 and the final draft in July 2018. It was presented to the UN General Assembly in September 2018 in the UN High Commissioner’s annual report and adopted by the General Assembly in December 2018. 181 countries voted for its adoption, three abstained (Eritrea, Dominican Republic and Libya), and two voted against it (Hungary and the United States).

Global Compact on Migration: The Migration Compact was developed through a process of intergovernmental negotiations. A ‘zero draft’ of the Compact was released in February 2018, and a final agreed text in July 2018. The Compact was formally adopted at a special summit in Morocco in December 2018. 152 countries voted for its adoption, 12 countries abstained from the vote (Algeria, Australia, Austria, Bulgaria, Chile, Italy, Latvia, Libya, Liechtenstein, Romania, Singapore, Switzerland), and five countries voted against it (Czech Republic, Hungary, Israel, Poland, United States).

Guiding Principles of Internal Displacement: a series of principles that articulates standards for protection, assistance and solutions for internally displaced persons. The Guiding Principles were presented to the Commission on Human Rights by the Representative of the Secretary General for Internally Displaced Persons in April 1998. They reflect and are consistent with human rights law, humanitarian law and refugee law, and provide guidance to States, other authorities, intergovernmental, and non-governmental organisations face with issues of internal displacement.

Internal Displacement: involuntary movement of people inside their own country. This movement may be due to a variety of causes, including natural or human-made disasters, armed conflict, or situations of generalized violence.

Internally Displaced Persons: the UN Commission on Human Rights gave a report entitled “*Analytical Report of the Secretary General on Internally Displaced Persons*” in February 1992. Its paragraph #17 gave this definition.

“Persons who have been forced to flee their homes suddenly or unexpectedly in large numbers, as a result of armed conflict, internal strife, systematic violation of human rights or natural or man-made disasters, and who are within the territory of their own country.”

But the problems with this definition concern time (“suddenly or unexpectedly”), numbers (“in large numbers”), and obligation to move (“forced to flee”). A more comprehensive and useful modified text subsequently proposed by the UN Secretary-General’s Special Representative on internally displaced persons, Francis Deng, is as follows:

“Persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of, or in order to avoid the effects of, armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.” (see Principle 2, *UN Guiding Principles on International Displacement*)

International Protection: it comprises more than physical safety. Besides the right to asylum, refugees should receive at least the same rights and basic help as any other foreigner who is a legal resident, including freedom of thought, of movement, and freedom from torture and degrading treatment. Economic and social rights are equally applicable. Refugees should have access to medical care, schooling and the right to work. In certain circumstances when adequate government resources are not immediately available, such as the sudden arrival of large numbers of uprooted persons, international organizations such as UNHCR provide assistance. Governments normally guarantee the basic human rights and physical security of citizens. But when civilians become refugees this safety net disappears. UNHCR’s main role in pursuing international protection is to ensure that states are aware of, and act on, their obligations to protect refugees and persons seeking asylum. However, it is not a supranational organization and cannot be considered as a substitute for government responsibility.

Local integration: a durable solution to the problem of refugees, that involves their permanent settlement in a country of first asylum.

Mandate refugees: persons who are recognised as refugees by UNHCR acting under the authority of its Statute and relevant UN General Assembly resolutions. Mandate status is especially significant in States that are not parties to the 1951 Convention or its 1967 Protocol.

Non-refoulement principle: a core principle of refugee law that prohibits States from returning refugees in any manner whatsoever to countries or territories in which their lives or freedom may be threatened. The principle of *non-refoulement* is a part of customary international law and is therefore binding on all States, whether or not they are parties to the 1951 Convention.

OUA (Organization of African Unity) Convention Governing the Specific Aspects of Refugee Problems in Africa: the regional complement to the 1951 Convention whose refugee definition is broader than that provided in the 1951 Convention. Adopted in 1969, the OAU Convention provides that “the term ‘refugee’ applies to those fleeing from external aggression, occupation, foreign domination or events seriously disturbing public order in either part or whole of the country of origin”.

Particular social group (membership of a ...): one of five possible grounds on which persecution may be established under the 1951 Convention. A particular social group is a group of persons who

share a common characteristic other than their risk of being persecuted, or who are perceived as a group by society. The characteristic will often be one which is innate, unchangeable, or which is otherwise fundamental to identity, conscience or the exercise of one's human rights. The protected characteristics (or immutability) approach examines whether a group is united by an innate immutable characteristic (such as sex or ethnicity); an immutable characteristic that is not innate but is unalterable for other reasons (such as the historical fact of a past association, occupation, or status); or a characteristic that is so fundamental to human dignity that a person should not be required to change it. The social perception approach examines whether or not the group shares a common characteristic which makes them a cognizable group or sets them apart from the society at large.

Persecution: generally refers to any severe violation of human rights. In the refugee context, "persecution" refers to any act by which fundamental rights are severely violated for reasons of race, religion, nationality, political opinion or membership of a particular social group.

Prima facie determination of refugee status (or group determination of refugee status): a practice by which all persons forming part of a large-scale influx are regarded as refugees on a *prima facie* basis. Group determination ensures that protection and assistance needs are met without prior individual status determination.

Protection status includes three different categories of protection at EU level:

Person recognised refugee status (at EU level) means a person covered by a decision granting refugee status, taken by administrative or judicial bodies during the reference period. Refugee status means status as defined in Art.2(e) of Directive 2011/95/EC within the meaning of Art.1 (a) of the Geneva Convention relating to the Status of Refugees of 28 July 1951, as amended by the New York Protocol of 31 January 1967. According to the Art.2(d) of that Directive refugee means a third country national who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country, or a stateless person, who, being outside of the country of former habitual residence for the same reasons as mentioned above, is unable or, owing to such fear, unwilling to return to it.

Person granted subsidiary protection status (at EU level) means a person covered by a decision granting subsidiary protection status, taken by administrative or judicial bodies during the reference period. Subsidiary protection status means status as defined in Art.2(g) of Directive 2011/95/EC. According to the Art.2(f) of that Directive person eligible for subsidiary protection means a third country national or a stateless person who does not qualify as a refugee but in respect of whom substantial grounds have been shown for believing that the person concerned, if returned to his or her country of citizenship, or in the case of a stateless person, to his or her country of former habitual residence, would face a real risk of suffering serious harm and is unable, or, owing to such risk, unwilling to avail himself or herself of the protection of that country.

Person granted authorisation to stay for humanitarian reasons (at EU level) means a person covered by a decision granting authorisation to stay for humanitarian reasons under national law concerning international protection plus article 3 ECHR, taken by administrative or judicial bodies. It includes persons who are not eligible for international protection as currently defined in the first stage legal instruments, but are nonetheless protected against removal under the obligations that are imposed on all 47 Member States of the Council of Europe by international refugee or human

rights instruments or on the basis of principles flowing from such instruments. Examples of such categories include persons who are not removable on ill health grounds and unaccompanied minors.

Refoulement: the removal of a person to a territory where she/he would be at risk of being persecuted, or of being moved to another territory where she/he would face persecution. *Refoulement* constitutes a violation of the principle of *non-refoulement*, and is therefore a breach of refugee law and of customary international law.

Refugee Definitions: the term refugee is defined by the United Nations Convention relating to the Status of Refugees of 1951. Since this definition refers only to individuals in fear of persecution, regional organizations in both the African (OAU 1969) and Latin American (OAS 1984) continents have developed definitions which more accurately cover the mass displacements resulting from the social collapse consequent on conflicts and human rights abuse. The Convention Relating to the Status of Refugees defines a refugee as a person who “owing to a well-founded fear of being persecuted in his country of origin for reason of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country.”

Under the OAU (Organization of African Unity) Convention Governing the Specific Aspects of Refugee Problems in Africa (1969), the term ‘refugee’ encompasses the definition in the 1951 Refugee Convention and “every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside of his country of origin or nationality.” The Cartagena Declaration on Refugees (1984), which is pertinent to Latin America, defines as refugees persons forced to move “because their lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violations of human rights or circumstances which have seriously disturbed public order.”

“Refugees: A Challenge to Solidarity”, published in 1992 by the Pontifical Council for the Pastoral Care of Migrants and Itinerant People, Vatican City, applies the expression ‘*de facto* refugee’ to all “persons persecuted because of race, religion, membership in social or political groups”; to “the victims of armed conflicts, erroneous economic policy or natural disasters”; and for “humanitarian reasons” to internally displaced persons, that is civilians who “are forcibly uprooted from their homes by the same type of violence as refugees but who do not cross national frontiers”.

Refugee law: the body of customary international law and various international, regional and national instruments that establish standards for refugee protection. The cornerstone of refugee law is the 1951 Convention relating to the Status of Refugees.

Refugee status determination procedures (RSD): legal and administrative procedures undertaken by UNHCR and/or States to determine whether an individual should be recognised as a refugee in accordance with national and international law.

Repatriation/Reintegration: the process by which refugees resume a normal life in their country of origin. Ideally, reintegration should follow from the durable solution of voluntary repatriation. Repatriation should be made in conditions of safety and dignity.

Resettlement: the transfer of refugees from the country in which they have sought refuge to another State that has agreed to admit them, on a request from UNHCR, based on their need for international protection and a durable solution. The refugees will usually be granted asylum or some other form of long-term resident rights and, in many cases, will have the opportunity to become naturalised

citizens. For this reason, resettlement is a durable solution as well as a tool for the protection of refugees. Resettled refugees means persons who have been granted an authorisation to reside in a state within the framework of a national or community resettlement scheme.

Resettlement country: a country that offers opportunities for the permanent resettlement of refugees. This would be a country other than the country of origin or the country in which refugee status was first recognised.

Safe areas/safety zones: areas, zones, or locations established to protect civilians during a time of conflict. The terms and conditions of establishing safety zones are governed by the law of armed conflict.

Safe third country: a country in which an asylum seeker could have found protection as a refugee, and in which she/he has been physically present prior to arriving in the country in which she/he is applying for asylum.

Stateless person: a person who is not considered a national by any State under the operation of its law. There are strong links between displacement and statelessness: displacement can cause statelessness or can be a consequence of it.

Although not all stateless persons who cross international borders are refugees, the 1951 Convention includes stateless people in its definition of refugee as people who “not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it”.

The two primary international conventions on Statelessness are the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, both developed under the auspices of the UN. (see above)

Temporary protection: an exceptional measure developed by States to provide displaced persons from non-EU countries and unable to return to their country of origin due to situations of conflict or generalized violence, with immediate and temporary protection. Temporary protection was applied in some Western European States for the protection of persons fleeing the conflict in the former Yugoslavia in the early 1990s.

Directive 2001/55/EC rules for giving temporary protection in the event of a mass influx of displaced persons and measures promoting a balance of efforts between EU countries. Temporary protection is implemented in all EU countries by a Council decision confirming a mass influx of displaced people to the EU and stating the groups of people who need protection. Duration is one year and can be extended by up to two years. Protection may end if the Council deems it safe for people to return to their home country.

Unaccompanied minors: persons below the legal age of majority who are not in the company of parents, guardians or primary care-givers.

UNHCR mandate: the role and functions of UNHCR as set forth in the UNHCR Statute and as elaborated in resolutions of the United Nations General Assembly. UNHCR’s mandate under its Statute is to pursue protection, assistance and solutions for refugees. UNHCR has an additional mandate concerning issues of statelessness, as it is given a designated role under Article 11 of the 1961 Convention on the Reduction of Statelessness. The Office has also been requested by the General Assembly to promote the 1954 and 1961 statelessness Conventions, and to help prevent statelessness by providing to States technical and advisory services on nationality legislation and practice.

Voluntary repatriation: return to the country of origin based on the refugees' free and informed decision. Voluntary repatriation may be organised, (i.e., when it takes place under the auspices of the concerned governments and UNHCR), or spontaneous (i.e., the refugees return by their own means with UNHCR and governments having little or no direct involvement in the process of return).

Women-at-risk: female refugees with special protection needs, including those who require resettlement in accordance with UNHCR Resettlement Handbook.

ACRONYMS AND ABBREVIATIONS

APRRN: Asia Pacific Refugee Rights Network
AU: African Union
CAR: Central African Republic
CBO: Community Based Organisation
CRC: Convention on the Rights of the Child
CRRF: Comprehensive Refugee Response Framework
CSO: Civil Society Organisation
DIP: Division of International Protection, UNHCR
DRC: Democratic Republic of the Congo
EASO: European Asylum Support Office
ECOSOC Economic and Social Council (United Nations)
ECRE: European Council for Refugees and Exiles
ExCom: Executive Committee of the High Commissioner's Program
EU: European Union
GCM: Global Compact for Safe, Orderly and Regular Migration
GCR: Global Compact on Refugees
GDP: Gross Domestic Product
GPC: Global Protection Cluster
IASC Inter-Agency Standing Committee
ICMC: International Catholic Migration Commission
ICRC: International Committee of the Red Cross
IDP: Internally Displaced Person
IGO: Intergovernmental Organisations
ILO: International Labour Organization
IOM: International Organization for Migration
IPA: Internal Protection Alternative
IS: Islamic State
JRS: Jesuit Refugee Service
LTTE: Liberation Tigers of Tamil Eelam (Sri Lanka)
MENA: Middle East and North Africa
M&R: Migrants and Refugees Section (Vatican)
NGO: Non-Governmental Organisation
NRC: Norwegian Refugee Council
OCHA, UNOCHA: Office for the Coordination of Humanitarian Affairs (UN)
OECD: Organization of Economic Cooperation and Development
OHCHR, UNHCHR: Office of the High Commissioner for Human Rights (UN)
OECD: Organisation for Economic Cooperation and Development
OSCE: Organization for Security and Cooperation in Europe
ODID: Oxford Department of International Development
POC: Protection of Civilian
RSD: Refugee status determination
SGBV: Sexual and gender-based violence
UN: United Nations
UNAMA: United Nations Assistance Mission in Afghanistan
UNHCR: United Nations High Commissioner for Refugees
UNHCHR: United Nations High Commissioner for Human Rights
UNHCR United Nations High Commissioner for Refugees
UNICEF: United Nations Children's Fund

UCDP: Uppsala Conflict Data Program

USD: United States Dollars

WFP: World Food Programme

1951 Convention: Convention relating to the Status of Refugees (1951)

1967 Protocol: Protocol relating to the Status of Refugees (1967)

FIRST PART

CHAPTER ONE - INTRODUCTION

1. Background and rationale

Forced human displacement has reached a level unprecedented in decades: currently, 68.5 million people worldwide live in a context of forced displacement and need international protection. The reasons for displacement are vast and complex: they include violent conflicts which show no signs of resolution; poverty and ecological disaster which threaten people's very survival; and politically-driven pressures on populations forced to flee their homelands. One of the most serious issues of our time is the mixed flows of people and the need to protect, beyond refugees and asylum seekers, people who flee extreme poverty, new forms of violence and those who are victims of environmental degradation (UNHCR, 2018).

The reality of forced migrants seeking safety has evolved since World War II and the subsequent development of the 1951 Convention relating to the Status of Refugees. (UNHCR, 2018) The definition of "refugee" outlined in the 1951 Convention and its 1967 Protocol is still useful today because it looks to the causes of flight and the protection of people, but it needs to be expanded. So does the refugee protection regime, which needs to be updated, taking into consideration the new realities of the 21st Century. I understand the term "refugee" in a broader sense than the definition in article 1. A of the 1951 Geneva Convention on the Status of Refugees. I use the 1992 refugee definition of the Catholic Church as the basis of what I think should be a wider definition, comprising the categories of the International Convention and also the victims of armed conflicts, erroneous economic policy or natural disasters (Pontifical Councils 'Cor Unum', Justice and Peace, and Pastoral Care of Migrants and Itinerant People, 1992). This will be discussed in more detail in Chapter Three.

Images of migrants drowning in the Mediterranean have shocked the world in recent years, arousing consternation, giving rise to discussion, inspiring political summits, and causing many to wonder about the collective responsibility of our communities for those arriving at our doorstep - the refugees. But behind the images not seen and the headlines not written, are stories of violence, persecution, and exploitation risked at every step of a journey to safety by men, women, and children.

We are witnessing a historic moment where democracies have grappled with the politics of polarization. The proliferation of 'alternative facts' has led to the degrading of established traditions of objectivity and expertise. This presents profound challenges to critical reflection. But what is worse, millions of migrants and refugees are being used as scapegoats in a way or the other (ODID, 2017). Referring to the Rohingya crisis in Myanmar, Archbishop of Yangon, Cardinal Charles Bo, has best summarized what scapegoating means:

Scapegoating — a concept popularized by the French philosopher, Rene Girard — is a process by which violent and frustrated societies with a deep sense of collective victimization channel their anger onto individuals or groups to smother their frustration. The scapegoat is 'sacrificed' either through massacre or expulsion to the 'desert.' Bosnia and Serbia, after long years of totalitarianism, went into a spiral of fratricidal genocide till the international community

intervened. The large-scale exodus of Rohingya may be seen as the ‘scapegoat’ sent to the desert (for the frustrations and anger felt by many in Myanmar). (Bo in Kelly, Sainsbury, and Rozario, 2017)

Traditional media, and political institutions struggle to contend with this new landscape, and so the manner and channels through which evidence is presented matters deeply to the way it is evaluated. A seminar presentation in Oxford University in October 2017, expressed very well this trend:

Perhaps it is our fault too, for being insufficiently embedded in our research methods and philosophies? Perhaps the forms we use, or the tones we take, are inhibiting the reception of what we produce? Perhaps our understanding of ‘impact’ is too elitist and top-down? Perhaps as institutions our universities are disconnected from the communities in which they operate? We are going to engage with this as a practical problem of research design, dissemination and communication. But before that we need to tackle bigger questions of interest to all researchers: what should the role of publicly-funded academics be in relation to social changes and policies? Should we be critics or actively involved in interventions based on what we produce? Does our responsibility stop at the department door, or should we be more accessible to the publics who pay our salaries? (Oxford Department of International Development, 2017)

It has never been more essential to provide greater support to front-line states to preserve the right to seek and enjoy asylum. The international protection regime needs to be reinforced, its basics must be reaffirmed, and its principles and practice should evolve and adapt to new facts and developments.

It is my hope that this dissertation leads to reflection regarding the relationship between information landscapes and objective fact; stimulates the role of academics in policy; and highlights how Christian knowledge, expertise, and practice resonates in changing public attitudes towards migrants and refugees, particularly in the implementation phase of the Global Compacts on Refugees and Migration, adopted in late 2018.

2. Scope and limitations

My dissertation will focus on refugees – people who are forced to flee their countries and cross an international border – and not on internally displaced persons, which almost double the current forcibly displaced population (over 40 million people). The reason is that some of the concepts are slightly different, and widening the scope of the thesis to internal displacement is beyond what I can accomplish.

Regarding the international legal framework, I make reference in particular to the specific international instruments regarding refugees, which are the 1951 Geneva Convention and its 1967 Protocol, as well as the regional instruments which derive from it, namely the 1969 OAU Convention, the 1984 Cartagena Declaration, and the framework regarding subsidiary protection in the European Union. However, it is important to mention that under their commitments to International Law, States have other protection obligations, both of universal and regional scope, which derive from different norms and principles of International Human Rights and Humanitarian Law, as developed in Chapter Four.

By protection or international protection I understand more than physical safety. Besides the right to asylum, I understand that refugees should receive at least the same rights and basic help as any

other foreigner who is a legal resident, including freedom of thought, of movement, and freedom from torture and degrading treatment. Economic and social rights are equally applicable. Refugees should have access to medical care, schooling and the right to work. Governments are responsible for guaranteeing the basic human rights and physical security of citizens. But when civilians become refugees this safety net disappears. This limitation is partly substituted by UNHCR's mandate and mission, whose main role in pursuing international protection is to ensure that states are aware of, and act on, their obligations to protect refugees and persons seeking asylum. However, UNHCR is not a supranational organization and cannot be considered as a substitute for government responsibility.

My purpose in this research is not to prove its conclusions – they are open to debate at many points – but to suggest a way in which Christian thought and praxis might shape the way in which we reflect on the issue of asylum today. It certainly will not always lead us to the conclusions held by governments or by the majority of citizens, but it aims to provide a compass and to raise the question of what the right thing to do is. Christian reflection on refugees and asylum policy begins naturally with the people affected by the policy, and asks whether their human dignity is respected.

Despite offering concrete proposals to address the lack of protection refugees face today, the main limitations of my thesis have to do with the practical implementation of what I suggest, given that it depends on the political will of States. Although the 2018 Global Compacts on Refugees and Migration reflect some of the issues I analyse and suggest, certain questions remain unanswered and will need further research. In particular, I believe two major inter-related areas need further thinking and research, which could be developed in the aftermath of the Compacts and its specific implementation: The question of forced displacement due to climate change, and the protection gaps of those who do not fall under the scope of the 1951 Refugee Convention. My thesis offers proposals regarding the second question, based on the Christian doctrine and praxis.

Although other faith traditions have experience of refugee protection, due to length restrictions, ease of access to sources, and my intention to provide in-depth analysis, this research will focus on the teachings of the Catholic tradition regarding refugee rights and the protection of forcibly displaced people, and on the wider Christian community praxis. As it is my own tradition, and I have been a direct observer for many years of the Christian response to the refugee phenomenon, I believe I am in a good position to examine it exhaustively.

The position of Pope Francis regarding refugee protection is of utmost respect towards the international standards of International Human Rights Law. In some instances, the Holy Father goes beyond such standards, which have proven not to solve the current forced migration movements, mainly due to their mixed nature. After studying Pope Francis's doctrine, I seek to explain that his theology on refugees should not be thought of as exclusive to Catholic Christians. It is, rather, a solid contribution towards the advancement of new thinking, acceptable to the broadest of publics.

Although Catholic by confession, I understand the church as the wider community of Christians, so when referring to the church, I refer to this wider community, as is reflected in Chapter Eight and more specifically in Chapter Nine, the Community of Taizé being ecumenical by nature. Otherwise I will refer specifically to the Catholic church.

I alone take full responsibility for any shortcomings or inaccuracies.

3. Objectives

The overall objective of this thesis is to analyse the current structural problems that cause forced migration movements; to study how the definition of a refugee set in the 1951 Convention on Refugees gives rise to a lack of protection for many forcibly displaced persons today; and to offer solutions on how to widen refugee protection based on Catholic Social Teaching.

The specific objectives of this research are to:

1. Document and describe the consequences of an inadequate protection system on the rights of refugees;
2. Document and describe the experience and understanding of (in)adequate solutions for refugees under the current protection system;
3. Develop a more modern operational system of refugee protection based on the vision of Pope Francis that is sensitive to the needs of refugees today; and
4. Compare and analyze how faith-based communities in Europe can contribute to widen the protection of forcibly displaced persons in our century; to study the role of these communities in protecting forcibly displaced persons; and to offer a protection model led by the ecumenical community of Taizé, in Burgundy, France.

Rationale for the design of my thesis

Research question	Method/Design	Justification
<p>Does the “lex lata” or current refugee protection regime remain useful in its consideration of the causes of flight, and does it meet the demands generated by the complexity and variation of contemporary migration?</p>	<p>International and regional Treaties; Customary international law derived from the practice of States; jurisprudence; General principles of law. Participant observation in the field (India, Lebanon, southern Spain) and semi-structured group interviews of refugee teachers and NGO workers.</p>	<p>A literature search includes the study of primary sources as well as subsidiary means for the determination of rules of international law, ie. judicial decisions and the teachings of the most highly qualified publicists. It also includes previous research in order to identify studies in the area of refugee rights and definition. As background I include research relevant policy documents and reports, namely UNHCR statistics and data. Focus refugee groups have been organized in order to obtain essential data about durable solutions for refugees, both from Sri Lanka (living in Tamil Nadu, India) and from Syria (living in settlements in Lebanon).</p>
<p>Could the developments in the Church conceptualization of refugee, and more specifically, could the vision of Pope Francis offer a foundation for new ways of understanding and managing the phenomenon of forced migration, and how could his recommendations be translated in “lex ferenda”?</p>	<p>Doctrine of Pope Francis regarding migration: official reports, letters, messages.</p>	<p>A literature search includes previous research and monographies in order to identify studies about the role of the Church in refugee protection both at local and international level. Some fundamental resources for this work are: the Section for Migrants and Refugees of the Pontifical Council for the Promotion of Integral Human Development at the Vatican, and the libraries at the Gregorian University, Rome, and Comillas University, in Madrid.</p>
<p>What models of refugee protection from a community perspective could help translate the above vision of Pope Francis into practice? How can Christian communities contribute in a practical and modern form of community protection to a new narrative on migration?</p>	<p>Analysis of six community protection initiatives throughout the European Union. Participant observation and semi-structured interviews of refugees from Sudan, Eritrea, Afghanistan and Syria and of members of the community of Taizé (France).</p>	<p>Policy reports, monographies and papers regarding community protection. Participant observation methodology includes speaking to people informally as a way of understanding the challenges they face; Gathering different responses to refugee protection in Europe from community-based organizations, both from the point of view of those who are hosted and of those who host them. Semi-structured interviews to collect data on personal stories, perspectives, and experiences, particularly in the Community of Taizé, are carried out with a both refugees who have been granted asylum in France and with several members from the community of Taizé.</p>

4. Research questions

1. **By analyzing the causes of forced displacement today vis a vis the definition of a “refugee” based on the 1951 Convention on Refugees, does the “lex lata” or current refugee protection regime remain useful in its consideration of the causes of flight, and does it meet the demands generated by the complexity and variation of contemporary migration?**

As I have mentioned earlier on, according to the United Nations High Commissioner for Refugees (UNHCR), there are currently 68.5 million forcibly displaced people (UNHCR, 2018). The proximate cause of this is the number, complexity, and protracted nature of current conflicts, many of which have few prospects of imminent resolution. This figure does not include other migrants and people in refugee-like situations whose migration is caused by a range of factors, including generalized violence, the use of torture and new forms of violence, economic failure of a country, and poverty associated with climate change.

At the same time, such migrations often occur as “mixed migration flows” whereby people participating in one movement do so as a result of a range of factors including those that make the migration forced and those for others that see the migration as voluntary. Thus, different groups within the one flow have different needs which represents a genuine policy challenge to receiving countries who need to develop multiple levels of response.

Determining whether migrants and refugees receive better protection and more support, or face more deadly journeys, closed borders, and coercive returns, is a main global challenge of our times and the years to come. At present the six wealthiest countries in the world, which between them account for almost 60 per cent of the global economy, host less than 9 per cent of the world’s refugees, while developing countries, host 84 per cent of the world’s refugees and thus shoulder most of the responsibility to protect (UNHCR, 2018). Additionally, countries who are responsible for destabilizing others through military action and other manners should regard part of their mandate as assuming the consequences of their actions to protect people displaced as a result of these actions. How should these countries contribute to the solutions offered to refugees is a major issue today.

The 1951 Convention relating to the Status of Refugees and other international mechanisms have been a life saver to millions of people over the years. The Convention has given rise to various types of solutions, as refugee status is by definition temporary. However, the nature of migration, both voluntary and forced, has evolved since World War II and the subsequent development of the 1951 Convention.

This research will not urge that a new category of migrants per se be created. It is necessary, however, to develop a concept that can shed light on situations where forced migrants, whose rights are guaranteed under international human rights law, are unable to access consistently their rights because their situations fall outside the scope of the 1951 Convention.

A new normative and institutional framework is required. It would offer greater predictability and clarity of responsibility and would also encourage reciprocity. Not only does the conceptual framework inherently fail to do justice to each person it attempts to describe, it also fails to recognise that each refugee has her or his own unique history and has his or her own gifts and capacities. It fails to recognise that we are talking, first and foremost about human beings. It is here that the role of the Church becomes especially relevant.

- 2. In the aftermath of the Global Compacts on Refugees and Migration, adopted in late 2018, how could the developments in the Church conceptualization of refugee, and more specifically, how could the vision of Pope Francis offer a foundation for new ways of understanding and managing the phenomenon of forced migration, and how could his recommendations be translated in the implementation of the Global Compacts, so as to move us all towards greater justice and consistent protection for those on the move?**

According to the Catholic Church definition, many of today's so-called migrants are in fact refugees or people in refugee-like situations and must be treated as such. The Christian Churches have a long history of involvement with, and care for, refugees at all stages of displacement. In fact, this is a history that predates the Refugee Convention and growth of what is now called the international system of protection. Indeed, prior to the Convention, religious agencies and networks provided the bulk of care and assistance to displaced people. They remain large providers of assistance, often working as 'implementing partners' of the UNHCR and other United Nations agencies.

Pope Francis is one of the few public voices calling to uphold the rights and dignity of the forcibly displaced and has repeatedly said that refugees are a call for individuals and societies to change, a bridge to unite diverse people and an opportunity to build new societies. My objective throughout this dissertation is to show how this vision can contribute to further the protection of refugees worldwide and giving a pragmatic response to the modern ways of forced displacement.

Getting countries to cooperate better over migration has always been politically sensitive, and the political scapegoating of migrants and refugees will likely continue shaping electoral politics in the U.S., Europe, and elsewhere.

Alongside the above developments, high levels of generosity from host communities, an outpouring of volunteerism and a willingness by ordinary people to become involved in the refugee cause provides a strong opportunity to look at forms of protection and hospitality provided by communities. The growing mixed flows of refugees and forced migrants, together with the need to protect people beyond the specifications of the 1951 Refugee Convention, call for a robust response not only from state actors, but also from non-state actors, including faith-based organizations (FBOs). Amongst these communities, the global Church serves people on the move and remains, since centuries, a witness to the needs and aspirations of those forced to flee.

While the Global Compacts on Refugees and Migration seem certain to present a set of noble goals and to attract support from the international community, there is no guarantee that states will respect the principles on which it is based. The vision of Pope Francis can contribute so that these Compacts are transformed into actions that tangibly improve the protection, assistance and solutions available to refugees.

- 3. What models of refugee protection from a community perspective could help translate the above vision of Pope Francis into practice? Grounded in their faith tradition and historical experience, how can Christian communities contribute in a practical and modern form of community protection to a new narrative on migration?**

Widening my research by considering a specific example, the dissertation offers in Chapter Nine a model of a Christian community whose membership, since its foundation, has chosen to respect and protect individual refugees, to understand their plight and aspirations, and to journey with them. It is an example on how the role of religion in international affairs can be understood as a positive factor. By offering the experience and the spirituality of hospitality rooted in the ecumenical community of

Taizé (France), my hope is to show that widening the protection offered to refugees can change our attitudes towards others, and how this personal encounter confirms the hypothesis expressed by Pope Francis:

At this moment in human history, marked by great movements of migration, identity is not a secondary issue. Those who migrate are forced to change some of their most distinctive characteristics and, whether they like or not, even those who welcome them are also forced to change. How can we experience these changes not as obstacles to genuine development, but rather as opportunities for genuine human, social and spiritual growth, a growth which respects and promotes those values which make us ever more humane and help us to live a balanced relationship with God, others and creation? (Pope Francis, 2016)

5. Methodology

5.1 Data collection

The methodology I have used in this research is anchored in the academic tradition of Denzin and Lincoln - the SAGE Handbook of Qualitative Research-, and a commitment to identifying an approach to in-depth understanding of the phenomena of refugee protection, as well as a commitment to participants' viewpoints, conducting inquiries with the minimum disruption to the natural context of the phenomenon, and reporting findings in a literary style rich in participant commentaries. All these, I believe, are the main characteristics of qualitative methodologies (Streubert Speziale & Carpenter, 2007).

I believe that qualitative methodologies consist of the philosophical perspectives, assumptions, postulates, and approaches that a researcher employ to render her work open to analysis, critique, replication, repetition, and/or adaptation and to choose research methods. In this respect, qualitative methodologies refer to research approaches as the tools with which researchers design their studies, and collect and analyse their data (Given, 2008). Qualitative methodologies used in this thesis are not a single research approach, but different epistemological perspectives and pluralism have created a range of "approaches" such as grounded theory, action research, or narrative analysis (Vaismoradi, Turunen, and Bondas, 2013).

I follow traditional qualitative approaches, which seek to arrive at an understanding of a phenomenon from the perspective of those experiencing it, in this case, the refugees and those who are involved in their protection. Determining which research approach could answer my research questions was key (Streubert Speziale & Carpenter, 2007), since there is a considerable overlap of epistemological, ethical, and procedural concerns among available qualitative approaches in terms of methods, procedures, and techniques. Although the similarities are more important than the differences, and I believe that the notion of flexibility becomes an important value, such flexibility can lead to inconsistency and a lack of coherence (Holloway & Todres, 2003).

Besides individual and group interviews, I have drawn on several other sources in order to help better understand the community I researched: namely through monographies, reports and other written data, and through observation and listening. The types of data the above methods have generated were field notes, audio recordings, and transcripts. Some aspects of the study were flexible, such as the addition, exclusion, or wording of particular interview questions. Participant responses affected how and which questions I asked next. The study was iterative, that is, data collection and research questions were adjusted according to what was learned.

5.1.1 Contextual data

i) Main literature review. Reports and other written data

For the first part of my thesis (chapters two to five) the main literature review included the international refugee law framework, in particular the 1951 Refugee Convention and its 1967 Protocol, as well as complementary primary international human rights and humanitarian law. I have also extensively gone through monographies regarding the causes of flight, both traditional and modern, and doctrine regarding the applicability of the Geneva Convention to the new forms of forced displacement.

Literature search also included going through previous research in order to identify studies in the area of refugee rights and definition, the protection gaps and the implications in the lives of refugees. I studied in particular the works of Professors Goodwin-Gill, Hathaway, and Betts. I undertook this research through diverse engines in internet using key words such as “forced migration”, “refugee definition”, or “refugee rights”. Written sources of data that have helped answer the research questions include monographies of academics and experts, jurisprudence, and the relevant policy documents and reports, namely UNHCR statistics and data.

For the second part of my thesis, I have extensively studied the contribution of the Church with regards to refugee protection, namely the doctrine of Pope Francis regarding migration, through official letters, reports and messages, and through my work in the Section for Migrants and Refugees of the Pontifical Council for the Promotion of Integral Human Development at the Vatican. The case study on the ecumenical community of Taizé included a literature review on the works of its founder, Brother Roger of Taizé, the present abbot, Brother Alois, and several writings of other brothers. I also studied what French philosopher Paul Ricoeur wrote about this monastic community and his thinking on refugee protection.

For both the first and second parts of my dissertation, I have analyzed the most recent policy documents on forced migration, namely the final versions of both the 2018 Global Compact on Refugees and the Compact on Safe, Orderly, and Regular Migration. Although not legally binding, the Compacts represent the political will and ambition of the international community as a whole for strengthened cooperation and solidarity and the international response to large movements of refugees and protracted refugee situations.

Regarding biblical studies on migration, I completed a one-semester research stay at the Pontifical Gregorian University, in Rome, during the autumn (1st) semester of the academic year 2017-2018, and was registered as a guest student. I did research under the supervision of René Micallef SJ, Associate Professor in Moral Theology, and successfully completed the course TM2093 which Professor Micallef offers to postgraduate students at the Faculty of Theology. The course bears the title “Come usare la Bibbia nella riflessione morale e sociale?” (How to use the Bible for moral and social reflection?) and uses the case of the stranger in biblical literature to present a methodology for using Scripture scientifically, honestly and responsibly in contemporary ethical reflection on social issues. The coursework included several readings and the writing of an essay which received a grade of 9.4/10. I previously informed the professor that I intended to use parts of the essay for my doctoral thesis. Chapter Nine of the thesis includes parts of this essay. I have annexed the certificate of my research stay and the grade of my essay, which was provided by the Pontifical Gregorian University in April 2018 (Annex I).

Literature search in libraries included work in the Pontifical Gregorian University, in Rome, and in the library of the Pontifical University of Comillas, in Madrid.

ii) Participant observation

I used participant observation as a way for gathering data on behaviors in their usual contexts, by recording notes as soon as possible after each period in the field, be it in Lebanon, India, the southern coasts of Spain, or France. I made notes as concrete, complete, and comprehensive as possible. I began the record of each field visit with a new page, using wide margins to add notes at any time, going back and adding to the notes when I remembered something later, recording events in the order in which they occurred and noted how long they lasted. I included diagrams and maps of the setting. I also recorded emotional feelings and private thoughts in a separate section. I have reread notes periodically and recorded ideas generated by the rereading. This method has been used in Chapters Four, Five, Seven, Eight, and Nine of the thesis.

For Chapter Four, in order to understand the impact of the agreements between Spain and Morocco, I visited the Southern coast of Spain on eight occasions, between 2016 and 2019, and spoke to different people especially during the rise of arrivals of migrants and refugees during 2018 and 2019. For information on the Moroccan side of the Gibraltar Strait, in Tangiers, and in order to understand whether an agreement had actually been implemented between both countries, I spoke to Helena Maleno, Spanish human rights activist based in Tangiers and winner of various awards.

Some of the cultures that I researched are primarily oral rather than literary. In some instances, I spoke to people informally as a way of understanding more about the challenges they face. This happened particularly during my visit to Tamil Nadu, India, (Chapter Five) in 2016, and in some of the informal refugee settlements I visited in Lebanon in 2018. I listened to stories people told me, and what they complained about. I believe that informal conversations can be more informative than a formal group interview so I used time during trips to exchange views with refugee workers, particularly in Lebanon. More specifically in Chapter Eight, by gathering different responses to refugee protection in Europe from community-based organizations, I have strived to translate Pope Francis' thinking on the opportunities refugees bring, from the points of view of those who have been hosted as refugees or asylum seekers, and of those who have hosted them.

The observation method was used especially when hosting myself refugee women at my place during 2017 and 2018, through the program "Communities of Hospitality" organised by Centro Astalli, the Jesuit Refugee Service branch in Italy. My family and I hosted two women from Damascus, Syria between May and June 2017, for a period of two months; A woman from Mauritania, in November 2017, for a period of one month; A woman from Yemen in March 2018, for a period of one month. We also hosted regularly a young man from Aleppo, Syria, between 2016 and 2018, first during his asylum process and later on, once he was granted refugee status in Italy, in 2017. We shared and followed closely the lives of these refugees, who became friends, and in some occasions we facilitated their access to employment, being successful in three cases. The two women from Damascus ultimately decided to go back to Syria, given the difficulties they found in Italy. I obtained the consent from all of these refugees and explained the purpose of my thesis.

For Chapter Nine, I spent two one-month periods in Taizé, France (in 2017 and 2018). In July 2018, I was hosted by a family who had daily contact with the refugees hosted in Taizé. While we were having meals, or chatting informally, they were talking to each other about the problems refugees faced, and how they managed them. These informal interviews were an excellent way of accessing what was relevant to the impact of the presence of refugees in the wider community of Taizé. During this period, I also formally interviewed four members of this family, and with their consent included what they shared in Chapter Nine.

5.1.2 Individual interviews

i) Materials and procedures

I used semi-structured interviews to collect data on individuals' personal histories, perspectives, and experiences, particularly in the Community of Taizé where sensitive topics were explored regarding individual persecution, refugee status determination procedures, and reactions by residents of villages close to Taizé.

Semi-structured interviews allowed me the flexibility to listen attentively to what participants said, engaging with them according to their stories, cultural backgrounds, and encouraging them to elaborate on their answers. I organized these interviews through open-ended questions so as to give participants the opportunity to respond in their own words. This method was applied especially throughout Chapter Nine.

ii) Profile of participants

In order to interview my primary sources, I identified first the main protagonists: The refugees. I interviewed 15 refugees who were granted asylum and are striving to integrate in the villages around Taizé. They come from Darfur (Sudan), Eritrea, Afghanistan, and Syria.

Secondly, I identified and interviewed those who are closer to the refugees in their daily life: the brothers of Taizé and one family who lives in the village of Taizé itself. The criteria for the selection of these participants included the involvement of participants in the administrative procedures, both in the refugee status determination procedure, and other relevant administrative areas such as access to education, employment, or health. I was also interested in the life-engagement of these participants and the impact this engagement had in their lives and in the understanding of who is a refugee.

I interviewed five brothers of the community of Taizé and two lay persons closely involved in the refugee procedures. By interviewing these members of the community of Taizé, my aim is to show how a Christian community can contribute to a new narrative on migration and how, well beyond a top-down approach by states, community-building initiatives can be a sign of our times: they make real changes in people's lives, not only in the lives of the refugees but also of those who host them.

Thirdly, in order to show how this life-engagement has ultimately an impact in the wider community, I interviewed two young volunteers who were involved in welcoming the refugees when they first arrived, during 2015 and 2016, and six residents of three surrounding villages – Ameugny, Cormatin, and Cluny. The criteria for selection of these participants was the involvement in different sectors in making possible the integration of the refugees. This included areas such as formation in French language, training to access employment, or leisure activities.

I approached each of the above participants with an agreed consent, explaining the purpose of the interview, and the intended outcomes. We agreed in maintaining their anonymity if requested.

5.1.3 Group interviews

i) Profile of participants, materials and procedures

Focus groups were used in order to effectively elicit data for Chapters Five and Seven. In Chapter Five, the focus is on durable solutions for refugees from Sri Lanka in Tamil Nadu, India, and Chapter Seven focuses on Syrian refugees in Lebanon. In Tamil Nadu, I informally interviewed groups of refugee teachers and groups of NGO workers during a field visit in March 2016. Beyond theoretic possibilities for their return to Sri Lanka or integration in the Indian society, my aim was to study what these

solutions meant for Tamil refugees themselves, many of whom never lived in Sri Lanka, and understand their fears and aspirations about both returning to their country of origin or staying in the host country, India. I did this through group interviews during a meeting on education and vocational training held by the Jesuit Refugee Service in Dindigul. I explained the purpose of my interest and had the consent of participants. We agreed in respecting confidentiality of denominations, both regarding names and refugee camps they came from, in order to maintain anonymity.

In Chapter Seven I analyse the role of education as a specific way of protecting refugees and preventing different forms of child abuse. My findings during a field trip to Lebanon in May 2018 included group interviews with a group of ten refugee workers in the area of education, four refugee teachers and three principals of refugee schools – especially members of the Jesuit Refugee Service – in Beirut, Baalbek, and several informal refugee settlements in the Bekaa valley. During this field visit, I also visited five Syrian families in two informal settlements. I included some aspects of their lives and the need for education of their children and youth not through interviews but through participant observation.

5.1.4 Protocol used for gathering visual content

While I am aware that the use of images plays a vital role in communicating the general public and other constituencies the injustices suffered by refugees, I also acknowledge that the use of photographic stills can cause harm if not held to high ethical standards.

During the visits to different refugee settings, I followed the Visual Content Guidelines developed by the Jesuit Refugee Service (JRS), and which are available in Annex II. The reason is that my visits to India (Chapter Five), and Lebanon (Chapter Seven) were made on behalf of this organisation.

The protocol I followed is hereby explained: Regarding beneficiaries of the programs I visited, I took photos and videos of people interacting with each other or performing specific actions. I avoided demeaning or disrespectful images of the dignity of the persons portrayed. The rights, safety, and wellbeing of the persons being portrayed have always been protected given that faces have not been portrayed and thus the persons are not recognisable. The gratuitous portrayal of extreme suffering was always avoided.

With regard to the protection of people portrayed, I paid extra attention to protecting the identity of beneficiaries. Before photographing or filming, I informed the intended subjects (both beneficiaries and JRS staff members) that the images might be published in a thesis. I used written consent for those images taken from a close distance.

5.2 Data management and analysis

Throughout the research, I followed the fundamental ethical principles of respect, beneficence, and justice, originally articulated in The Belmont Report (The National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research, 1979).

First, respect for the dignity of all the people whom I have interviewed, which I committed to ensure in order to avoid exploitation of their vulnerability. By adhering to this principle, I have made sure not to interview people simply as a means to achieve my research objectives but to listen to them first as human beings deserving respect.

Second, beneficence, by which I committed to take into consideration and to minimize the psychological and social risks associated with research, such as re-traumatization when going through the details

of their persecution, journey or arrival to the host country. Specific ways this has been achieved include confidentiality of names, not displaying stories of people who are clearly connected to a given community but using them in other parts of the research as content to validate my thesis.

Third, justice, which required a commitment to ensuring a just balance of the risks and benefits resulting from research.

5.2.1 Translation

Most of the interviews were done in languages I am fluent in, namely English (in Tamil Nadu, India) and French (in Lebanon and France). When I needed support from an interpreter, such as for Arabic in Lebanon, I made sure the interpreter fully understood why and for what purpose I was recording the testimony. I informed the interpreter that she was bound to translate correctly the words spoken and to treat the information obtained during the interview with confidentiality. This was agreed to a written consent by the interpreter.

I made sure that the interpreter did not belong to an ethnic background or political party that was opposed to that of the interviewee. I always aimed to maintain impartiality during the interviewing process.

5.2.2 Recording, transcription, and denominalisation

I followed closely the guidelines below while recording testimonies.

All people willing to share their story with me were treated with the utmost respect for who they are and what they have experienced. Most of the people who have shared their stories have fled their home countries and have suffered tremendous pain and loss; they often feel insecure and some have serious concerns about what protection they will receive. In all cases it has been, therefore, of paramount importance to protect their identity. I acted in the best interest of the interviewees to ensure that the testimonies they provided would not have a negative impact upon them, their family members, their communities, or the people they reside with.

One way of protecting those who have shared their story has been to change their names when publishing their testimony, for security reasons. During the process, it was not necessary to alter or remove other information which could reveal the person's identity, such as age, place of origin, ethnic group, role they or their relatives played in previous regimes, or current place of residence. I did not record the testimonies of refugees who had serious protection concerns.

Regarding informed consent, I ensured that people understood what it meant to participate in my research study, so they could decide in a conscious, deliberate way whether they wanted to participate. Individual informed consent was obtained written and orally. The participant received all of the information needed for consent either verbally and then verbally consented to participate. The written informed consent was signed with the participant's signature. Given that all the names of the refugees had been changed, and loss of confidentiality was no longer a risk, oral consent was obtained for the interviews done for Chapter Nine of the research.

Regarding the protocol I followed when recording and writing up a testimony: Before I started the interview, I informed the interviewee who I was and why I was interested in their sharing their story; I also explained what purpose the account would be used for; what was expected of him/her as a research

participant; minimization of risks (no names displayed when it referred to refugees); the fact that participation was voluntary and that one could withdraw at any time with no negative repercussions; and how confidentiality would be protected.

Consent from the interviewee was never obtained through force, coercion, the use of falsehoods, persuasion, or false pretenses. Consent was always given voluntarily. Sample consent forms used in the course of the study are annexed (Annex III).

5.2.3 Thematic data analysis

Data analysis was taken from the main refugee organisations dealing with forcibly displaced persons, namely the United Nations High Commissioner for Refugees (UNHCR), UNICEF, and the Office for the Coordination of Humanitarian Affairs (OCHA).

Throughout the research process, the initial bibliography was reviewed according to changes and the occurrence of new events, which by the nature of the topic is dynamic. The bibliography was updated, adjusted to the hypothesis, according to the evolution of legislation and the continuing course of events.

Likewise, I constantly monitored new mechanisms of protection at both regional and international levels. I was careful to keep up and synchronize my research with the process of the Global Compacts on Refugees and for Safe, Orderly, and Regular Migration, including their negotiation, stocktaking, and consultation phases throughout 2018.

5.3 Ethics

Throughout the research, my priority was to listen to the voices of the refugees and those involved in their protection, to find out first-hand how they were displaced, what difficulties they faced and still labour under, what their needs are, and channel those voices.

Ethical issues were thoroughly taken into account, especially with regard to confidentiality and concern for the security of the people interviewed. I paid special attention to cultural sensitivities, and to the names being displayed. In all instances, the safety of the people interviewed was given priority, both out of consideration for their mental stability – to avoid any sort of triggering memory or re-traumatization– and out of respect for their need for security. Interviews with refugees, asylum seekers, and refugee workers – lawyers, social workers, trainers – included an authorised consent form (see Annex III).

An approach I deliberately used is “bracketing”, which is a method used in qualitative research to consciously mitigate any potential negative effects derived from the researchers previous knowledge and the stereotypes once held, or preconceptions that may taint the research process (Tufford and Newman, 2010). This approach allowed me to deepen my reflection during each of the phases of the research, for instance in the design and conduct of the interviews.

The research proposal and the final results of the research will be presented to the Ethical Commission of the University of Comillas, to ensure that the whole process is in line with the ethical policies in place.

5.4 Citation: In-text and references

For in-text citations and references, I have used the style corresponding to the 6th manual of the American Psychological Association (APA), published in 2010. I have used in-text citation using the author's last name and the year of publication when referring to, summarizing, paraphrasing, or quoting from another source. For direct quotations, I have included the page number as well.

For direct quotations of more than 40 words, I have displayed the quote as an indented block of text without quotation marks and include the authors' names, year, and page number in parentheses at the end of the quote.

For every in-text citation in my thesis, there is a corresponding entry in my reference list, which I have divided by chapters.

6. Relevance

This dissertation shows a Christian contribution to the forced movements of people today and can be considered relevant in three different levels: academic, legal, and ecclesial.

Today the world is confronted with unprecedented numbers of people seeking refuge, with one out of every 122 humans displaced from home (UNHCR, 2017). People are experiencing a tension between compassion with foreigners trying to reach safety in their countries, and the economic, cultural, social, and political protection of their people.

The theory of Catholic Social Teaching and the living experience of Christian communities can offer valuable responses to many of the current refugee debates. This dissertation aims at examining the Christian response to forced migration and to the protection of forced migrants. While it is currently absent in the general academic migration discourse for its perceived lack of attention towards migration (Groody, 2009), Catholic theology would stand out as a discipline to keep academic debates focused on the humanity and dignity of forced migrants. More than any other discipline, theology tends to recognise the difference between a refugee's disputable legal identity and his inviolable human dignity. By thoroughly studying "the signs of the times" (Pope John XXIII, *Humanae Salutis*. 4. 1961) that we currently live in, I believe that the vision of Pope Francis can make valuable contributions to refugee debates.

I believe that Christ is a world heritage. All men and women of this world can participate in a way or the other of this lighthouse which is a light for all, not only for a few: a light to be placed in an upper place so that it brightens our journeys. I believe as well that Christians are not the owners of this lighthouse – as some have understood – but we are those who should enable that the Light reaches out to all: atheists, the poor, the rich, the Buddhists, the Muslims, the right-wing, the left-wing. Christ does not want to exclude anyone, and we do not understand Christianity if we do not understand this (D'Ors, 2017).

Only by a personal encounter with each individual refugee can we really become aware of the wider refugee phenomenon, the vague and dangerously abstract dimensions of which appear to us to be overwhelming. It is vital to bring closer the concrete lives hidden in anonymous reports, media articles, and even academic works. We need to see the human reality behind each of those lives of the people we see in shocking close-ups of shipwrecks on the daily news. I hope that this research will enable the reader to establish a relationship with those who have suffered, and help assure that their experience is not consigned to oblivion.

7. Vision and inspiration

If you want to learn something of what genuine change means you must listen carefully to the voices of people who have suffered greatly.

John Paul Lederach, *The Moral Imagination: The Art and Soul of Building Peace*

The ultimate objective of this work is to contribute to re-building the history, at present incomplete and fragmented, of human beings who live in the peripheries of the world. It is written on behalf of the survivors of long journeys, of endless asylum processes, and of years, and sometimes decades, of exile. Through this work, I would like to shed some light on one of the most dramatic and ignominious episodes of our recent history: the deaths of thousands of people trying to reach safety, at sea, in the deserts, in different parts of the planet. I want to help readers understand the reasons why this is happening, what causes these flights, the problems people face if and when they reach safety, and the aspirations they have. I would like this work to be a call upon all sides to wake up, pay attention, and then act. We live in a world which is far too often indifferent to suffering, and sometimes complicit in it. We increasingly participate in a drift towards disaster, which began with a grim, blind denial of our own identity.

My aim is to honor and preserve the memory of many survivors to whom I believe our society owes an indisputable debt. By reclaiming each of these lives for what they are or were in themselves, I want to draw attention to the value of the individual - to give an opportunity to the unheard to be heard.

This work is dedicated in a special way to a friend from Kenya, Antony Mukui, who could not bear the suffering and loneliness of being a refugee and crossed the final border.

8. Overview and structure

In light of the above, my research intends to achieve the following:

First, I wish to contribute to the literature on forced migration through a study of who today's forcibly displaced persons are and the causes of their displacement. I intend to show that, besides those who are protected by the 1951 Refugee Convention, there are people who are unprotected and uncovered by any legal framework. These people do not meet the definition of "refugee" according to the 1951 Convention but are nevertheless in desperate need of protection. My research investigates how this lack of protection invariably impacts their lives and their well-being, including that of their children. I show that there is not a definition of the word "refugee" that justly describes and points to the challenges facing refugees today. I also attempt to reclaim the need for alternative international mechanisms of protection.

Second, by analysing the value of both the 1951 Convention and the Catholic Church's definition of refugee, I shed light on whether Catholic Social Teaching, the Catholic doctrine on matters of human dignity and common good in society, and the vision of Pope Francis, can offer proposals of 'lex ferenda,' or future law. More specifically, I offer a description of the contribution of the Catholic Church and faith-based organisations to widen the scope of the protection of refugees, from both a conceptual and a pragmatic perspective. Since his is one of the few voices demanding the upholding of the rights and dignity of the forcibly displaced today, I include an analysis of Pope Francis's doctrine and theology on refugees as part of the Church's contribution to claim the need for further protection of refugees.

Next, based on Pope Francis's teachings, I recommend realistic options for refugees seeking safety, mechanisms designed to provide access to protection, and legislative improvements aimed at furnishing the best measures for the protection of human beings in this century.

Finally, I refer six case studies of the protection of refugees from a community perspective and more specifically, the case of a receiving community: the ecumenical community of Taizé, in France.

The first part of my thesis –Chapters Two through Five – offer the state of the question, through a combination of a review of literature, including a study of the relevant legal doctrine regarding refugees and an analysis and selection of doctrine and jurisprudence, coupled with analysis based on observation and group interviews, such as in the case of Tamil refugees in India and the durable solutions they face. The above chapters are closely interlinked. The drivers of migration (Chapter Two) define who is considered a refugee today (Chapter Three); this is one of the major causes of both the lack of protection and the rights violations that so many people who do not fit the definition of “refugee” endure (Chapter Four). Solutions to the plight of refugees include tackling the matter of those drivers of migration (Chapter Five).

Regarding the definition of “refugee” (Chapter Three), my account is taken from my essay published by Radboud University Press in Chapter Five of the book, *How the World Today Treats its Refugees*, The Netherlands, 2018. At the end of Chapter Three, I offer what I think is one of the most pressing issues of our time: a new definition of the term “refugee”, based on Catholic Social Teaching.

Chapter Four, on the rights of refugees, offers a review of existing literature regarding the consequences which the broken system of refugee protection is having on people in need of what should be offered. I have added some testimonies in order to show how easily would-be-refugees remain unprotected because the procedures determining refugee status are limited.

Chapter Five, on durable solutions for refugees, combines a review of the literature with offering a particular perspective from a refugee's point of view, based on my findings after spending two weeks in the refugee camps in Tamil Nadu, southern India, in 2016. I analyse the options refugees face and make recommendations on policy and programming.

The second part of my thesis –Chapters Six to Nine – focus on contributions, both in thinking and in action, of the Catholic Church in the area of refugee protection. Chapter Six offers a study of Catholic Social Teaching related to forced displacement. Of particular importance for this matter today are, first, the principle of impartiality according to the Christian tradition, and, second, the question of human security in its relationship to that of national security.

Based on the above principles, Chapter Seven offers what is new in the statements of Pope Francis on the matter of refugee protection. The Global Compacts on Refugees and Migration, in late 2018, offered opportunities to all stakeholders to rethink alternatives to the broken refugee protection system. Pope Francis has contributed to this process by offering a pragmatic program, which is analysed in this Chapter. During 2017, because of my collaboration with the Migrants and Refugees Section at the Vatican, I was involved in the hearings and process leading up to the development of the Twenty Points of Action, a set of recommendations for a fairer management of migration. This program is based on four verbs used by the Holy Father as a call to concrete action: welcome, protect, promote, and integrate. Each of these verbs heads a set of proposals regarding refugee protection, all of which are analyzed in the chapter.

Using the above four verbs as an organising principle, the experience of ordinary men and women in widening their protection of and their welcome towards refugees in different countries of the European

Union is explained in Chapter Eight. Through review of policy reports and existing literature, I have sought to analyze the role of faith-based communities in protecting forcibly displaced persons. This Chapter provides an analysis of refugee protection from a community perspective, including models of faith-based communities which, by hosting and accompanying, are actually building safety nets, protecting refugees, and contributing to their integration¹.

Chapter Nine offers the experience of journeying with refugees of the ecumenical community of Taizé, in France. I argue that the experience of this community is a model of refugee protection today, and offers a fresh interpretation of the biblical tradition of hospitality. I analyse the early writings of Christian author and the founder of this community, Roger Schütz, popularly known as Brother Roger, and its impact on contemporary religious and philosophical thinking, such as in the French philosopher Paul Ricoeur. Throughout this last part of my thesis, I offer testimonies of refugees who are hosted by the community of Taizé, particularly those who arrived to Taizé between 2015 and 2018, and those who host them, both lay and religious people, showing how this ecumenical monastic community understands and works for refugee protection.

In Chapter Ten I summarize a set of eight conclusions and recommendations, which are sub-divided according to the three research questions. I offer conclusions especially in light of the implementation of the Global Compacts on Refugees and Migration and the nascent Refugee Global Governance Regime, with the hope of contributing to this process.



Art work produced by refugee children in Nour I school, Baalbek, Bekaa Valley, Lebanon. (Valcárcel, 2018)

¹ Part of the text of this Chapter was published in January 2018 in the Spanish magazine *Revista de Fomento Social*, under the title “‘I was a stranger and you welcomed me’: the response of the Christian civil society to refugee protection in Europe,” published by Universidad Loyola Andalucía in its volume 73/1, issue number 289, ISSN: 0015–6043. This publication is Indexed in: Fuente Académica (Ebsco); Dialnet, Econis; ISOC; IBSSL: International Bibliography of the Social Sciences (Proquest); Sociological Abstracts (Proquest); Worldwide Political Science Abstracts (Proquest); Russian Academy of Sciences Bibliography. It is evaluated in: Latindex; MIAR, Matriz de Información para el Análisis de Revistas; CARHUS Plus+; In–Recs, Índice de impacto de las revistas españolas de ciencias sociales (EC3); DICE, Difusión y Calidad Editorial de las Revistas Españolas de Humanidades, Ciencias Sociales y Jurídicas (CSIC / ANECA); CIRC, Clasificación Integrada de Revistas Científicas (CSIC).

CHAPTER TWO - THE DRIVERS OF FORCED MIGRATION

In nature there are two approaches to dealing with flooding. One is to build a dam to stop the flow. The other is to find the right path to allow the flow to continue. Building a dam does not address the source of the flow – it would need to be built higher and higher, eventually holding back a massive volume. If a powerful flood were to occur, it could wipe out everything in its path. The nature of water is to flow. Human nature too seeks freedom and that human desire is stronger than any natural force. (Weiwei, 2018)

Every continent and every region of the world are affected by the problem of forced displacement of human beings. Over the past 20 years, almost every country in Africa, for example, has either produced or received refugees. Whole generations of people in Africa, the Middle East, Asia, and Europe have known no other life than time spent in a refugee camp. Denied education, children lose their hope for the future. Adults lose their roles, their skills, and their dignity. Communities become dependent and cultures are atrophied. Lost generations linger in legal, social, and political limbo, often ignored by the international community. But in all these crises, such as those which have raised concern in recent years – whether in Syria, the Central African Republic, Iraq, or Myanmar – the real story can be read in the exhausted faces of the refugees forced to flee from these conflicts.

We hear talk of ‘the refugee crisis’. We should not romanticise refugees, nor should we blame the victim. The refugee herself is neither the problem nor the crisis. The point, in fact, is what it was that caused her to become a refugee. In most cases the immediate cause is violence, but there is always a complex set of factors underlying this violence. It is clear that, despite the end of the Cold War, there are and will continue to be many national and regional conflicts. Forced displacement will likewise continue through the coming decade, with only some of its features changing: there are and will be more people internally displaced, more illegal movements, more patterns of detention and more forced returns (UNHCR, 2017).

Never having been a refugee, I shall nevertheless attempt to describe what I observe and hear of the refugee experience, acknowledging that I am simply unqualified to describe what it feels like to be uprooted and that even my observations themselves are unavoidably limited. The first part of this chapter proposes to explain who, today, the 68.5 million refugees and forcibly displaced persons are. It will also identify the forces pressing upon their lives. Most of these examples are drawn from the experiences of the Jesuit Refugee Service (JRS).

I am part of a lost generation. As all the people of my age, displaced since October 1990 because of the war and without a country after the bloody spring of 1994.

My brother and my sister would have to be in high school now and could then start living with their own wings. Today, they are in the starting point. There is no chance for them to make their dreams come true. They are also a lost generation.

My cousin was studying medicine. Today, he would be able to figure in the prestigious list of doctors. But his intellectual capacities are frozen as he lives in a refugee camp. Another lost generation.

Youth is also lost because of the tough conditions of exile, that oblige to precocious relations. But all this must stop. It is too much. The international community must be conscious of the level of destruction of the Rwandan society. No one can be proud about what happened, even those who won. (J.K., a Rwandan refugee, as cited in Raper & Valcarcel, 2000, p. 34)

In December 1950, the office of the UNHCR was established. Six months later, in July 1951, the Convention Relating to the Status of Refugees was introduced, and later in 1967 the Protocol to the Convention was drafted. Both the UNHCR and the 1951 Convention have been the cornerstones of the international refugee protection regime ever since. According to the latest figures from the UNHCR, the total number of States Parties to the 1951 Convention is 145; the total number of States Parties to the 1967 Protocol is 146. There are 142 States Parties to both the Convention and the Protocol, and 148 States Parties to one or both of these instruments (UNHCR, 2015).

During the 1960s and 1970s, almost all independent countries in Southern Africa received flows of refugees from countries which were still struggling with issues of racism, colonialism and post-colonialism, apartheid, and the structural and economic disparities that they had inherited from a combination of these issues. In Central Africa, waves of refugees fleeing from the conflicts in Rwanda and Burundi were received in neighbouring states – mainly Tanzania, Uganda and the former Zaire. In the Horn of Africa, victims of the political conflicts in Somalia were hosted by different nations who showed great generosity.

Moreover, the Security Council members, and other nations also, were ready to intervene militarily in civil wars for substantially humanitarian objectives. There were the April 1991 initiative to create Safe Havens for Kurds in northern Iraq, the January 1992 creation of UNPROFOR for former Yugoslavia, and the December 1992 deployment of US troops in Somalia as part of the United Task Force operation (UNOSOM).

Immediately after the end of the Cold War, new approaches were proposed for dealing with humanitarian crises. The dismantling of the Iron Curtain between 1989 and 1992, making physical access from Central and Eastern European countries to Member States of the EU easier, augmented mobility “not only for citizens of these states, but for transiting refugee from other parts of the world as well.” (Noll, 2000, p. 119). Parallely, the West, moved by a spirit of triumphalism, promised a “new World Order” which would extend democracy, and indeed induce respect for human rights, throughout the world. The peak of protection claims in 1992 “was unprecedented in the post-war period: almost 700.000 persons sought refuge in European countries.” (IGCARMP, 1997, p.21 as cited in Noll, 2000, p. 119-120). The 1992 statistics indicate that “the majority of protection seekers originated from European countries, one of the main causes being the conflict in Former Yugoslavia, flaring since 1991.” (Noll, 2000, p. 120). The implications of this conflict for migration and protection in Europe can hardly be overestimated, and it certainly represents the decisive event of the period between 1992 and 1997.

That spirit of triumphalism changed in the latter half of 1993 when UNOSOM became more confrontational; 18 US troops were killed, and their bodies paraded through Mogadishu, a scene relayed around the world by TV. By March 1994 the US was out of Somalia with a resolve never again to be embroiled in African conflicts; and the US would involve itself only when US interests were clearly under threat and when it was given a clear line of command separate from UN structures. Shortly after, on 7th April 1994 what would be called the Rwandan Genocide began. Four hundred and seventy United Nations Assistance Mission for Rwanda (UNAMIR) troops were left unaided until 12 weeks later, by which time 800,000 lives had been lost.

With the Cold War over, one would think the world should be a more peaceful place. It is true that conflicts between sovereign states are fewer. Regional conflicts like those once witnessed in Indochina, Angola, or Mozambique are no longer fanned into flames by super-power conflicts. Yet, paradoxically, intense new conflicts are breaking out almost uncontrollably within national borders, often involving non-state actors. An underlying key to many of these conflicts is identity. Differences over territory, religion, and ethnicity, escalate into sharp violence. In nine cases out of ten, the victims of current conflicts are civilians (SIPRI, 2017). All them cause the displacement of people.

Provocations to war always exhibit a local coloring, but many of the conditions underlying today's conflicts are global in origin. Eighty four percent of those displaced come from the world's least developed regions. Even when as fugitives they manage to cross borders, nearly all remain within the world's least developed regions (UNHCR, 2017).

Part of the solution, as I will explore in this and the following chapters, is to link the root causes of migration to the Sustainable Development Goals that the 20130 Agenda proposes. To this end, "it is essential not to neglect the indicators of the cross-category presence of human migrations as they currently fail to occur in almost every goal in many of the proposed targets." (Gortázar, 2019, p. 47) In order to provide a way forward, the 2018 Global Compacts on Refugees and for Safe, Orderly and Regular Migration and their implementation should be the opportunity to "emphasize the point of connection between migration and a sustainable development, as proposed by the 2030", which look at some of the root causes of displaced population movements. (Gortázar, 2019, p. 47)

1. A world with 68.5 million forcibly displaced persons

When the rebels entered Sudan, we ran from Juba to Nimule. When I was in Nimule with my children, some people broke into my house. They started to beat me, a disabled woman. I left my husband in the town, I do not know where he is now. I have seven children and they are suffering. I am finding difficulties to care for them, to provide school fees, clothing, blankets, and books. I also came across two orphans, and it is not easy to help them." (A refugee woman from South Sudan in Northern Uganda, as cited in Raper & Valcarcel, 2000, p. 25)

Few would deny that today's large movements of refugees and migrants are very complex, often disorderly, unpredictable, and dangerous. Several of these movements have reached crisis proportions. They seem likely to continue, even though they already arouse intense alarm, cluttering many minds with overwhelming statistics and filling many imaginations with distressing images (Czerny, 2017).

In 2018, the United Nations High Commissioner for Refugees (UNHCR) estimated that around 68.5 million people worldwide were forcibly displaced. This number includes an estimated 40 million internally displaced persons (IDPs) and nearly 25.4 million refugees, over half of whom are under the age of 18. This figure includes 5.4 million Palestine refugees under UNRWA's mandate and is the highest known total to date. In other words, by the end of 2017, 44.400 people were being forcibly displaced every day as a result of conflict or persecution (UNHCR, 2018). There are also 10 million stateless people who have been denied a nationality and, as a consequence, suffer difficulties regarding access to education, healthcare, or employment. The global numbers include 3.1 million asylum seekers and 5 million returning refugees (UNHCR, 2018).

Two factors - globalisation and fundamentalism - are at the root of new and often violent conflicts. Because of the rapid changes taking place in traditional societies due to globalisation, people suffer a sense of confusion, and therefore yearn to return to the old ways of life - thus paving the way for fundamentalism. Division and forced segregation of people according to religion, language, culture, and caste have resulted in much bloodshed, loss of life, and damage to property. In all this affliction, the main victims are the poor and marginalised.

The problem of security in refugee camps has received a great deal of international attention in recent years, largely, but not only, prompted by the ongoing refugee crisis in the Great Lakes region of Africa.

Concerns about security should not mean that refugee settlements are managed in a non-participatory, authoritarian manner. Measures to improve protection and security include moving camps to a safe distance away from borders to prevent cross-border attacks; thoroughly screening refugee populations to ensure the civilian nature of camps; a more rigorous application of the exclusion clauses of the 1951 Convention, and improving the quality of protection provided in the field through better training of UNHCR field staff, including instruction in human rights and humanitarian standards.

The third reason is the impact of refugees on host countries, which includes damage to the environment, ecology, or infrastructure. Host countries, especially in the Middle East and Africa, have legitimately resented the lack of sharing of responsibilities amongst nations, for a problem which they perceive as one they are able to bear alone.

Most of the major refugee hosting countries, especially in Africa, are economically challenged. They should therefore be given international assistance if they are to be expected to go on providing asylum to refugees. Assistance in meeting the entitlements of refugees should be timely and adequate, especially in the provision of physical and material security, including food, shelter, clothing, and medical supplies.

Public education efforts and the cultivation of awareness should be stepped up, to open the population's eyes to the special status of refugees and to explain to them why, unlike other aliens, they need and deserve international protection.

The continued availability of asylum in the Middle East and Africa will depend on the problems that are currently constraining sufficient attention being paid to refugee policy formation. Tackling the issue of the magnitude of the refugee problem requires that the root causes of forced migration be addressed. These include, amongst many others, extreme poverty, violence and the violations of human rights, the arms trade, and lack of accountability on the part of those who make it impossible for others to remain in their own countries (Rutinwa, 1999).



Moroccan boat sunk in the coast of Punta Paloma, Southern Spain (Valcárcel, 2019)

2. Why a “Refugee Crisis”? Root causes of forced migration

For many years the task of distinguishing refugees from ordinary migrants did not present serious difficulty to states. Migration and refugee flows were regarded as discrete phenomena. Refugees could also be distinguished from “economic migrants” whose claims were regarded as “fake.” But it has now become increasingly difficult to make a clear distinction between “voluntary” and “involuntary” population movements, between people who are fleeing from threats to their lives and those seeking to escape poverty and social injustice.

The drivers that create or exacerbate large movements of people and abrogation of the right to remain in one’s own land were reflected in the 2016 New York Declaration, which states:

We will analyse and respond to the factors, including in countries of origin, which lead or contribute to large movements. We will cooperate to create conditions that allow communities and individuals to live in peace and prosperity in their homelands. Migration should be a choice, not a necessity. We will take measures, inter alia, to implement the 2030 Agenda for Sustainable Development, whose objectives include eradicating extreme poverty and inequality, revitalizing the Global Partnership for Sustainable Development, promoting peaceful and inclusive societies based on international human rights and the rule of law, creating conditions for balanced, sustainable and inclusive economic growth and employment, combating environmental degradation and ensuring effective responses to natural disasters and the adverse impacts of climate change. (New York Declaration, 2016, para. 43)

There are in many countries extreme conditions in which the requirements of basic human survival are not met. What moves people to seek a better life often includes the search for security from a hostile environment that may not include “persecution” as such. Today more than ever, refugees are part of a complex migratory phenomenon in which political, ethnic, economic, environmental, and human rights factors combine to precipitate population movements. Many people are prompted to leave their own country by a mixture of fears, hopes, and aspirations which can be very difficult, if not impossible, to unravel.

As an example, in a reconciliation workshop where I participated which was held in Yaoundé, Cameroon, in February 2016, participants from the Jesuit Refugee Service identified what, according to their experience, were the root causes of conflicts in the West African countries where they worked. These countries were the Central African Republic, housing at the time of the workshop over 592,300 internally displaced persons and with 481,600 refugees outside the country; Eastern Cameroon, hosting a population of 274,000 refugees from the Central African Republic; and Chad, with a population of 401,684 refugees, mostly from Darfur (OCHA, 2017). Participants in the workshop were all refugees and refugee workers. Each of the displacement situations they explained included a complexity of different causes.

In Eastern Cameroon, for example, the violence in the Central African Republic had, at the time of the workshop, driven 274,000 people into neighbouring Cameroon, seeking shelter in camps like Mbilé. Yet funding for the crisis response is drying up, leaving refugees struggling to find enough to eat. The needs of refugees in Eastern Cameroon had been eclipsed by the crisis in the north, where Nigerians were seeking shelter from attacks by Boko Haram. General poverty, combined with hunger and the lack of access to health assistance, led to refugees having to pay for their own medical care.

Other causes of movement highlighted were nepotism, which fosters corruption; religious differences; lack of employment; the lack of land to cultivate; and lack of access to educational opportunities. This was especially dangerous for adolescents and the young, who are prone to seeking alternative paths to self-growth, which are not always positive.

A refugee from the Central African Republic, who was part of the workshop, and who lived in Eastern Cameroon said: “I have to pay in order to have land to cultivate.” His story reflects very well the different causes of displacement:

“I still do not know why the war is going on in our country, the Central African Republic (CAR),” says Haman, a refugee from CAR living in the Ketté area, Eastern Cameroon. Haman lives in the little town of Boubara with his wife and five sons.

Haman is originally from the area of Berberati, close to the border with Cameroon. He had a quiet life and worked as a diamond searcher in Karno. He also took care of his cattle (cows, goats, and sheep) as most of his countrymen did. But one day in 2006 he suddenly lost everything, when a group of bandits - issuing from the rebellion which grew out of the military coup of 2003 - came to the mine where he was working. They killed several people and stole all they could. “These bandits are called zargina or road cutters (*coupeurs des routes*). They cause hatred and mistrust because they are part of the community and if they know someone has access to money or other forms of richness, they disguise themselves and follow that person.” Haman fled with his family during the night and crossed the border to Cameroon. After some time, he wanted to go back to his country but war had started ravaging CAR.

Haman is happy about the welcome he and his family received from the host community. People live together in solidarity, without distinction of culture or religion. He works hard so life with the community can be as harmonious as possible. Nowadays, Haman earns his living by selling wood, which he cuts in a neighbouring forest. He also does some agriculture, growing corn, manioc, and peanut, thanks to which he manages to remain autonomous.

Since he arrived in Eastern Cameroon, he has seen many of his fellow countrymen arrive from CAR, fleeing terrible violence. Haman tries to help them by giving advice and raising awareness on how to adapt to a new life in Cameroon. He tells them not to get involved in armed groups or *coupeurs des routes*, both of which recruit young refugees from CAR.

When asked about his hopes and aspirations, Haman explains: “I would like that all refugees and the host community where I live are united and live peacefully together.” Asked about his willingness to return to his country, Haman, a believer in Islam, says, “I will go back when God wants.” But he adds that the land which has welcomed him is harmonious, and the trauma he experienced was too strong, so even if the situation gets better, the memories will still be there. (Valcarcel & Bial Bitoumbi, 2016)

*Mr. Haman, refugee from
the Central African Republic,
and his two sons,
in front of their house in Ketté,
Eastern Cameroon
(Hervé Bial/JRS West Africa, 2016)*



2.1 Poverty

The situation in Eastern Cameroon is worse than in the north because of the poverty, the lack of development, and the lack of attention from the authorities (Françoise Collet, EU ambassador to Cameroon, as cited in *The Guardian*, 2017).

While the incidences of persecution, armed conflict, and human rights violations are obvious factors underlying forced displacement, they are not the only factors. What turns local conflicts into humanitarian disasters is poverty. People who live at the limit cannot survive long without a field to cultivate or a market in which to sell their produce. They must move to survive. Moreover, corruption, lack of efficient administration, poor infrastructure, and weak national coherence make governance both difficult and costly.

Despite progress, extreme poverty remains unacceptably high. Given global growth forecasts, poverty reduction may not arrive quickly enough to reach the Millennium Development Goal target of ending extreme poverty by 2030. In 2013, the year for which the most comprehensive data on global poverty are available, 767 million people, or 10.7 percent of the global population, were estimated to be living below the international poverty line of \$1.90 per person per day, compared to 12.4 percent in 2012. That is down from 35 percent in 1990 which means that around 100 million people moved out of extreme poverty from 2012 to 2013. Since 1990, nearly 1.1 billion people have escaped extreme poverty. A vast majority of the global poor are predominantly rural, poorly educated, mostly employed in the agricultural sector, and live in larger households with more children. Over half of them are under 18 years of age (World Bank, 2016).



A neighbourhood in a city in Colombia (Pérez, 2015)

The World Bank is the main source for global information on extreme poverty today, and it sets the International Poverty Line. The poverty line was revised in 2015: since then, a person is considered to be in extreme poverty if he or she lives on less than 1.90 international dollars per day. This poverty

measurement is based on the monetary value of a person's consumption. Income measures, on the other hand, are used only for countries in which reliable consumption measures are not available (Roser & Ortiz-Ospina, 2017).

Poverty rates have declined in almost all regions of the planet. However, progress has been uneven, especially in Sub-Saharan Africa. The region has the largest number of people living in extreme poverty in the world, 389 million, which accounts for half the total number of the extremely poor in the world, and the figure is higher than that of all the other regions combined. The reduction in extreme poverty between 2012 and 2013 was largely fueled by the rapid advances in two regions – East Asia and the Pacific, with 71 million fewer poor, notably China and Indonesia – and South Asia, with 37 million fewer poor, specifically in India (World Bank, 2016).

A quarter of a century ago, even the average disposable income of the richest 10per cent in the member states of the Organisation for Economic Cooperation and Development (OECD) was around seven times higher than that of the poorest 10per cent; today, it is around 9.5times higher. Many fear that this widening gap is hurting individuals, societies, and even economies. Research suggests that increasing inequality could hurt economic growth. Addressing inequality includes policies which make economies more inclusive (Keeley, 2015).

The remedy offered by the monetary institutions of the West to the poorest economies has been a tough prescription of economic reform. But the structural adjustments demanded by the world's most affluent states carry a high human and social price: unemployment, decline in wages, reduced public services, and growing income differentials. These very same countries with low and declining standards of living are particularly prone to complex emergencies, refugee outflows, and other forms of forced displacement.

As an example, Chad ranks 184th out of 187 countries in the UN's Human Development Index. In addition to the security concerns, Chad faces both long-term development challenges and recent, acute economic concerns. Living conditions for refugees and host communities alike are very difficult, with food insecurity and a lack of livelihood opportunities just a few of the challenges they face. The price of oil, the country's main export, has fallen roughly 40 percent since 2015, and trade routes into Nigeria, the Central African Republic, and Libya have been largely cut due to conflict. As a result, the World Bank reports that government spending on services and development will decline significantly and could fall even further if Chad's military campaign against Boko Haram expands (Refugees International, 2006).

There is evidence that some of the refugees, eager to improve their living conditions, are making their own way. Those with personal contacts in nearby villages have persuaded traditional chiefs to grant them land to cultivate. The village of Koutoufou for example offered some refugees from Djabal parcels of arable land for farming (Refugees International, 2016).

It is becoming even more difficult than in the past to access populations living in severe poverty, who remain in remote geographical areas and often suffer from volatile security contexts. Access to good schools, healthcare, electricity, potable water, and other critical services remains elusive for many people since it is often determined by socioeconomic status, gender, ethnicity, and geography (World Bank, 2016).

Although poverty is one of the main forces driving conflict and displacement, over 84per cent of the world's refugees come from and are hosted in the poorest countries (UNHCR, 2017).

2.2 Armed conflict

We walked from morning to night, with mud that came to our knees. The killings and looting didn't stop, many died, and others were rounded up. After coming out from the forest, we arrived 234 kilometers near Kisangani. We arrived there after walking 680 kilometers by foot. (A refugee in DRC, as cited in Raper & Valcarcel, 2000, p. 9)

The immediate cause of forced displacement today remains the insecurity consequent on conflict. There are some exceptions of displacement which do, or did not result from direct conflict, such as that of the Bhutanese refugees, of whom there were almost 100,000 in Nepal since the early 1990s and up until 2014 after being expelled from Bhutan for ethnic and religious reasons. Fortunately, most of these refugees have found a durable solution through resettlement in third countries.

There are countries with conflicts whose importance, and the urgency of the need to find resolutions, have become paramount: Syria, Iraq, South Sudan, Afghanistan, Yemen, and the Lake Chad basin. There are also problems in influential and functioning states, like Turkey, and other states that have collapsed, like Libya. Half of the conflicts in 2016 and 2017 involved extremist groups whose ideologies and objectives were difficult to accommodate through negotiations (Foreign Policy, 2016).

According to the Uppsala Conflict Data Program (UCDP), the number of active armed conflicts decreased from 52 to 49 in 2016. However, despite this reduction, 2016 confirms that there have been significantly more conflicts in the past three years than there were in the period 2007–13. Comparisons over a longer period show that the number of armed conflicts in recent years has been equivalent to the number in the period 1990–92. The two periods 1990–92 and 2014–16 constitute two distinct peaks in the post-Cold War era. Much of the increase in the number of conflicts in 2014–16 originated in the spread of the Islamic State (IS), which often transformed already-active conflicts and caused these to be recorded as new conflicts in UCDP data.

Of the 49 active conflicts in 2016, two were fought between states (India–Pakistan and Eritrea–Ethiopia) and the other 47 were fought within states and concerned government (22), territory (24), or both (1). There is a clear recent pattern for a larger share of intrastate conflicts to involve troops from other states on the side of one or both warring parties. In 2016 over one-third (38 per cent) of intrastate conflicts were internationalised in this way. Most of these (13 out of 18) were fought against Islamist organizations (Stockholm International Peace Research Institute [SIPRI], 2017). Africa was the region with the highest number of conflicts in 2016 (19) followed by Asia (15). 10 conflicts were recorded in the Middle East, three in Europe, and two in the Americas.

The Middle East and North Africa (MENA) remains at the heart of global security concerns. A variety of factors explain the region's seemingly chronic insecurity and persistent susceptibility to armed conflict, such as governance failures in most Arab countries, the still-unfolding consequences of the 2003 invasion of Iraq by the US-led coalition, and the complex relations and rivalries among regional powers. In 2016 at least 7 of the 16 countries in the region used military force in combat in their own territory, and 11 used it on the territory of other countries. A key element in MENA's security profile is the aftermath of the 2011 'Arab Spring.' Five years on, it is only in Tunisia that the flowers bloom, although the country's path to a stable democracy remains fraught with risk.

Although the development of conflict in the recent years has been discouraging, particularly in the Middle East, not all changes have been negative. While many conflicts were initiated or escalated, many others ceased to be active or were de-escalated. The reduction in the number of conflicts in

Latin America is particularly noteworthy. After the 2016 peace agreement between the Revolutionary Armed Forces of Colombia–People’s Army (*Fuerzas Armadas Revolucionarias de Colombia– Ejército del Pueblo*, FARC–EP) and the Government of Colombia, and with ongoing negotiations with the National Liberation Army (*Ejército de Liberación Nacional*, ELN), the only guerrilla group still in conflict with the Colombian Government, it seems likely that the region will soon have no active conflicts.

About one-third of the world’s Islamist armed conflicts are taking place in the Middle East and North Africa, one-third in sub-Saharan Africa and the rest largely in Asia. In some cases, an escalation can be observed over time, beginning with a not necessarily religiously framed opposition to explicit Islamist grievances, and followed by a transformation into transnational Islamist aspirations. The need to recognize and manage this type of conflict constructively at each step of its escalation while actively seeking to resolve it, has important implications for conflict prevention policy. Southeast Asia stands out as a region that is bucking the empirical trend, where the proportion of Islamist armed conflicts seems to be decreasing (SIPRI, 2017).

The protection of civilians is another challenge, especially faced by the African Union (AU) and the UN. The impotence of the international community in Ukraine and Syria, together with the inability to deal with the situation in South Sudan, are just three examples. With some 200 000 civilians under its care in Protection of Civilian (POC) sites, the UN Mission in South Sudan (UNMISS) faces unprecedented challenges. Several attacks on POC sites in 2016 demonstrated that providing civilians with protection far exceeded the capability of UNMISS and that the POC sites raised unrealistic expectations among those who had expected to be protected. Moreover, since many civilians have already been living in the POC sites for more than three years, these sites, built to be temporary solutions, have become *de facto* camps for internally displaced persons, which require associated levels of internal security and living standards (SIPRI, 2017).

It is vital to understand the long-term impact of armed conflict on development and on the implementation of peace accords: while a typical civil war lasts 7 years, it takes 14 years to recover economically, with the chances of setback high. At the same time, it can take 25 years to rebuild lost state systems and institutions to the level of ‘good enough’ governance. Only in the past 10 years have Cambodia, Laos, and Vietnam, started to take off economically, after decades of conflict followed by decades of recovery. This suggests that ongoing conflicts and the dissolution of the state in Libya, South Sudan, and Yemen will each, on average, lead to another 15 to 25 years of lost development (SIPRI, 2017).

Although its most recent civil war ended in 2009, Chad shares more than half of its borders with conflict-affected countries: Nigeria, CAR, Sudan, and Libya. After years of conflict between the Chadian President Idriss Déby and Sudanese President Omar al-Bashir, the two reached a rapprochement in 2010 that stabilized the country’s eastern border. Yet regional counterterrorism efforts, particularly with respect to Boko Haram, remain a primary focus of the Chadian government. Suicide bombings on 15 June 2015 in the Chadian capital N’Djamena, which targeted both the police academy and police headquarters, have heightened security protocols in and around the city (Refugees International, 2016).



Aleppo, Syria (Jesuit Refugee Service Syria, 2016)

2.3 Climate-Induced migration

Our feet are swollen. I save from describing how is the situation of the 200,000 refugees here. (...) For one time in life, I have suffered and I still suffer in front of the eyes of my mother and my little brothers. (A refugee in DRC, as cited in Raper & Valcarcel, 2000, p. 16)

The phenomenon of people displaced by the effects of climate change is highly complex and in many ways little understood. Nevertheless, there is growing evidence that at least the number of people affected by climate-related sudden onset disasters is very substantial, making climate change a major driver of migration and thus causing increasing numbers of people to move from areas at risk to other regions, most commonly inside their countries, to build new lives (The Nansen Initiative, 2015). Climate displacement is *de facto* already a reality for many people, who have on occasion been forced to relocate several times, for instance because of worsening cyclones and flooding, as rising seas slowly wash away ancestral homelands. Worldwide, sea levels have risen 26 centimeters (10 inches) since the late 19th century. The rise driven by melting ice and a natural expansion of water in the oceans as they warm. Seas could rise by up to a meter by 2100. In these cases, relocation simply means safety and continuing to exist. But how long will safety and continued existence last? That is the real question, an answer to which is urgently required.

As an example, the photo below shows a woman in Tanna Island, which was particularly hard hit by Cyclone Pam, in March 2015. Many people in Vanuatu believed the cyclone was a manifestation of climate change (Voice of America News [VOA], 2017).



A woman weaves a mat in a village on Tanna Island in Vanuatu. (VOA News, June 2015)

These disasters include those linked to windstorms, heavy rainfall and flooding, which have become one of the primary causes of (often short-term) displacement, and their number is likely to grow. This raises the challenge of how to build the necessary financial, operational and legal capacities to respond to the specific protection and assistance needs of displaced populations (Kalin, 2010), as well as creating a space for discussion and action (McAdam, 2009).

Climate change must be accepted to the degree it has developed so far: its environmental and human impacts are already felt today and will be felt in the future. This makes it necessary to take measures to reduce the adverse effects of climate change, such as by reducing the impact of natural hazards by mitigating vulnerabilities, enhancing resilience capacities and strengthening adaptation measures. The Hyogo Framework for Action: Building the Resilience of Nations and Communities to Disasters (Hyogo Framework for Action, 2005), adopted by the 2005 World Conference on Disaster Reduction, provides an important model that states should take into consideration. While legally non-binding, the Framework expresses the acknowledgment by states ‘that efforts to reduce disaster risks must be systematically integrated into policies, plans and programmes for sustainable development and poverty reduction, and supported through bilateral, regional and international cooperation, including partnership.’ (Kalin, 2010, pp. 82-83)

There are two schools of thought regarding displaced populations as a result of climate. A maximalist school of thought expects “hundreds of millions of people, even up to a billion”, to be displaced as a consequence of climate change (Myers, 1993, p. 252). A minimalist approach stresses that displacement is triggered by complex and multiple causes, among which climate change is just one, and predicts that the number of cases where displacement can be directly linked to the effects of climate change will be few (Morrisey, 2009).

As we have seen above, sea-level rise is already prompting the migration of people from Pacific and Oceania island chains and low-lying coastal areas that flood regularly, and areas suffering extreme drought has sent others in search of sustainable farmland. Much of the coming migration will shift populations of people over the next three decades from rural areas to urban areas. Not surprisingly, the poorest people in the poorest countries will be hardest hit.

The impacts of climate change on food or water security are heavily dependent on socio-economic conditions, which means that the same impact might have diverse consequences depending on the context. Hence, climate change puts additional pressures on current vulnerabilities for people and societies across the world and has particularly adverse effects in already fragile contexts.

In 2005, The Hyogo Framework identified the following priority actions: “First, ensure that disaster risk reduction is a national and a local priority with a strong institutional basis for implementation; Second, identify, assess and monitor disaster risks and enhance early warning; Third, use knowledge, innovation and education to build a culture of safety and resilience at all levels; Fourth, reduce the underlying risk factors, and fifth, strengthen disaster preparedness for effective response at all levels.” (Hyogo Framework for Action, 2005, para 14).

One class of security challenge in relation to a changing climate is the increased risk of violent conflict. A large body of research in the past decade has examined the climate–conflict link and its influences on policy-making, most notably in foreign defense and development policy, for example, on the basis of arbitrary deprivation of life, torture, or cruel, inhuman or degrading treatment or punishment. This is known as ‘complementary’ or ‘subsidiary’ protection, as I will analyze later in Chapter Four. It is important to have a clear analysis of its applicability in the climate change context (McAdam & Saul, 2010).



A child climbs over rubble left from the earthquake in Haiti (Jesuit Refugee Service, 2010)

Four mechanisms linking climate change to violent conflict have been identified: worsening livelihood conditions; migration and changing pastoral mobility patterns; tactical considerations of armed groups; and exploitation of local grievances by the society’s elite (SIPRI, 2017). While the first two mechanisms deal mainly with the causes of conflict, the latter two are about changing conflict dynamics. This difference illustrates that the mechanisms both interact with and complement each other. Mechanisms linking the impacts of climate change on peace and conflict can also be explored in the context of

extreme weather events. Among the deadliest of the extreme weather events that occurred between 2000 and 2016 were tropical cyclone Nargis in Myanmar in 2008, the heatwaves in the northern hemisphere in 2010, and the tropical cyclones in the Philippines in 2013. Violent conflict was an outcome in some of these cases.

By focusing on these events, it is possible to identify not only the mechanisms that link extreme weather events to violent conflict, but also three mechanisms that enable pressures to be resolved peacefully. The first two—competition over scarce resources and the failure of conflict management institutions—are linked to increased risk of violent conflict. However, the third mechanism—social-coherence building— illustrates how extreme weather events in areas plagued by conflict sometimes facilitate social-coherence building, and, instead of deepening ongoing conflicts, may actually enable cooperation.

Among the policy implications are the importance of mitigating the negative effects of climate change on livelihoods, and the need for adequate conflict resolution mechanisms. It is also important to note that climate change does not automatically lead to violent conflict. Human agency permeates every link in the chain. This provides a foundation for investigating how peace can be maintained and shaped in the face of vast pressures, including those of climate change (SIPRI, 2017).

What is the current response in terms of protection to people feeling the effects of climate change? The 1951 Refugee Convention, while recognizing the right to protection of people fleeing persecution, did not extend this recognition to those forced to move by factors associated with climate change. In contemporary times, the relevance of climate change law to human movement in the context of climate change is confirmed by the Task Force established by the 21st Conference of Parties to the United Nations Framework Convention on Climate Change. The UNFCCC was adopted on 9 May 1992, it has 197 parties as of December 2015. The 2010 United Nations Climate Change Conference produced an agreement stating that future global warming should be limited to below 2.0 °C (3.6 °F) relative to the pre-industrial level. This Task Force will produce recommendations on how to ‘avert, minimise and address displacement related to the adverse impacts of climate change.’ (Decision 1/CP.21: ‘Adoption of the Paris Agreement’, Report of the Conference of the Parties on its twenty-first session, Paris (30 November–13 December 2015), UN Doc FCCC/CP/2015/10/Add.1, Loss and Damage, Paragraph 49).

The UNFCCC’s acknowledgement of the effects of climate change on human movement is complemented by other legal developments over the last 20 years. For example, the European Court of Human Rights’ found that a State’s lack of resources to deal with a naturally occurring phenomenon can create such dire conditions so as to warrant complementary protection under Article 3 of the European Convention on Human Rights (*Sufi and Elmi v. The United Kingdom*, 2011, ECHR 4 para 282).

The international community has paid increased attention to the plight of Internally Displaced Persons, and the Guiding Principles on Internal Displacement have included ‘natural or human made disasters’ as a driver of internal displacement (UNHCR, Guiding Principles on Internal Displacement (11 February 1998), UN Doc. E/CN.4/1998/53/Add), Introduction: Scope and Purpose). The Principles have been complemented by the entry into force of regional African treaties for the protection of IDPs, including the 2009 African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention). However, the progress made in the Kampala Convention’s implementation and its effectiveness in protecting people displaced in the context of climate change is still a question mark (Dos Santos Soares, 2018). I support the thesis regarding that despite the remarkable efforts made towards the implementation of the Kampala Convention, the concrete impact of its provisions on enhancing the protection of and assistance to environmental internally displaced persons is lacking. Much work remains to be done to translate this innovative instrument into practice,

particularly to secure concrete improvements in the protection of those displaced within their states by environmental disasters (Dos Santos Soares, 2018). More specifically:

Much needs to be done to achieve the adoption of disaster preparedness and disaster management laws, and ensure that existing laws on disaster preparedness are comprehensive in nature, so as they encompass disaster risk reduction and management. Efforts are required to introduce proactive strategies to prevent or minimise displacement, and planned relocations, when appropriate, as well as the adoption of pre-emptive internal migration, which should be based on sound national policies and used as a coping or adaptive mechanism in the case of slow-onset disasters, and which should lead to durable solutions (Dos Santos Soares, 2018, pp. 24-25)

An alternative approach with regards to protection in cases of displacement is to provide for temporary protection based on humanitarian grounds. This depends on the discretion of each state to either establish exceptional measures in ad hoc situations or apply existing provisions when necessary where these are included in domestic law (Cantor, 2015). At present, such practices exist at the domestic level and have not yet been incorporated into a binding regional or international framework.

At EU level, I agree with some scholars in that the Temporary Protection Directive – though it addresses individuals fleeing civil war, endemic violence, or systematic violations of human rights – could nonetheless be applicable to persons fleeing sudden-onset natural disasters. However:

It seems unrealistic to hope in the activation of the TPD as currently conceived and interpreted. The nature of the instrument, which was adopted in more prosperous times, appears nowadays incompatible with a Union of 28 Member States, suffering from negative economic fluctuations, and dealing with the greatest migration phenomenon since the end of WWII. The lack of utilisation of the TPD is in part due to inherent terminological characteristics – the ambiguity of the notion of mass influx – which, alongside with the activation procedure – requiring the qualified majority in the Council –, leaves broad discretionary powers to national political priorities. (Sciacaluga, 2018, p. 54)

This could be done if a modification of the Temporary Protection Directive (TPD) was developed with a view to rendering it more specifically disaster-oriented (Sciacaluga, 2018):

It seems hence appropriate, with the aim of strengthening the Common European Asylum System (CEAS), to advocate for a pragmatic reform of the TPD system. This works calls therefore for a stiffening of the activation procedures, and, relying on the assumption that the Union and its Member States might uniquely be prone to use the instrument in response to events whose negative effects can be restored in a relatively brief period, it also calls for a sudden-onset disaster-oriented evolution of the directive. Furthermore, a disaster-oriented TPD would contribute to the solution (at least under EU law) of part of the problem concerning environmental displacement. This could be done if a modification of the Temporary Protection Directive (TPD) was done with a view to rendering it more specifically disaster-oriented. (Sciacaluga, 2018, p. 54)

Migration is generally understood “to involve elements of decision-making, whether regarding the location, timing or means of movement.” (McAdam, 2012, p. 5). As I have explained in the above pages, the theme of human movement in the context of environmental factors is in need of further research, in particular:

Comprehensive responses are lacking with regards to protection in cases of displacement and facilitating adaptation strategies such as migration. Important legal questions include which terminology should be used; whether existing legal obligations such as international human rights law, European Law or International Climate Change Law can be interpreted so as to cover the legal gap; whether there is a need for negotiating new binding or soft law solutions; and finally whether the issue is best addressed at the international, regional, or domestic level. (The Nansen Initiative, 2015, p. 3)

Campaign groups are drafting a declaration that calls on the UN to recognize climate change as a key driver of migration. Regional campaigners include PIANGO and CIVICUS in the Pacific, who express the view that climate change is only going to get worse. But any inclusion of climate change as a cause of forced migration needs understanding and cooperation. The Sendai Framework for Disaster Risk Reduction 2015–2030 declares “cooperation at multiple levels is ‘pivotal’ to disaster risk reduction and highlights small-island states, least developed countries, and land locked developing and African countries particularly in need of support due to their high vulnerability” (UNISDR, 2015, paras 8, 41). Cooperation and assistance could also be manifested through regional arrangements to facilitate migration, which is especially important in the Pacific where small island states face inundation and loss of land (UNSG, 2016, para 88).

In Latin America and the Caribbean, some governments have encouraged the creation of effective mechanisms of solidarity and international cooperation regarding cross border migration and displacement, and the challenges created by climate change and natural disasters (Brazil Declaration, 2014).

The 2015 Paris climate accord seeks to end the fossil fuel era this century. A radical shift to cleaner energies was demanded, to curb heat waves, downpours, floods, and rising sea levels. The aim announced is to hold the global temperature rise to well below 2 degrees Celsius above pre-industrial levels, and to try to limit the rise even further, to 1.5 degrees Celsius. The U.S. is the only country that is not part of the climate pact after Syria and Nicaragua joined in 2018. The concern for climate activists is that other countries could pull out with the U.S. from the Paris accord, which would impact the lives of many more people than those already impacted around the globe.

According to the World Bank, by 2050 the world could see the worsening impacts of climate change in three densely populated regions of the world — Sub-Saharan Africa, South Asia, and Latin America — with more than 140 million people move within their countries’ borders. A 2018 report indicated that these populations would be pushed out by droughts, storm floods, failing crops, or rising sea levels (World Bank, 2018).

Vulnerable communities uprooted by climate change and forced to relocate because of worsening storms and rising seas, although mentioned by the 2018 Global Compact on Safe, Orderly, and Regular Migration, are not recognized as refugees. This compact has not given a clear response regarding how to come up with ways to manage the flows resulting from climate-induced displacement, with its effects upon affecting communities and countries at risk.

I reiterate the call of some scholars regarding the need to reach global consensus regarding a response to climate change and displacement:

Displacement caused by the effects of climate change raises many complex issues that need to be addressed. As a first step, it is important to reach a global consensus that displacement is an important aspect of adaptation, and that affected states need to be supported in their efforts to

prevent climate change-induced displacement, address the protection and assistance needs of the displaced and find durable solutions for them. Taking into account the realities of present and future displacement caused by the effects of climate change, such adaptation efforts must complement any efforts to mitigate global warming. (Kalin, 2010, p. 103)

In his Encyclical Letter *Laudato si'*, Pope Francis indicates that “everything is connected”, reminding us of the need to develop and sustain an integral ecology. The Paris Agreement on climate change sends a clear political message favouring the transition toward a model of economic development with low or zero carbon consumption while encouraging solidarity with the most vulnerable populations. These are important steps that indicate where the industrial world, and the innovation and development technologies, should direct their future investments.

The phenomenon of climate change above all calls into question those aspects of an ethical-moral nature. The implementation of political or structural elements or the mere forces of the market, especially if these are lacking a correct ethical orientation, are not sufficient to solve the current crises of climate change and poverty. The strong link between the fight against climate change and extreme poverty is evident and it underscores the need to find a new model of development, based on new attitudes and forms of living. As *Laudato si'* warns, a “great cultural, spiritual and educational challenge stands before us, and it will demand that we set out on the long path of renewal”.

In conclusion, echoing Pope Francis regarding the much needed path of renewal, I would agree that:

The overarching purpose for all state Parties is the same: to avoid dangerous climate change or strengthen global responses to the threats it causes (UNFCCC, art 2; Paris Agreement, art 2). In the context of migration, cooperation and solidarity could focus on efforts to ensure the safety and dignity of migrants. States should consider their contribution to the peril migrants currently face in transit, and uncertainty upon arrival. Efforts to prevent or punish entry into a state could have the effect of putting migrants life at risk, pushing people towards increasingly more dangerous journeys.¹⁷⁹ Additional measures to assist migrants, rather than barriers, are needed to address their protection needs when crossing borders.¹⁸⁰ Furthermore, once the complicity of states and the international system for conditions that put migrants lives and rights at risk is recognised, it is possible to reconceive assistance and cooperation as a responsibility of states who contribute to these conditions.¹⁸¹ Admission and refuge then become more a matter of obligation than an act of humanitarian assistance or discretion. (Sakae Nishimura, 2018, p. 42)

2.4 Insecurity and Human Rights abuses

When I heard the explosion, I was frightened and I breathed deeply, then I told my wife and my children not to leave the sheeting. “I’m going to see what happened and will come back”. I saw the neighbours wanting to flee. I asked them to stay, I intended to receive some information. (Rwandan refugee in Bukavu, DRC, as cited in Raper & Valcarcel, p.23)

Forced displacement is a major challenge to human security, most notably in the Middle East and Africa where over two thirds of the world’s current displaced population currently reside.

The collapse of national security and the weakening of the nation state are recurrent features in countries that experience conflict. Armed conflicts are characterized by fragmented political authority. The forced displacement of large populations, inevitable during and after conflicts, in turn threatens regional, national, and personal security.

A number of nation states have effectively collapsed, such as Libya or Somalia. Even the creation of new states is a sign of volatility. Since the year 1990, 34 new countries have been created, Montenegro, Kosovo, and South Sudan being some of the newest. The dissolution of the USSR and Yugoslavia in the early 1990s led to the creation of most of the newly independent states (Rosenberg, 2017).

In many countries citizens have lost confidence in their own government’s ability or will to protect them. In Rwanda or Burundi, the apparatus of government is controlled by minority factions that fail to treat everyone equally. When the economy declines, or global forces shift the balance of power within a country, its government is often tempted to react with force to control its people.

The link between forced displacement and human rights is a crucial one. Human rights violations are a principal root cause of forced displacement. The human rights of the forcibly displaced persons— asylum seekers, refugees, and IDPs alike—are frequently violated and threatened; and respect for fundamental human rights is a key factor in the search for a durable solution to any situation of displacement.

In countries where violent internal conflicts persist and civilians are targeted, such as Myanmar, the Democratic Republic of Congo, and Syria, forced displacement is a deliberate tactic of warfare, leading to an ever-growing number of internally displaced persons.



Refugees who fled fighting in the Central African Republic observe Rwandan soldiers being dropped off in the capital, Bangui (Jesuit Refugee Service, 2015)

The Global Peace Index (GPI), produced by the Institute for Economics and Peace, uses 23 indicators to rank 163 states and territories by their relative states of peace. The overall GPI score improved in 2016, but the average country score is lower now than in 2008. The largest deterioration in peacefulness occurred in North America, and smaller deteriorations are evident in sub-Saharan Africa, the Middle East and North Africa. The largest improvements in peacefulness occurred in South America, Russia and Eurasia, and the Asia-Pacific region. The impact of terrorism increased in 2016, continuing a decade-long trend. A total of 60 per cent of the countries in the GPI have experienced an increase in terrorism since 2007, and the impact of terrorism has more than doubled in 22 countries (SIPRI, 2017).

Regarding Sudanese refugees in Chad, participants of the aforementioned reconciliation workshop (see point 2.2) said that persecution of the Darfuri ethnic minority by both the Sudanese military and the Janjaweed rebels was the main cause of their displacement. They also identified the length of the conflict and the lack of durable solutions as having a negative impact on the well-being and sustainability of peace in the refugee communities. Perspectives for their future integration in Chad were also seen as a great challenge, given the difficulties in the access to natural resources, namely water and cultivable land. A return to Darfur seemed impossible at the time of the workshop. Many participants mentioned the recent use of chemical bombs. Moreover, donor fatigue and a progressive decrease of funding due to prioritization of other refugee crises, contributed to an increased lack of assistance and protection of the Darfuri population in Chad.

Regarding the religious component in conflicts, in too many countries people continue to be persecuted, imprisoned, and at times, killed purely for their religious beliefs. The freedom of religion and belief is being trampled upon and ridiculed in many parts of the world. A constitutive element of human rights is the freedom of thought, conscience, and religion, or the right not to embrace any religion. It includes the freedom to change one's religion or belief, and the freedom to manifest one's religion or belief in teaching, practice, worship and observance –either alone or in community with others in public and private spaces.

In some corners of the world, the persecution of minorities has gone so far as ethnic and religious cleansing, and other forms of mass atrocities. In other cases, religious minorities are discriminated against for their attire or are forced to choose between their beliefs and their employment. On the other hand, intolerant interpretations of certain religious beliefs can become a source of discrimination when it is used and abused to define national identity and unity. In certain cases, a misinterpretation of religion can be an accomplice of State-induced discrimination and stigmatization (Gallagher, 2017).

Renewed and sustained attention and action to protect and promote the freedom of religion or belief is therefore of fundamental importance in making meaningful gains in the protection and promotion of human rights (Gallagher, 2017).



Muslim refugee woman praying in Melkadida camp, Ethiopia (Jesuit Refugee Service, 2016)

2.5 Arms trade

Why I didn't return to Ethiopia? A war between Eritrea and Ethiopia broke out in June 1998. Many people are being displaced and killed for a piece of desert land. I imagine there are other interests for both countries involved. In both Eritrea and Ethiopia there are so many homeless children. How can these two governments invest so much money in arms, instead of constructing our society? Don't they realise we need education and growth? (Tigist, an Ethiopian refugee of Eritrean origin, as cited in JRS, 2000, p. 15)

Virtually all the major global indicators for peace and security have moved in a negative direction: worldwide there is more military spending, increased arms trading, violent conflicts and the continuing development of extreme military technology. Scholars of conflict resolution have argued that there is a correlation between increased military spending and the potential or actualization of violence, as evidenced by the arms race of the Cold War (Wallace, 1979). Indeed, a key negative factor of increased military spending is conflict spirals.

Other scholars who argue that arms spending does in fact increase the likelihood of conflict are Jervis, Patchen, Fordham, and Vasquez, and additional thinking by philosopher Immanuel Kant reinforces the concept. Opposing this hypothesis is a smaller but still relevant body of work from who point out that war is not a common result of arms race (Potter, 2016).



Djiboutian soldiers (Retrieved from http://en.wikipedia.org/wiki/Djibouti#/media/File:Djiboutian_soldiers_on_truck.jpg)

Existing multilateral and bilateral arms control agreements and processes are also a challenge—not least due to the deteriorating relationship between Russia and the United States—raising questions of a global significance. Are the great gains in peaceful relations since the end of the cold war now being reversed? Would the return of strategic competition between the major powers have negative implications for managing conflict risk? These uncertainties, combined with political developments in Europe and the

USA— especially the vote by the United Kingdom to leave the European Union and the election of Donald Trump as US President— seem to reveal a decreased commitment to international institutions and a renewed emphasis in several key states on a narrowly defined national interest.

Defense spending is rising rapidly across the globe, but rising most rapidly in exactly the countries that have weak governance, creating new risks to global security. Civil society groups, such as Transparency International, suggest establishing a common sense of what it means to be a responsible power in the 21st Century, ultimately based on the good domestic governance of hard power (e.g. basic commitment to transparency and independent oversight over defence institutions).

In early 2018, Transparency International founded an initiative to establish new defense governance standards through the formation of a diverse group of around 5-7 regional leaders, who have proven credibility on good governance, as well as the ability to advocate effectively for participation and uptake by other governments.

As part of the scoping phase, a feasibility study of the initiative has been to conduct over 150 conversations with representatives from governments, civil society organisations, think-tanks, international organisations and industry across around 20 countries. Participants in the study overwhelmingly responded that there was a significant need for global standards for responsible defense governance, and gave very helpful input into what the content of those standards might be and how they might be implemented.

Arms buildups may not always lead to war, but they certainly seem to play an unavoidably major part. I support the thesis of Wallace in that it is difficult to argue that arms races play no role in the process of leading to the onset of war (Wallace 1979).

2.6 Negative impact of globalisation

Can physical borders stop refugees? Instead of building walls, we should look at what is causing people to become refugees and work to solve those conditions to stem the flow at its source. To do so will require the most powerful nations in the world to adjust how they are actively shaping the world, how they are using political and economic ideology – enforced by overwhelming military power – to disrupt entire societies. How do we think the poor, displaced or occupied can exist when their societies are destroyed? Should they simply disappear? Can we recognise that their continued existence is an essential part of our shared humanity? If we fail to recognise this, how can we speak of “civilised” development?. (Weiwei, 2018)

In the same line as Chinese dissident artist, Ai Weiwei, former Ethiopian President, Meles Zenawi, addressing a UN-sponsored conference in October 1999 on Africa and globalisation, warned of a “great danger of marginalisation”. He said the “imperative of interdependence” meant that if Africa was marginalised in the “global village” (Zenawi, 1999). The resulting threats would affect not only Africa, but the international community as well.

The potential of new information and communication technologies available in the fields of trade, health, education, food security, tourism, culture, and conflict management are also tools that bring promise to the fight against poverty. But globalisation can also be a disruptive force capable of destroying jobs and traditions.

The refugee phenomenon is international, global, and cannot be addressed by one single nation. The movement of peoples is an aspect of other global trends. The global market, transport, and information

systems are eluding the control of sovereign states on which the entire international legal framework is based. Refugees can no longer rely on governments or even intergovernmental bodies alone for protection.

The key shared trends in the global economy are trade liberalisation, privatisation, and the integration of capital markets. The opening-up of local markets increases the need of a presence for companies with global international aspirations.

Simultaneously, globalisation is contributing to rising local tensions, which in turn leads to an increase in ethnic and local conflicts, as some groups find themselves unable to participate or relate to some of the changes the global community presents them with. Cultural and regional fragmentation can already be seen and continues to increase as the disparity between haves and have-nots grows, leading to a “revolt of the rich” and potential secessions.

Social inequality has grown worldwide due to a combination of diverse factors. Technological changes have begun to minimize the need of low-skilled workers. This leads to a loss of jobs and a situation whereby their salaries are stuck with little chance of job mobility. When globalisation is put into the mix, the increase of electronic efficiency allows the management and supervision of workers at a distance, in a more sophisticated, and often cheaper, way. As an example, workers who live in Asia can be managed from executive officers who live in New York. Subsequently, many workers who are medium or low skilled in the labor market of the US or Europe become dispensable and begin to perceive themselves differently: the world no longer needs them (Lindert, 2004).

Other migration pressures are present throughout the world, such as the penetration of international transport, and communications and media industries into low to middle-income regions combined with the absence of regular migration opportunities.

Looking at the bigger picture, the west – which has disproportionately benefited from globalisation – simply refuses to bear its responsibilities, even though the condition of many refugees is a direct result of the inherent greed in the global system of capitalism. If we map the 70-plus border walls and fences built between nations in the past three decades – increasing from roughly a dozen after the fall of the Berlin Wall – we can see the extent of global economic and political disparities. The people most negatively affected by these walls are the poorest and most desperate in society.

2.7 Access to natural resources

The conflict in the Central African Republic involves the fight for natural resources by France and China, including the extraction of minerals, coupled with corruption, impunity, poor governance, and nepotism. (JRS workshop, Yaounde, 2016)

The combination of weak states and rich natural resources has resulted in a dangerous structural environment, a fertile ground for the generation of long-term conflicts. Natural resources have become a key source of financing conflicts and wars; they are both a source of wealth for those in power (e.g., corrupt elites, companies, armed groups) and the main driving force that fuels violence and widespread violations of human rights. In several parts of sub-Saharan Africa, such as in the Democratic Republic of Congo and the Central African Republic, individuals and groups gain control of political and/or military resources and use these to fight for control of natural resources. They possess no real political ambitions beyond the possession of sources of wealth.

Western and non-Western companies are increasingly fueling these conflicts without weighing the potentially disastrous consequences of their involvement. There are countless examples. Canadian Talisman or China Petrol are developing South Sudan's rich oil resources, seemingly forgetting over four million people displaced as a result of Sudan's civil war. The Dutch company, De Beers, is charged with buying Angolan diamonds from the rebel UNITA. The diamond sector in Zimbabwe has also been linked to the corruption of the government who controls 50 percent of the major mining companies while, as of 2017, three quarters of the population live beneath the poverty line and an estimated four million people are in need of food aid (Global Witness, 2017).

In Burundi, Andover Mineral Resources, a subsidiary of the Canadian-listed Argosy Minerals Inc., ended its contractual obligations at its nickel project in the southwest region of the country due to the ongoing instability. Taking advantage of this situation, other actors in the neighboring countries have benefited from the illicit trade of minerals (such as tin, tantalum, tungsten, and gold). This is linked to extreme human right violations and the displacement of communities in the eastern Congolese provinces, forced to move even several times due to instability caused by illicit mineral trade.

What cannot be forgotten is that, as long as all these resources are demanded by global supply chains with the sole purpose satisfying rising consumption patterns in western societies and emerging countries, these local conflicts have global roots. One example of this is the Central African Republic, which, since 2014, is experiencing a major political crisis. This crisis has resulted in violent conflict that has affected nearly the entire population and left some 2.3 million people, over half the population, in dire need of assistance (OCHA, 2017).



*Mr. Hamman, refugee from the Central African Republic, in Eastern Cameroon
(Moise Hervé Bial/JRS West Africa)*

Another cause of potential conflict is access to water. The World Economic Forum estimates that demand for fresh water is projected to increase by more than 40 percent by 2050. The challenges in meeting the anticipated demands for fresh water will only be compounded by the growing impact of climate change. By the middle of the century, one in four people are predicted to live in a country where the lack of fresh water is chronic or recurrent. It is foreseeable that this will directly affect directly the price of food and that the water crises will become economic crises of immense proportions.

Strains on water access are already rising in all regions. Three quarters of UN Member States share rivers or lake basins with their neighbors. Important river basins, such as the Nile, the Indus, the Ganges, the Euphrates-Tigris and the Mekong, continue to provide a lifeline for the economy, trade, culture and livelihoods of surrounding communities (UN Security Council, 2017).

Water, like petrol, has become one of the most important strategic resources of the XXI century, indicating why the exploitation of natural water resources is an ambitious business for private companies and why access to water has is a cause of tension worldwide.

Over the years, water has proven to be a catalyst for cooperation among nations, even those that were not on good terms. In the second half of the twentieth century alone, some 287 international water agreements were signed. There are more than 270 internationally shared river basins, which serve as the primary source of fresh water for approximately 40 per cent of the world's population. It is essential for nations to cooperate so that they are able to ensure water is shared equitably and used sustainably (UN Security Council, 2017).

Water, peace, and security are inextricably connected. Without effective management of our water resources, we risk intensified disputes between communities and sectors and even increased tensions among nations. Water should remain a reason for cooperation not conflict. The resource must be shared equitably and used sustainably. (Guterres, 2017)

In fact, according to the UN, there are around 300 areas in the world suffering from conflict caused by access to water. American intelligence services advise that, in the future, the crisis around water will produce armed conflict and the proliferation of terrorist acts. In the past years, the Islamic State, for example, has tried to use the rivers of Syria and Iraq to consolidate its power in the area, and on some occasions, has perpetrated attacks against water infrastructures in both countries. There is little doubt that water will be one of the main challenges of the present century.

2.8 Inequality

Violence and conflict are the principal causes of forced displacement, but external factors contribute to forcible population displacement too, particularly the inequitable international economic system which has left many states very poor.

Addressing the above problems requires a political and economic agenda aimed at eliminating ethnic strife and conflict; curtailing the arms trade; establishing a firm foundation for democratic institutions and governance; respect for human rights; and the promotion of economic development and social progress.

Refugees ideas demand a hearing. I argue that the long-term needs of the world's refugees should be at the heart of the refugee debate. In the same way that the society's understanding on poverty has evolved inspired by the thought of people like Amartya Sen, migration should be understood in terms of inequality and the need for human development (Newland, 2018).

According to Pope Francis, the recurring financial instabilities, "have brought new problems and serious challenges that governments must confront, such as the growth of unemployment, the increase in various forms of poverty, the widening of the socio-economic gap and new forms of slavery, often rooted in situations of conflict, migration and various social problems." The Pope reiterates that "men and women risk being reduced to mere cogs in a machine that treats them as items of consumption to be exploited, with the result that – as is so tragically apparent – whenever a human life no longer proves useful for that machine, it is discarded with few qualms."

Pope Francis stresses it is vital to safeguard the dignity of the human person, in particular by offering to all people real opportunities for integral human development “we cannot remain silent in the face of the suffering of millions of people whose dignity is wounded, nor can we continue to move forward as if the spread of poverty and injustice had no cause.”

It is “a moral imperative, a responsibility that involves everyone, to create the right conditions to allow each person to live in a dignified manner. By rejecting a “throwaway” culture and a mentality of indifference, the entrepreneurial world has enormous potential to effect substantial change by increasing the quality of productivity, creating new jobs, respecting labour laws, fighting against public and private corruption and promoting social justice, together with the fair and equitable sharing of profits.”

Concluding his message the Pope comments that “now is the time to take courageous and bold steps for our beloved planet. This is the right moment to put into action our responsibility to contribute to the development of humanity.” (Pope Francis, 2018)

3. Protracted nature of conflicts

During his visit to a Palestinian refugee camp on the 22 of March 2000, Pope John Paul II said: “The degrading conditions in which refugees often have to live; the continuation over long periods of situations that are barely tolerable in emergencies or for a brief time of transit; the fact that displaced persons are obliged to remain for years in settlement camps: these are a measure of the urgent need for a just solution to the underlying causes of the problem.

I plead with all who are sincerely working for justice and peace not to lose heart. I appeal to political leaders to implement agreements already arrived at, and to go forward towards the peace for which all reasonable men and women yearn, to the justice to which they have an inalienable right.”

The Palestinians in the Middle East and the Burmese ethnic minorities in Thailand compete to be characterized as the longest running refugee problem in the world. Each initial displacement dates back at least from the 1940s. The contention over Kashmir also dates from the time of the Partition of India and Pakistan, as does the displacement of the so-called ‘Bihari Muslims’, an Urdu speaking minority within Bangladesh. When the Soviet Union pushed down into Afghanistan in 1979, it began a conflict that has displaced millions, especially into Pakistan and Iran, and despite the withdrawal of the Soviet Union and indeed its own collapse, the violence initiated then has hardly abated. The presence of Tibetan refugees following the occupation of Tibet by China is well known, thanks to their widely respected spiritual leader, the Dalai Lama.

But largely unknown is the fate of 100,000 Sri Lankan Tamil refugees living in southern India. This ethnic-based conflict, like so many of the others, is about power and control. Many Sri Lankan Tamil refugees are in small camps but even when asked for help, the UN is denied access since India, along with all but a handful of Asian nations, has yet to sign the 1951 Refugee Convention which guarantees the refugees’ protection.

According to UNHCR, a protracted crisis is when 25,000 or more refugees from the same nationality have been in exile for 5 consecutive years or more in a given asylum country. Two thirds (11.6 million) of all refugees were in protracted refugee situations at the end of 2016. Of this number, 4.1 million were in a situation lasting 20 years or longer. Most protracted refugee situations are in Africa. Afghan refugees in Pakistan and Iran have had the longest length of displacement so far (more than 30 years). Meanwhile, the average length of displacement for a refugee is 17 years (UNHCR, 2017).

In recent years the number of forcefully displaced persons has increased significantly in comparison with, for example, population growth or general migration rates. This rise is caused by new displacement crises (such as those in Yemen and South Sudan) coupled with protracted crises (such as those in Syria and Afghanistan) and the low number of returnees. The clear majority of these displacement crises were generated primarily by armed conflicts. The challenges are pronounced due to the concentration of forcefully displaced persons in confined geographical spaces—in a city, at a border, in a camp or along a narrow transit route— and, above all, across a small number of countries. This concentration leads to crises of overcrowding and other associated problems, most notably inadequate physical protection, health care issues, increased resource constraints, and loss of livelihood and educational opportunities.



Melkadida refugee camp in Dolo Ado, Ethiopia, where hundreds of thousands of people from Somalia sought refuge, following the drought in 2011 (JRS)

4. New forms of violence

The guerrillas kidnapped me when they besieged my home village. The military barracks were destroyed, many people fled, shops and houses were looted. People in the village were so confused. There were different armed groups, all fighting one another. We don't even know who is in this war. We don't know why they fight, or for what. (Daniela, an asylum seeker from Colombia, as cited in JRS, 2000, p. 23)

In Central America forced migration and the violence linked to it defy conventional definitions. Our understanding of who is a refugee must be broad enough to include those whose lives are most precarious or would otherwise be forgotten.

The conflicts of the seventies and eighties, fueled as they were by Cold War rivalries, have now subsided. In their place are the oppression and displacement of indigenous minorities in many countries, violence associated with large scale, poverty-induced labour migrations (Mexico), and “undocumented” Haitians who live and work effectively as slaves in the Dominican Republic.

Talking about displacement in Colombia, Francis Deng and Roberta Cohen express very well the combination of complex phenomena lying at the heart of the displacement of Colombians – in 2017, there were six million internally displaced people inside the country. They explained that at the root of these problems, “lie the enormous disparities in the distribution of land and wealth, loss of legitimacy by the government, crisis and ineffectiveness of established institutions, an oligarchic political and social system based on clientelism, state use of terrorist methods, breakdown of social relations, the inaccessibility of power for the majority of Colombians, physical absence of the state in many regions, and a highly militarised society.” Regarding the nature of violence, they followed by indicating that it “is being driven by a complex tangle of forces, including industrial development; the ambition for land, some of which holds rich supplies of minerals and oil; the impending development of a “dry canal”, a major highway system for the delivery of goods; the steady march toward a global economy; the lucrative drug trade; and by age-old divisions between rich and poor and the resulting social inequalities” (Deng & Cohen, 2000).

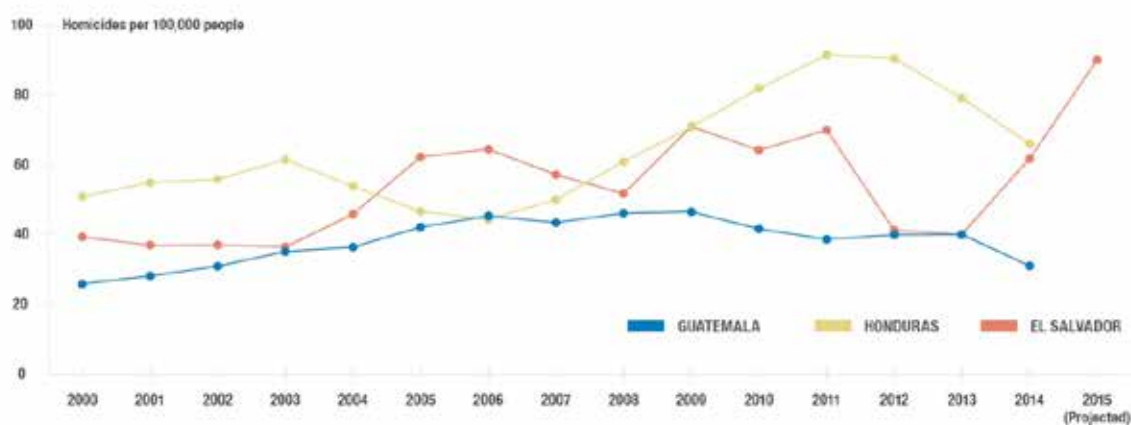
Violence and rampant crime have triggered the flow of asylum seekers from El Salvador, Guatemala, and Honduras -the so-called the Northern Triangle- mostly to the United States.



Illegal drug trade in Latin America (JRS)

Many seek asylum from violence at home: Between 2009 and 2013, the United States registered a sevenfold increase in asylum seekers at its southern border, 70 percent of whom came from the Northern Triangle. Neighboring Belize, Costa Rica, Mexico, Nicaragua, and Panama all registered a similar rise. Migrants from all three Northern Triangle countries cite violence, forced gang recruitment, extortion, as well as poverty and lack of opportunity, as their reasons for leaving (Renwick, 2016).

NORTHERN TRIANGLE HOMICIDE RATES



Sources: World Bank, InSight Crime

Credits: Danielle Renwick, Julia Ro

COUNCIL OF
FOREIGN
RELATIONS

The nature of the violence is distinct in each country, but there are common threads: the proliferation of gangs, the region's use as a transshipment point for U.S.-bound narcotics, and high rates of impunity are major factors contributing to insecurity in the region.

Organized crime in the Northern Triangle includes transnational criminal organizations, many of which are associated with transnational gangs, or *maras*, such as *Mara Salvatrucha* (MS-13) and the *Eighteenth Street Gang* (M-18); and *pandillas*, or street gangs, as well as drug-trafficking organizations and local organized-crime groups. But all this has its roots in previous conflicts. As an example, in El Salvador, fighting between the military-led government and leftist guerrilla groups (1979–92) left around 75,000 people dead, and Guatemala's civil war (1960–96) killed approximately 200,000 civilians. Organized crime grew following these wars, particularly in El Salvador, where war produced a "large pool of demobilised and unemployed men with easy access to weapons" (Council of Foreign Relations, 2012). In Guatemala, illegal armed groups and security groups grew out of state intelligence and military forces.

Lack of state capacity and governments' inability to protect citizens are conditions that lend themselves to the emergence and strengthening of violent actors. In addition to the drug trade and extortion, criminal groups in the region also engage in kidnapping for ransom, human trafficking, and smuggling (Renwick, 2016).

5. The Church's Perspective on the drivers of migration: The Right to Remain

The Church looks with deep pastoral concern at the increased flow of migrants and refugees, and questions herself about the causes of this phenomenon and the particular conditions of those who are forced for various reasons to leave their homeland. In fact, the situation of the world's migrants and refugees seems ever more precarious. Violence sometimes obliges entire populations to leave their homeland to escape repeated atrocities; more frequently, it is poverty and the lack of prospects for development which spur individuals and families to go into exile, to seek ways to survive in distant lands, where it is not easy to find a suitable welcome.

Saint John Paul II, Message on World Migration Day, November 1997

Migration will be safe and regular only when people are really free to stay. To make today's migration a choice, not a necessity, is an enormous challenge. It seems to depend on nothing less than the full implementation of the Sustainable Development Goals and the Paris Climate Agreement. To motivate and orient such an enormous worldwide coordinated effort, will surely take a reliable compass, and a shared sense of direction.

In order to prevent forced, involuntary and disorderly migration, which leads inevitably into unmanageable or ungovernable migration, the perspective of the Church is to reaffirm the right to remain in one's homeland and to live there in dignity, peace, and security. To elaborate and promote the right to remain is deeply rooted in the Church's faith and in her social teaching. Instead of putting the accent on control, promoting the right to remain is a deeper and more practical way of addressing the root causes. The right to remain includes access to the common good, protection of human dignity, and access to sustainable human development: these are rights which should be effectively guaranteed in one's own country and by one's own State. With these assured, then, migration can flow from a voluntary choice (Czerny, 2017).

Extreme poverty and inhumane living, without access to water, food and sanitation, healthcare, and other necessary infrastructure, are just some of the experiences that drive people out. Other experiences that force people to flee include conflicts and wars, persecutions, dictatorships, famines, and destructive weather events and natural disasters. Submitting these experiential drivers to analysis, then, the social sciences uncover the systemic causes or drivers underlying people's sufferings and insecurity. I support the Holy See's thesis regarding the existing systemic causes, namely the world's worsening inequalities and economic asymmetries. Developed countries benefit from huge multinational businesses and financial corporations which exercise decisive influence over their own interest. Since wealth and decision-making are concentrated elsewhere, the so-called developing countries suffer from unfavorable conditions caused by production and trade, which far from benefits their workers and their families (Czerny, 2017).

As an example, by 2035, 450 million young Africans will seek employment while during the same time about 100 million jobs will be created. Many will seek employment abroad and African governments will might see this as a good excuse for not creating domestic problems due to unemployment. To change this some decisive action needs to be taken towards the root causes of migratory movements, such as illicit financial flows. There is more money leaving Africa in illicit financial flows through aggressive tax evasion and money laundering, than is, entering Africa in combined Developmental Aid and Foreign Direct Investment. If Europe would support African governments in curbing those outflows, African states could secure much more funds for investing in infrastructure, education, and healthcare. This would, in the long run, keep Africans in Africa and ultimately curb illegal migration (Bürgler, Orobator, and Siebner, 2018).

Summing up a very complex theme, I would agree that the underlying causes or systemic drivers include world economic asymmetries, failed processes of de-colonisation, economic and therefore political dependence, corruption and poor governance, dominance of multinationals, deprivation of resources, and climate change (Czerny, 2017).

The Catholic church, in various pronouncements, has outlined a coherent path forward on how the right to remain can be achieved through the following long, medium, and short-term solutions.

A first long-term solution that is advocated by the Catholic Church is to promote sustainable and inclusive development in the countries of origin, according to the principle of subsidiarity, in order to address and radically change poverty. In a 2016 address to Caritas Internationalis, Pope Francis stressed the importance of working towards sustainable and inclusive development by mentioning the "... processes of development and paths of peace in the countries from which these brothers and sisters are fleeing or have left behind to seek a better future" (Pope Francis, 2016). But I argue that programmes of international cooperation must be freed from donor self-interest. An effective way of doing this would be to engage poor local communities so that they themselves can be active protagonists in developing and really promoting their own interests.

Secondly, it is essential for originating countries to invest in education and health as a means of decreasing corruption. Research shows that countries that have invested in education and health motivate citizens to be more productive. This model started in the Scandinavian countries, that have wide social welfare budgets, in the 1950s and 1960s. Denmark, Finland or Sweden are countries that robustly invest in education and health, and are significantly less corrupt than the rest of the world. Anti-corruption and governance go hand in hand with improving education, lifting people out of poverty, increasing hygiene, improving the status of women and the provision of clean water (Transparency International, 2017). Contrary to what one might think, there is no evidence showing that these countries experience less progress in terms of GDP. Social expenditure can support economic growth (Lindert, 2004). The Catholic Church, as an "expert in humanity and education", unceasingly supports the need to realize a process of integral education of the human person, recognizing the fundamental role of parents as the primary educators of their children.

The Church's attention to education was specifically noted by Vatican Secretary of State, Cardinal Pietro Parolin, in a 2010 inaugural address at UNSECO when he explained that the Church considers education a priority and is committed to supporting efforts that overcome illiteracy and increase access to education for all, elements that are essential to the growth of a harmonious society. The Catholic Church is in line with this major challenge listed in the 2030 Agenda for Sustainable Development. The hope is that all people, regardless of age, gender, race, or ethnicity, but especially those in vulnerable situations, may have access to lifelong learning opportunities, enabling them to acquire the tools and knowledge necessary to participate fully in society. Access to primary and secondary education is crucial, as it is the basis to guarantee equal opportunities. Eastern Asian countries, such as Japan, South Korea or Taiwan, have been good models. They offer quality education so that people can access labor markets in a more equitable fashion (Lindert, 2004). Access to education in the 2030 Agenda also include the need to overcome the rate of student dropout, promote professional teacher training, enhance the use of information technology, convey social justice values, respect fundamental human rights and instill habits that lead to a healthy life.

A third, long-term solution is tackling the causes of climate change and its impact on migration. By 2050, climate change will transform more than 143 million people into "climate migrants" escaping crop failure, water scarcity, and sea-level rise. Most of this population shift will take place in Sub-Saharan Africa, South Asia, and Latin America—three areas that represent 55 percent of the developing

world's populations (World Bank, 2018). This worst-case scenario shifts the focus from cross-border migration, which has drawn global attention as refugees and migrants flee war, poverty and oppression, to in-country migration, which involves many more millions of people on the move in search of viable places to live. The 143 million represent 2.8 percent of the three regions' population. There is still reason for optimism: if the world acts in time to reduce greenhouse gas emissions and engages in robust development planning, the flood of "climate migrants" could be reduced by 80 percent to 40 million people.

The Church is explicit on reducing the unscrupulous exploitation of territories and resources: "The first task is to put the economy at the service of peoples. Human beings and nature must not be at the service of money. Let us say no to an economy of exclusion and inequality, where money rules, rather than service. That economy kills. That economy excludes. That economy destroys Mother Earth" said Pope Francis in his 2015 Address to the Popular Movements in Santa Cruz, Bolivia.

In his Encyclical Letter *Laudato si'*, Pope Francis tells us that "everything is connected", reminding us of the need to develop and sustain an integral ecology. The Paris Agreement on climate change sends a clear political message favouring the transition toward a model of economic development with low or zero carbon consumption while encouraging solidarity with the most vulnerable populations. These are important steps that indicate where the industrial world, and the innovation and development technologies, should direct their future investments.

There remains much work to be done regarding the effectiveness and implementation of the so-called National Determined Contributions (NDCs), the voluntary contributions set at the national level to promote mitigation and adaptation to climate change. The continual updating of these contributions, as part of a five-year review, must be increasingly ambitious. Two important points emerge: on the one hand, there is the need to monitor the implementation and updating of NDCs submitted by the States, which require a technical, economic and financial expertise; on the other hand, there is the need to consider the ethical and social dimensions of such a transition, with particular attention to education and the promotion of a way of life based on the integral ecology spoken of in *Laudato si'* (Gallagher, 2017).

In terms of medium-term solutions, the Church firstly advocates for strong regional processes, such as the free circulation of workers and the establishment of regional charters that define the rights of migrants and refugees. Pope Francis has stressed the need to "collaborate to create sources of worthy, stable and abundant work, both in the places of origin and in those of arrival, and in the latter, for both the local population and for immigrants. Immigration must continue to be an important factor in development" (Pope Francis, 2016).

Countries must also have a clear sense of political authority at macro and micro levels, whereby strengthening the process of democratization. As Benedict XVI once said, "The State does not need to have identical characteristics everywhere: the support aimed at strengthening weak constitutional systems can easily be accompanied by the development of other political players, of a cultural, social, territorial or religious nature, alongside the State. The articulation of political authority at the local, national and international levels is one of the best ways of giving direction to the process of economic globalization. It is also the way to ensure that it does not actually undermine the foundations of democracy." (Pope Benedict XVI, 2009).

The Catholic Church also recognizes the need to promote bilateral and multilateral agreements on migration and asylum as a potential medium-term solution: "A more decisive and constructive action is required, one which relies on a universal network of cooperation, based on safeguarding the dignity

and centrality of every human person. This will lead to greater effectiveness in the fight against the shameful and criminal trafficking of human beings, the violation of fundamental rights, and all forms of violence, oppression and enslavement.” (Pope Francis, 2015).

Moving from stock-taking to coordinated action will require a new level of engagement by States, such as the implementation of the various international commitments made in recent summits, particularly the 2030 Sustainable Development Agenda and the 2016 UN-High level Meeting. Barriers to global migration governance abound and will grow if States turn inward and xenophobia is not addressed. The step-by-step process of consultation, cooperation and confidence-building that has taken place to date has shown that progress can occur, albeit in incremental ways. It remains the most promising path towards global migration governance (Global Migration Report, 2018).

Finally, in terms of short-term solutions, the Church first emphasizes the importance of stopping the sale of arms to countries with ongoing (or potential) internal or international conflicts. In a homily in 2014, Pope Francis declared: “Today, too, the victims are many.... How is this possible? It is so because in today’s world, behind the scenes, there are interests, geopolitical strategies, lust for money and power, and there is the manufacture and sale of arms, which seem to be so important!” (Pope Francis, 2014).

Migration needs to be properly understood under the perspective of inequality and human development. Only under this perspective the international community will be able to offer effective measures – not only controlling or externalizing migration—which ultimately will make the migration experience an impactful one for those who migrate and those who welcome the migrant.

6. Conclusion

The forcibly displaced are people whose lives are at the mercy of decisions, legal and political, that condition the status assigned to them. They repeatedly find themselves in situations of great vulnerability and often become prey to profiteers, torturers and traffickers. The 2016 UN General Assembly Summit recalled that the goal of the 2030 Agenda is: “to facilitate the orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well managed migration policies”. The New York Declaration, adopted at the Summit, called for two Global Compacts, one on Refugees and one on Migration. The contribution of the NGOs has been essential in encouraging States and other involved international institutions toward an effective and responsible solidarity, in the examination of the commitments taken and in supporting their implementation so that the Compacts may achieve their purpose. In this regard, especially when considering the rising trend of political nationalism and a populist mentality, it is necessary and urgent to alleviate the causes of forced displacement, creating support networks in the countries of origin, but also in transit and destination.

Likewise, the international community committed itself to achieving ambitious goals in the 2030 Agenda for Sustainable Development which aims to eradicate massive road blocks that continue to hinder true integral human development worldwide. At the time of its adoption at the UN General Assembly in New York in 2015, the Holy Father described the Agenda as “an important sign of hope”. One of the main reasons for hope is that world leaders mutually agreed upon an action plan determined to end poverty and hunger, with the common desire to “leave no one behind,” which demonstrates that the core of this attention is placed on people.

Despite the positive progress made in recent years, I argue with the Holy See the need to avoid falling into the trap that Pope Francis labelled as a “declamatory nominalism” where the proliferation of words, meetings, conferences, resolutions, etc., give the impression of a real and effective progress, when, in reality, these can be exploited for the diffusion of concepts that are more ideologically-driven or focused on particular interest. Another risk is to have an excessively bureaucratic orientation that can become an obstacle to the achievements of the goals. To avoid these, and other obstacles, a careful, clear, and honest assessment of how organizations are working to achieve concrete and practical results is needed. These results must be based on actually helping real people and not just offering up ideas on paper.

Allied to the sustainable development agenda is the relatively new UN concept of sustaining peace, which calls for better linkages between the UN’s three foundational pillars: peace and security, development and human rights, and humanitarian action. It replaces the sequential approach to conflict that often resulted in silos of prevention, humanitarian action, peacekeeping, peacebuilding and development—and calls for better linkages and sharing of instruments across these different sets of responses. Sustaining peace is linked to the principles of national ownership and inclusivity, and is consistent with the concept of positive peace. Sustaining peace seeks to shift actors away from structural violence and towards collaborative solutions and development, and thus towards positive peace outcomes. Several important events took place in 2016 and 2017 in the fields of preventing violent extremism, humanitarian action, and the women, peace and security agenda. These fields show some of the mechanisms through which the concept of sustaining peace is being integrated into global peace and development practice. The May 2016 World Humanitarian Summit (WHS), for example, resulted in over 3100 individual and joint commitments in core areas such as political leadership to prevent and end conflict, upholding the norms that safeguard humanity, and better targeted funding of humanitarian assistance.

While the concept of conflict prevention remains mostly aspirational, several developments in 2016—such as the WHS, the Sendai Framework, the Global Partnership for Preparedness and the Global Alliance for Urban Crises—can be interpreted as investments in sustaining peace and possible paths for a positive peace.

As we have seen in this chapter, the phenomenon of climate change calls into question those aspects of an ethical-moral nature. The implementation of political or structural elements or the mere forces of the market, especially if these are lacking a correct ethical orientation, are not sufficient to solve the current crises of climate change and poverty. The strong link between the fight against climate change and extreme poverty is evident and it underscores the need to find a new model of development, based on new attitudes and forms of living. As *Laudato si’* warns, a “great cultural, spiritual and educational challenge stands before us, and it will demand that we set out on the long path of renewal.” (Pope Francis, 2015).

The experiential and systemic drivers of disorderly, unpredictable, and dangerous human migration flows presented in the last part of the chapter are a reliable barometer of injustice. Indeed, they are linked, in inverse proportion: as justice and equality decrease, forced or “driven” migration increases (Czerny, 2017). The correct response to this challenge is the implementation of the right to remain. The most honest, comprehensive, and effective way of addressing the drivers of forced migration is ensuring the right of all to remain in dignity, peace, and security in their countries of origin.

Pope Francis sums up this concern decisively again:

The human promotion of migrants and their families begins with their communities of origin. That is where such promotion should be guaranteed, joined to the right of being able to emigrate, as well as the right to not be constrained to emigrate, namely the right to find in one's own homeland the conditions necessary for living a dignified life. To this end, efforts must be encouraged that lead to the implementation of programmes of international cooperation, free from partisan interests, and programmes of transnational development which involve migrants as active protagonists. (Pope Francis, 2017)

As I have strived to summarize in the last part of this chapter, the Catholic Church promotes fundamental human rights, which are based on the recognition that all people are born with inherent and equal dignity. The right to life of migrants in search of safety or of victims of armed conflict continues to be dismissed and debated rather than prioritized, but although the work in the international field of the civil society and the church may sometimes appear small and insignificant, in it there is a source of hope which is capable of developing and achieving ends that benefit the common good of all.

CHAPTER THREE - WHO IS A REFUGEE?

The question of who actually is a “refugee” remains a main topic of international debate today. This is linked to the causes provoking their displacement, which have been addressed in the previous chapter. Asking this question means “inquiring into a difference. This difference simply severs beneficiaries of asylum or other forms of extraterritorial protection from non-beneficiaries. Answering this question with legal authority means establishing a difference.” (Noll, 2000, p. 14).

Paradoxically, the causes that produce refugee flows also define who is considered a refugee according to international law. However, many causes of today’s forced displacement are not covered under the definition of refugee according to the main body of international refugee law: The 1951 Refugee Convention relating to the Status of Refugees and its 1967 Protocol. If we want to take refugee protection seriously and offer realistic options for those seeking safety, understanding who a refugee is, is critical for today’s world. “A refugee definition is a norm of qualification established by law and used by states when allocating extraterritorial protection.” (Noll, 2000, p. 14).

This chapter will analyze the validity and the limitations of the Geneva Convention, as well as definitions offered by regional instruments that widen the 1951 definition of a refugee. It will conclude by analyzing the populations excluded by these definitions and the needs of the would-be refugees who are not covered by international law.

1. Conceptual framework and language around forced migration

It is important to remember that when we use the words asylum seeker, migrant, refugee and so on, we can convey different meanings depending on the context and the manner in which we are speaking. Indeed, the context, either consciously or unconsciously, will often determine the meaning that is conveyed.

When we use a word such as refugee, we are utilising a concept, an idea or group of ideas that has had its own evolution of meaning, and that attempts to represent in some way a vast variety of human depth and experience. No matter what our intention is, the term will always fall short of the human experience it seeks to represent. Moreover, the meaning we seek to convey by the word refugee will inevitably reflect the interests, values, and perspectives of the speaker more than the reality the term we use purports to represent.

In public discourse, use of the word refugee can evoke a set of reactions and help shape a community’s response. Often in this context refugee denotes a powerless victim unable to affect the course of his or her life. This can evoke a response that is victim centered or, even worse, makes us feel that any refugee is automatically a burden one must carry. When we talk in terms of large numbers of refugees entering a country, then the so-called need that is generated quickly feels overwhelming.

Humanitarian actors may characterise the refugee as ‘victim’. This can evoke a popular reaction seemingly more favourable to their plight and can be used to help raise money or to attract resources. However, does it do justice to the totality of the refugee experience and the character of the person involved? More likely, it risks further disempowerment of refugees and their exclusion from decision-making processes that are purportedly designed for their benefit (Solvang, 2015).

When used in a political sense, the word refugee may be understood as the human result of a breakdown in the international political order, the solution to which might well be found by sovereign nations getting together with the help of international bodies like the United Nations and working to solve the conflicts that are at the base of the migration (Loescher, 2008). The presence of refugees is a sign of the failure of the Westphalian system of nation states that has been the cornerstone of human, international relations for four centuries now. It conveys that all is not well, and this can be a threatening message indeed to governments and communities alike.

The term “refugee” can also be a legal concept. Forced migration is seen as a phenomenon framed by grave and sustained human rights violations. International legal instruments – various conventions and treaties – form the main touchstones by which the international community attempts to respond to refugees’ plight. I will concentrate on this aspect in the following pages. But from a refugee’s point of view, if you fulfil a number of pre-determined criteria then you are part of the category labelled refugee which gives you eligibility to a range of internationally governed benefits and rights: the UNHCR and its partner organizations become responsible for your immediate needs and will help you to eventually find a permanent solution to your displacement.

Language limits meaning and does little justice to the depth and uniqueness of the experience it purports to classify. More pointedly, categorisation inevitably excludes many situations that are worthy of the kind of response offered to a refugee. For example, the fact that someone has fled a territory after experiencing torture or rape at the hands of militia does not by itself make one a refugee under international law. One must prove a well-founded fear of persecution as a result of belonging to a particular group or class of people. Being the victim of violence in a conflict situation does not place one in the legal category of refugee in and of itself.

As will be explained later in the chapter, more pointed is the fact that someone who has been forced from their home, but remained within their country of origin, also does not qualify to be legally defined a refugee. While the term Internally Displaced Person (IDP) gives that person some status and some access to the UNHCR’s protection, such language in all its forms risks denying people the validity of their experience, thus condemning them to continue living in danger. It may also hinder them in assigning value and meaning to that experience.

2. The definition according to International Law: The 1951 Refugee Convention and its 1967 Protocol

The international refugee protection framework has taken three essential forms, mainly throughout the period between 1920 and 1970. The first was the establishment of international institutions, such as the League of Nations High Commissioner for Refugees, the UN Relief and Rehabilitation Administration, the International Refugee Organization and, in 1951, the UN High Commissioner for Refugees (UNHCR). Secondly, the development of international legal instruments, namely two principal conventions which govern international refugee law matters: the 1951 Convention relating to the Status of Refugees, and its 1967 Protocol, as well as the Organization of African Unity Refugee Convention (1969). Lastly, the development of international norms relating to the treatment of refugees, such as the right to leave one’s own country; the right to seek and enjoy asylum in another state, and the principle that refugees should only go back to their country of origin on a voluntary basis (Crisp, 2003).

The Convention sets out the rights of refugees and the standards for their treatment in receiving countries. It defines a “refugee” in Article 1A (2) as,

[A]ny person who...owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his [or her] nationality and is unable or, owing to such fear, is unwilling to avail himself [or herself] of the protection of that country. (Geneva Convention on Refugees, 1951)

Refugees have always existed, but the right to asylum and the legal category of ‘refugee’ was set out by the United Nations in this convention and was created to address the plight of the refugees from the Second World War, and post-war refugees from Central and Eastern Europe who faced discriminatory persecution by their own governments.

The 1967 Protocol was drafted to remove the geographic and time limitations of the earlier instrument, the incorporation of which reflected the post-World War II context in which the Convention was framed. Otherwise, it retains the same language as that used in the Convention. Even if ameliorated by the Protocol, the term “refugee” was defined narrowly to relate to people fleeing individual persecution by their own governments. This was the underlying cause for exile in Europe at that time.

It is important to note that neither instrument makes any direct reference to the concept of asylum or lawful admission, and that the conditions under which it is granted remains up to the discretion of nation states. Instead, the Convention provides the principle of *non-refoulement*, found in Article 33, which stipulates that “No Contracting State shall expel or return (*refouler*) a refugee in any manner whatsoever to...territories where his (or her) life or freedom would be threatened”.

Although narrow in its scope, the Convention arose out of a much broader recognition that where states are unable or unwilling to offer *de facto* or *de jure* protection to their citizens, the international community has an obligation to offer protection. But in practice, and this is the main problem refugees face today, the definition does not capture the totality of circumstances under which people are forced to cross an international border (Betts and Kaytaz, 2009).

Refugees no longer hold the political or strategic currency that they did during the cold war period. States no longer have a strategic interest in hosting refugees, and generous refugee policies rarely win popular votes in countries with growing unemployment and competing domestic demands and tensions. In a trend set largely by industrialized north (Western Europe and North America, as well as Australia), countries across the world are closing their doors to refugees and asylum seekers, and erecting increasingly elaborate barriers and restrictions for those seeking to enter their territory. Global economic crises have meant that the distinction between economic migrants and refugees has become ever more blurred. Host governments’ immigration and asylum policies are frequently influenced by a desire to protect themselves and keep people out rather than provide protection. International refugee protection is under threat, and the rights of refugees and asylum seekers are being eroded.

The United Nations definition of refugee attempts to be quite precise and refers to those who have left their country for a well-founded fear of persecution. However, because it focuses on individualized persecution, it does not recognize situations of generalized violence such as wars, natural disasters, and large-scale development projects as legitimate causes of flight. Later definitions used in Africa (OAU 1969) and Latin America (OAS 1984) attempt to find a description that covers the reality of mass displacement in those continents, such as through conflict, social collapse, and human rights abuse. Catholic social teaching uses a broad definition of refugee, which includes internally displaced persons, or victims of violence who remain within their own country.

The Refugee Convention no longer has the authority that it did during the post-Second World War or Cold War period. Countries have employed increasingly sophisticated methods to circumvent their obligations under the Convention, including spurious interpretations of the refugee definition and restrictive applications of its provisions. In Western Europe, for example, only 8.4 per cent of asylum seekers in 2016 were awarded full Convention refugee status, and thus all the accompanying rights it incurs. Countries opted instead to grant a subsidiary or temporary form of protection with limited rights and benefits (Migration Policy Institute, 2017).

Contributing to this is the problem that 60 years after its adoption, unlike many of the other international human rights instruments, there is still no independent body to monitor state compliance with the Refugee Convention. Although some people have suggested that UNHCR is the appropriate guardian of the Refugee Convention, others, including Amnesty International, have argued that as an intergovernmental body which is paid and managed by states and is directly responsible for providing protection and assistance to refugees, UNHCR does not have the independence to fulfil this role. As a result, states circumvent their obligations under the Convention with almost total impunity. Meanwhile, in large sections of the world, most notably in Asia, many states have still not ratified the Refugee Convention. Neither are they bound by any national or regional refugee laws.

Some countries have argued that the Refugee Convention is no longer relevant to contemporary forms of conflict and displacement. Admittedly, many of those who use this argument (namely Western European states) are also the worst offenders when it comes to compliance. There is a strong argument, however, that if the Refugee Convention were to be rewritten, it would result in far weaker protection for refugees.

Nevertheless, it is significant that the largest group of displaced people in the world today — some 40 million internally displaced persons — is not even protected under the 1951 Convention. Because the definition requires that a person be outside his or her country, it effectively excludes internally displaced persons from receiving international protection.

Similarly, as an international agency, the UNHCR, does not exist to provide protection and assistance to IDPs. Yet the majority of contemporary conflicts are internal, and the victims are increasingly civilians, millions of whom are left uprooted and displaced. Indeed, the major conflicts of the past years (South Sudan, Syria, Democratic Republic of Congo) all demonstrate the vulnerability of those uprooted internally and the glaring gaps in their protection.

The 1951 Convention does not contain solutions to solve displacement in a timely and durable manner. If the Convention is the irreplaceable starting point, the cornerstone of refugee protection, it nevertheless does not hold all the answers for modern displacement situations.

Although the refugee protection framework remains as important and relevant as ever, the world no longer resembles the Europe of 1951. Today, the protection framework needs to be supplemented to ensure the protection of a wider range of forced migrants. I support the thesis that a new category of migrants should not be created per se, but it is necessary to develop a set of guidelines that can shed light on migrants who are unable to consistently access their rights guaranteed under the international human rights law because they fall outside the scope of the 1951 Convention (Betts and Kaytaz, 2009). Developing a more modern normative and institutional framework has the potential to benefit both donors and host states by offering opportunities for greater predictability and for a fairer sharing of responsibilities towards forced migrants. The

promulgation of the Global Compacts on Refugees and Migration in September 2018, was an occasion to ensure that the international protection regime was reinforced through reaffirmation of its basics, as well as through some evolution of the principles and practice. But this evolution is still yet to come.

3. Who are today's refugees?

“We Refugees” is the title of an essay by Hannah Arendt that was published in 1943 in *The Menorah Journal*, and where she abandons the conventional concept of the refugee. She writes:

A refugee used to be a person driven to seek refuge because of some act committed or some political opinion held. Well, it is true we have had to seek refuge; but we committed no acts and most of us never dreamt of having any radical opinion. With us the meaning of the term ‘refugee’ has changed. Now ‘refugees’ are those of us who have been so unfortunate as to arrive in a new country without means and have to be helped by Refugee Committees. (Arendt, 1943)

Arendt describes that amongst themselves, refugees do not call each other a ‘refugee’ but a ‘newcomer’ or ‘immigrant.’ Here Arendt is imagining an entirely new figure of the refugee, perhaps one that is yet to come. This refugee is simply someone who goes to a new country in the expectation of a better life. Arendt describes the figure of the ‘optimistic refugee’ as follows:

Before this war broke out we were even more sensitive about being called refugees. We did our best to prove to other people that we were just ordinary immigrants. We declared that we had departed of our own free will to countries of our choice, and we denied that our situation had anything to do with “so-called Jewish problems.” Yes, we were “immigrants” or “newcomers” who had left our country because, one fine day, it no longer suited us to stay, or for purely economic reasons. We wanted to rebuild our lives, that was all. In order to rebuild one’s life one has to be strong and an optimist. So we are very optimistic. (Arendt, 1943)

Perhaps better than any other definition, Arendt defines exactly what does it mean to be a refugee. The description of the main struggles refugees face can be seen in today’s world:

The story of our struggle has finally become known. We lost our home, which means the familiarity of daily life. We lost our occupation, which means the confidence that we are of some use in this world. We lost our language, which means the naturalness of reactions, the simplicity of gestures, the unaffected expression of feelings. We left our relatives in the Polish ghettos and our best friends have been killed in concentration camps, and that means the rupture of our private lives. (Arendt, 1943)

Arendt continues:

The more optimistic among us would even add that their whole former life had been passed in a kind of unconscious exile and only their new country now taught them what a home really looks like. [...] after a year, optimists are convinced they speak English as well as their mother tongue; and after two years they swear solemnly that they speak English better than any other language—their German is a language they barely remember. (Arendt, 1943)



Demonstration in Vienna (Haeferl via Wikimedia Commons. 16 February 2013)

More recently, in 2014, South African writer and scholar Jonny Steinburg, used an accurate definition of being refugee:

In the months since I saw him last, I have thought and written about him more than I have done anything else, and my sense of him has changed.

It has taken this long to see him properly, I think, because the language with which he describes himself is misleading.

When he told me his story he did so in the words of a refugee, for these are the words he must use, always, at every border post he approaches, at every government office outside which he queues.

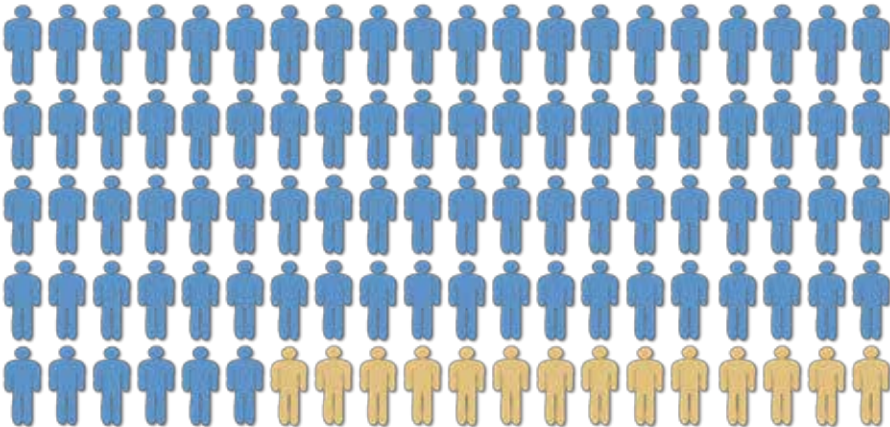
A refugee has lost control. Great historical forces have upended him and he no longer has a place in the world. He has become an in-between sort of being, suspended between a past in which he belonged somewhere and a future in which he might belong somewhere once more. But for now he is in abeyance; he is swept this way and that, like flotsam in a tide.

I no longer think this a useful way to understand Asad. He is in America now, I have concluded because he is a person with an enormous appetite for risk. If I look at the course his life has taken, it is simply not adequate to say that he has been kicked around like a stone. His trajectory has been shaped by his propensity for plunge, again and again, into the unknown. He is a man who stuffs twelve hundred dollars in his pocket and heads south, without a clue how he will reach his destination or what he will find there, all because a traveller once showed him a suitcase full of money. He is a man who returns to South Africa's townships, again and again, to open a cash business, in full knowledge that his course of actions will probably kills him. He is a person prepared to say goodbye to his beloved children and wife because he will not go back to the past. (Steinburg, 2014)

The question of who is a refugee remains probably the central question of today's debate on forced migration. While it has not been sufficiently addressed within the framework of the Global Compacts on Migration and Refugees of 2018, I argue that the answer to this question is precisely what can shape both a local and a global response to the plight of refugees.

Migration is a natural human phenomenon. Today, 3.5 per cent of the world population is a migrant: 244 million are migrants, 747 million internal migrants, of which around 200 are only in China. It is important to normalize migration, and to learn to live together. It is as well important to make migrants and refugees understand that it is necessary to respect the laws and value of the countries where they settle in. In order to progress from an economic and demographic perspective, the world, especially the industrialized world, depends on migrants. In 2050 the non-active population will be higher in countries like Italy or Germany.

Forced migration is increasing in scope and scale. The UNHCR estimated that in 2017, around 68.5 million people worldwide were forcibly displaced (UNHCR, 2018), more than the population of Thailand. This number includes 25.4 million refugees, a conservatively estimated 40.3 million internally displaced persons, as well as stateless people, asylum seekers, and refugees who have recently returned home but are not yet secure. Around the world, someone is displaced every two seconds, forced from their homes by violence, war, and persecution (UNHCR, 2018).



Contrary to the perception of most westerners, 86 per cent of displaced people are hosted by developing regions. (UNHCR, 2018)

Nine of the top 10 refugee-hosting countries were in developing regions, according to the United Nations Statistics Division classification. Three of these (the Democratic Republic of the Congo, Ethiopia, and Uganda) were classified as least developed countries, facing severe structural impediments to sustainable development in addition to the challenges of large refugee flows.

Even if there had been no overnight escalation in the number of refugees in the world, in April 2015, something happened that alarmed and awoke the world. For the first time, refugees moved in large numbers from the poorer regions of the world to the richest, and the question of who qualifies as a refugee became a central one in politics and society almost overnight.

During 2015, Europe received over a million asylum-seekers. The majority came from Syria but many also came from other fragile states like Afghanistan, Iraq, and a range of sub-Saharan African countries. At first, the primary route to Europe was through the Central Mediterranean: people got in small boats in Libya and travelled across to the Italian island of Lampedusa. Then it became across the Western Balkans: increasing numbers of Syrians crossed the Aegean Sea from Turkey to Greece and made their way on foot towards Germany.

Since mass violence in Syria began in 2011, some 12 million people have been displaced: 7 million within their own country and 5 million to neighbouring countries. Initially most had not fled than Jordan, Lebanon, and Turkey. But since there are limited opportunities for Syrian refugees in those countries, the dynamic began to change (UNHCR, 2018).

From that April, when 700 people drowned attempting to cross to Lampedusa, the media began to proclaim a ‘global refugee crisis’. In reality, this was a European crisis, but it was a crisis of politics rather than a crisis of numbers. The response was muddled and incoherent: European politicians struggled desperately even to identify the real problem, let alone to find solutions to it. This in turn led to tragedy and chaos across Europe. By the end of the year, over 3,000 people, including many children, drowned while trying to reach Europe on rickety boats manned by gangs whose core business was migrant-smuggling (Betts, 2017).

The boats disgorging Syrians and Afghans onto Greek islands delivered one of the most serious emergencies the European Union has ever known, but they were the peak of an iceberg unknown to many. Unseen and unconsidered are the millions of refugees who stay in the developing world, unwilling or unable to journey to richer countries.

Each displaced person is a former something: a former farmer, housewife, doctor, husband, minister of state. Now, each is a person in waiting, dependent on another’s decision. As Chinese artist Ai Weiwei puts it:

Observing and researching recent and historical refugee events makes some conclusions abundantly clear. Not a single refugee we met had willingly left their home, even when home was impoverished and undeveloped. The promise of economic prosperity is not more important than place. People left their homes because they were forced to by violence which caused the deaths of family members, relatives and fellow citizens. Often it is not just a single house that is destroyed, but entire villages vanish under indiscriminate bombing. There is simply no way for them to stay. Fleeing is the only choice they have to preserve their own lives and the lives of those they love. (Weiwei, 2018)

In the following pages I will seek to explain who today’s refugees are.

3.1. Refugees in camps

Padiri (Father), I thank God for three things. First, because after waiting three years, the Lord has given me what I desired so much: a son and a daughter. Second, after the death of my husband, I felt exhausted, without strength to undertake this long path of exile towards the unknown, with these two young children. But after having walked a long time along the road, a car stopped and took us to Bukavu. Finally, because when we arrived to Bukavu, I had the chance to meet a sister who worked in the city’s hospital. My husband died of AIDS. Thanks to this sister, I was able to do the tests to see whether my children were infected. You could never imagine the joy I felt when I knew they were not infected with the virus; however, I am HIV positive myself. (Emma, a Rwandan refugee in the Bukavu camps, Congo-Zaire, 1996, speaks to Joaquim Pons S.J., as cited in Jesuit Refugee Service, 2002, p.36)

Since the 1980s the dominant model of long-term assistance for refugees is that of camps or closed settlements. It is probably the most common model of assistance but with 60per cent of refugees living in urban areas it is probably not the primary means of protection for refugees around the world.

Refugee camps range from small settlements of 50 persons – there are over 100 small settlements for the Sri Lankan refugees in India - to camps of 150,000 or more as those for the Darfuri people in Chad. Some refugees exist in prison-like detention facilities patrolled by security forces, as did the Vietnamese and Cambodians in Thailand and Malaysia. Others are hosted within villages in neighbouring countries, such was the case for many Liberians accepted to Côte d’Ivoire and Guinea, and Colombians fleeing to Venezuela. Some, like the Karen of Myanmar have been fighting a war against the majority Burman people for over 70 years. Karen people have lived for generations near the Thailand border as refugees. The oldest refugee camps are perhaps those of Palestinians, of whom approximately 6 million who are effectively still refugees.

Until recently, the world largely ignored the plight of refugees. The default response was for rich countries to wait for an emergency and then contribute money to the United Nations humanitarian system. This money was spent on establishing refugee camps that would provide food, clothing, and shelter until people could go home. These camps were always designed for short term use, but since the end of the Cold War, the average duration of exile is 17 years and so the default response of camps continually falls short. Condemning millions of people to wasting their lives in settlements designed for the short-term is an approach that is both inhumane and expensive (Betts, 2017).

3.2. Refugees and asylum seekers in urban areas

Since the first decade of the 21st century, displaced people around the world are increasingly found in urban areas. They join the well-known movement of rural poor to cities and survive in the same ways. Refugees can be found in every capital of the world, from Moscow to Maputo, Nairobi to New Delhi.

In 2017, 60per cent of the total amount of forced displaced people were living in urban areas (UNHCR, 2018). This percentage is likely to grow in the coming years in line with the global urbanisation trend affecting developing countries in particular.

Urban refugees live in contexts where social, health and other basic services exist but are often not readily available to them. Obstacles facing urban refugees as they try to access services include lack of information and of legal documentation; lack of knowledge regarding refugee rights and obligations; cultural and linguistic barriers; limited access to transport; and active discrimination against refugees and perceived impunity for crimes against them (Jesuit Refugee Service, 2013).

The challenge is to help urban refugees access existing services without creating parallel systems. Local authorities’ responsibilities, the relationships between service providers, and the features of local civil society vary greatly from place to place. Local or municipal governments play a critical role in responding to crises. In places with relatively effective local authorities, humanitarian agencies can work with them to get cities working again.

Regarding needs, many refugees, asylum seekers and other forcibly displaced people living in cities are totally destitute. New arrivals and vulnerable individuals and families are more likely to be in urgent need of even the most basic necessities. Emergency relief refers to the targeted distribution of food and non-food items, such as mattresses and blankets, clothes, hygiene items, basic medicine, and money for transport. Finding accommodation is part of this category of services too.



A street scene from Nairobi's Kibera slum, reputed to be Africa's largest. (Jerry Riley/IRIN)

For refugees, one of the most dangerous threats to hope is the lack of future prospects for their children. Young refugees feel their lives slipping away as enforced idleness swallows up one endless day after another. Education offers refugees a future and a hope. Promoting access to education — which is a universal human right — leads to progress on other rights, such as gender equality. Humanitarian agencies need to take a holistic approach to education. They need to emphasise that learning is a vehicle to enhance social integration. Ideally, this should be done by working with both host and refugee communities to this end.

Facilitating access to local schools and other educational facilities is key, unless such access is impossible for one reason or other, for example, due to language barriers. Educating refugee parents about the importance of education for their children, with an emphasis on gender equality, is one of the most important responses in order to enhance education.

Psychosocial support to the urban displaced involves different responses: from offering a listening ear, to professional and pastoral counselling, to therapy for mental health problems. This support is crucial for refugees living in cities, often in total isolation. Many who are already vulnerable become more so; others become vulnerable when they are bereft of all support, weighed down by the pressure of their traumatic past, stressful present and bleak future prospects. Without a doubt, one of the most urgent priorities for refugees in urban areas is to find work that is legal, safe, and earns a fair wage. The lack of means to live in dignity underpins other challenges they face. Helping refugees to establish secure livelihoods incorporates many activities geared towards self-reliance, such as ensuring access to employment, offering technical training and assistance, and helping set up small businesses by providing grants and credit, tools, and other resources. Working on livelihoods is not just about economic self-sufficiency. It is also about restoring dignity, confidence and hope, as well as promoting integration (Jesuit Refugee Service, 2013).

Meeting the basic needs of refugees before starting and throughout a livelihoods programme is key, as well as recognising the complexity and multi-disciplinary nature of this field of work. Previous

research of the market environment outlines that the intervention and implementation of a livelihoods programme takes place when there is an empty niche to be filled, where there is clear potential for effectiveness and where engagement is likely to attract other resources from industry, from the NGO sector or the commercial world of the host community. The focus is on skills training, job placement, income-generating activities, or other initiatives, identifying the needs and capacities of the refugees, both individuals and entire communities.

Forcibly displaced people in urban settings constantly face protection risks, among them detention, deportation, abuse, exploitation, and xenophobia. The frequent lack of documentation and registration for refugees makes legal work and protection key to the wellbeing of the displaced person. Services in this area include casework on asylum applications, immigration workshops and family reunification, training or awareness seminars for public officials, local NGOs, and refugees. Finally, documenting the challenges that urban refugees face in their search for safety is also essential. Informing asylum seekers and refugees about their rights and how to exercise them, as well as accompanying them throughout the process of obtaining legal status and documentation is ever more needed. This should be done while fostering collaboration among diverse urban actors in order to offer integrated and more effective services, at least the minimum services required to live in safety and dignity, regardless of legal status (Jesuit Refugee Service, 2013). Understandably this approach requires an understanding of the local context, specifically pre-crisis.

Many local governments lack the capacity to respond effectively and rapidly to a crisis. Cities may already be strained and unable to provide residents with basic services, particularly the women, children, and men living in informal settlements. Local populations' efforts to cope with crises must be supported in ways that enable them to have full access to basic services and safe and secure shelter as they rebuild their homes or integrate displaced people into their communities. Humanitarian agencies play a crucial role in making this possible. I support the thesis that this means moving beyond an approach that sees local organisations and communities as implementing partners and instead works with them (Archer, 2017).

3.3. Asylum seekers in detention

I cannot believe that it took this long to send these people home, but what is important is that finally they can pick up their lives again and can live as free man.

Fr. Olivier Morin SJ, former JRS Suan Phlu Release Program Coordinator

Many individuals fleeing across borders end up in immigration detention centres, in need of legal counsel and pastoral care. Their detention is evidence of the breakdown in the international refugee protection system, and an indication of many countries' failures to 'manage' migration. Detention is used because constructive responses to the real (or imagined) problem of the presence of foreigners are too elusive.

For detainees, stress exacerbates any pre-existing social, psychological, spiritual, and medical problems. Research reveals that, despite the diversity of personal circumstances of the detainees, detention does have a common negative effect upon the persons who experience it.

Research shows that prolonged detention has an adverse effect, mainly on the mental health of the detainee: 71 percent of persons detained for four to five months blame their psychological problems on detention itself (Amaral, 2010). Minors and detainees aged 18 to 24 frequently report negative mental health impacts. Asylum seekers express shock at their detainment, as it is not what they expected in

coming to Europe or other Western countries. Undocumented migrants express anxiety and uncertainty about what may happen to them post-expulsion.

The example of a group of Vietnamese boat people released from the Special Detention Center in Bangkok, in the late nineties, illustrates the impact of the ordeal:

After spending three years in detention—almost to the date—14 Vietnamese refugees finally gained their freedom as they headed home to Vietnam. The 14 were part of a group of 49 refugees still remaining in Thailand. These refugees have been screened out by UNHCR because they arrived after the cut-off date in 1989 but their repatriation to Vietnam was hindered until today due to Vietnam’s refusal to accept them. This emotional departure marked the beginning of the current momentum to try to find a durable solution to all the remaining Vietnamese boat people detained in Thailand. The other members of the group who did not repatriate today were not accepted by Vietnam because Vietnam claims that they are Chinese and should return there. However Chinese authorities also refused these refugees. Currently their departure to third countries is pending and should be resolved in the next few months. Countries which are reviewing the files of these refugees include France, Belgium, United States, Canada, and Australia.

On April 4th, 1997, after the closure of the last refugee camps set up for the Vietnamese boat people, those who remained were transferred to the Special Detention Center (SDC) in Bangkok. The refugees lived at SDC confined to their cells and no education was available to the ten children in the group. Their departure was very emotional. A fifteen-year-old girl, who had never actually been to Vietnam before but was nonetheless repatriated there, said the following: “I don’t know what will happen to us when we return to Vietnam. I am 15 years-old but I never been there. What I hope for is that I can finally go to a real school and for the first time in my life I can also go to a church” (Raper & Valcarcel, 2000, pp. 27-28).

3.4. Returning refugees

The decision to repatriate voluntarily is, together with resettlement and local integration, one of the three durable solutions for refugees and an individual decision that is affected by many factors, including the circumstances surrounding flight and conditions for return.

UNHCR plays a leading role in the repatriation process, collaborating with States and other partners, to promote, facilitate, and coordinate voluntary repatriation in safety and dignity. This is done by supporting the retaining and expansion of skills, resources and assets during displacement that will support refugees upon their return; ensuring the exercise of a free and informed choice including by compiling and sharing updated information on their country and region of origin with refugees, organising “go-and-see” visits; or collaborating on livelihoods interventions in return areas (UNHCR, 2019).

Resolving displacement is often inextricably linked with achieving sustainable peace. Returning refugees – like all other war-affected civilians – have rights grounded in international human rights law and international humanitarian law, and states have an obligation to protect those rights (Koser, 2008). To this end, monitoring the situation of returnees upon their return is key.

Accompanying refugees returning home — in all phases — is key for their re-integration. On return they are no longer refugees, but they are still displaced and still in need of protection. Post-conflict returns, and the rehabilitation and reconstruction that accompany the transition from war to peace, require time, expertise, political will, solid financial support and considerable human resourcefulness.

Since many of these returns are precipitous and hastened by governments before the conditions at home are ripe — such as the return of Burundians from Tanzania in 2017 — there is a critical need to accompany populations which have returned home. Large repatriations of former refugees in the past two decades include the return of people to Namibia, Ethiopia, El Salvador, Guatemala, Cambodia, Mozambique, Rwanda, Liberia or Kosovo.

There is a clear nexus between return of refugees and peace building. Assisting displaced populations to return and reintegrate can address the root causes of a conflict and help prevent further displacement. The return of displaced populations can be an important signifier of peace and the end of conflict, and can play an important part in validating the post-conflict political order. This can be done by facilitating the participation of returnees in peace and reconciliation activities or by supporting interventions such as access to justice and house, land and property restitution in return areas. Moreover, the return of displaced populations can be a pre-condition for peace if they are politically active. The scale of displacement, especially in some countries like Syria, Colombia, or Myanmar, makes it simply unrealistic to plan for the peaceful future of the country without incorporating the needs of the displaced and ensuring their active participation, such as what happens in Colombia through the Colombian government's Victims' Unit (UARIV).

Simultaneously, the return of displaced populations can make an important contribution to the recovery of local economies (Koser, 2008), namely by promoting the inclusion of returnees in national development planning in countries of return.

However, after any conflict, the processes required for successful reintegration and rehabilitation are long and arduous. Legal and education systems need to be rebuilt, as do housing and employment. But the deepest work of all — reconciliation and peace-building — takes decades and starts only when the grief begins to ease.

Chapter Four of this dissertation explains in detail the right to return but also the impact of return when it is involuntary, such as the case of Afghans forced to return from different European countries between 2016 and 2019 to a country still suffering from violent conflict.

3.5. Stateless persons

An estimated 10 million people around the world — probably an underestimation — are struggling to survive without a nationality. This means, in practice, a daily struggle to gain legal recognition, to establish a legal residence, to find work, to access medical assistance and education for their children.

There is a clear link between disputed nationality and forced displacement. Stateless persons suffer the double injury of being denied the right to return to their country of origin and being denied a nationality. Before accessing resettlement, many of the Bhutanese refugees in Nepal were at risk of being in this category. There was a significant case-load of Sino-Vietnamese in the Indo-Chinese camps, particularly in Hong Kong, who were stateless. UNHCR has addressed the risks of statelessness in the Middle East and North Africa and has alerted the world on how conditions in Syria are blocking access to nationality.

This all points to a much deeper issue: globalization has created situations where a person's passport doesn't necessarily tell us anything about who they are, where they live and what community they identify with. Leaks such as the Panama Papers and the Paradise Papers between 2016 and 2018 have illustrated how wealthy people exploit cracks in the nation-state system by shopping for friendly jurisdictions that afford them (and their money) a borderless life without social or fiscal responsibility toward the places where they live (Abrahamian, 2018).

Australia's practice of offshoring refugees to Nauru and Manus Island uses a similar logic by shirking responsibility for unwanted migrants. A subsequent arrangement to pay Cambodia to resettle its refugees shows that such practices are becoming more mainstream.

As a native ethnic minority whom the government considers illegal, the Rohingya of Myanmar — who now make up one-tenth of the world's stateless people — are particularly vulnerable to population swaps. Following attacks by Myanmar's military, 650,000 Rohingya fled to makeshift camps in Bangladesh in mid-2017. Bangladesh's government has little interest in keeping them long term. The Myanmar government says it will take some of them back, but there is no political will to grant them full citizenship rights anywhere. It is not hard to imagine the Rohingya being coerced into taking foreign passports.

The international community needs to acknowledge what is happening and consider the precedent this twisted scheme can set for future generations of refugees, asylum seekers and displaced persons (Abrahamian, 2018). However, at the current rate of three countries ratifying one of the Statelessness Conventions every 12 months, it may be another 50 years before we can talk about a truly global assumption of responsibility for reducing the statelessness problem.

3.6. The new boat people: The intercepted would-be refugees

A challenge for refugee protection is the arrival of undocumented migrants by boat, which exacerbates the problem of so-called "irregular secondary movements". The Pacific, the Mediterranean, and the Caribbean are all scenes where boat people are regularly intercepted, turned around, ignored by passing ships, shot at, or denied upon landing. It is a theme that has been creating great controversy in the last five years. However, for refugee protection it is vital to underline that, under article 31 of the Geneva Convention, irregular entries of people in need of protection cannot be penalized.

In 2018, 110,833 migrants and refugees entered Europe by sea, lower if compared to those recorded in 2017 (165,536) and 2016 (354,395) and a sharp decline from 2015 when more than one million people arrived, according to Frontex, the EU border control agency. A deal between the EU and Turkey reduced the number of refugees and migrants coming from the east, but migration from northern Africa by boat rose 30 per cent. Spain was by far the biggest destination for migrants and refugees in 2018, having received 57,250 migrants and refugees - an average of nearly 160 arrivals a day. This compares to nearly 46,000 in Greece and 23,000 in Italy (IOM, 2018).

The total for 2018 is much higher than the 39,180 arrivals registered in 2006, when there was a spike in the number of boats landing on Spanish coasts, namely from West Africa in the Canary Islands by the so-called "cayucos," or makeshift vessels.

The number of refugees and migrants who died at sea trying to reach Europe decreased in 2018 as compared to 2017. According to data from the European Commission, 2,160 people died trying to reach Europe in 2018 as compared to 3,129 deaths in 2017. 4,812 people are said to have died in the Mediterranean in 2016 – a record number (IOM, 2018).

In other parts of the world, 7,500 migrants and asylum seekers died en route to safer lands in 2016, notably in Central America. That is an average of 20 deaths each day. These are reported deaths, but many more people have died alone, in the deserts and in the oceans due to the clandestine nature of migrant travel. The nature of the crisis makes it difficult for any organisation or government to keep an accurate count of the dead and missing.

Boat arrivals can provoke fears and high emotions in citizens, which governments may find difficult to manage. But closing borders and trying to prevent movement is not the answer. Evidence suggests that tough sea policies have not solved, just changed – and indeed complicated – the dynamics of irregular movement.



Moroccan “patera” in the coast of Tarifa, Southern Spain (Valcárcel, 2019)

4. Regional protection developments: The 1969 Organization for African Unity Convention Governing Specific Aspects of Refugee Problems in Africa, the 1984 Cartagena Declaration, and Subsidiary Protection in the European Union

Two regional instruments, the 1969 Organization for African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa and the 1984 Cartagena Declaration on Refugees, reaffirmed the basic principles of the Convention and Protocol, but expanded the definition of refugee to more realistically account for contemporary root causes of flight, i.e. war, internal conflict, massive human rights abuses, etc.

4.1 The 1969 Organization for African Union Convention Governing Specific Aspects of Refugee Problems in Africa

In contrast to the restrictive definition set out by the Geneva Convention, other regional texts have developed a wider definition of refugee. On 10 September 1969 and in the African context of forced displacement, the Assembly of Heads of State and Government adopted the OAU Convention Governing The Specific Aspects of Refugee Problems In Africa (CAB/LEG/24.3), which entered into force on 20 June 1974.

The OAU Convention encompasses in its article 1.1 those causes of persecution established by the Geneva Convention, but offers some development including other types of more generalized persecution:

The term “refugee” shall also apply to every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality. (Article 1.2, OAU Convention Governing The Specific Aspects of Refugee Problems In Africa)

This Convention also contemplates the principle of *non-refoulement* in its article 2.3:

No person shall be subjected by a Member State to measures such as rejection at the frontier, return or expulsion, which would compel him to return to or remain in a territory where his life, physical integrity or liberty would be threatened for the reasons set out in Article I, paragraphs 1 and 2. (Article 2.3, OAU Convention Governing The Specific Aspects of Refugee Problems In Africa)

The OAU Convention has remained a main reference when addressing refugee problems in Africa. From Julius Nyerere’s Tanzania to Kenneth Kaunda’s Zambia, Africa’s benevolent authoritarian rulers saw it as a pan-African duty to openly provide access to their territories (Betts & Collier, 2017). Moreover, it has considerably influenced other legislative initiatives, both at a domestic level – the legislation of most African countries is clearly influenced by the 1969 Convention, but also the 2009 African Union Convention on the Protection and Assistance to Internally Displaced Persons in Africa (the 2009 Kampala Convention).

In May 2006, a proposal was made by African Union Member States to amend the OAU Convention to include provisions that would also address the protection and assistance of IDPs, but this initiative did not see the light, based on the idea that the proposal posed serious risks to the integrity of the Convention.

The Convention has been useful as seen in case law, namely regarding the application of the cessation clause. In the case *Harerimana v. the Chairperson of the Refugee Appeal Board and Others*, (2013), the grounds set out in terms of article 3 (b) draw their origins from the OAU Convention.

Flowing further from this Convention, article 5 (2) provides for an exception to the grounds of cessation of refugee status by stating that, notwithstanding the provision that a refugee can no longer continue to refuse to avail himself or herself of the protection of the country of his or her nationality because the circumstances in connection with which he or she has been recognised as a refugee have ceased to exist and no other circumstances have arisen to justify his or her continued recognition as a refugee, this proviso does not apply to a refugee, who is able to invoke compelling reasons arising out of previous persecution for refusing to avail himself or herself of the protection of the country of nationality. (*Harerimana v. the Chairperson of the Refugee Appeal Board and Others*, 2013, para. 10)

While the definition of a refugee expressed in the OAU 1969 Convention is wider than the one developed by the 1951 Geneva Convention, I support the thesis that even this definition needs to be revisited. The Convention’s shortcomings were quite clear at the time of its adoption, but no amendment was ever made and it remains the same document that it was in 1969 (Okello, 2014). The same has happened with the 1984 Cartagena Declaration on Refugees, with a Latin American scope.

In light of today’s Africa, where the needs remain, it is vital that such a Convention reflects the present causes of refugee flight today.

4.2. The 1984 Cartagena Declaration on Refugees

The Cartagena Declaration was adopted by the Colloquium on the International Protection of Refugees in Central America, Mexico and Panama, held at Cartagena, Colombia, between 19 and 22 November 1984. Compared to the 1951 Convention and the 1967 Protocol the Cartagena Declaration allows a broader category of persons in need of international protection to be considered as refugees. It was developed at a time when many Latin American countries were not party to the 1951 UN Convention on Refugees or had only just become signatories and lacked the institutions to fully implement the framework. The Cartagena Declaration thus can be thought of as the start of a process rather than a benchmark itself.

Similarly to the 1969 OAU Convention explained above, the Declaration, in Conclusion III, adds five situational events to the definition of the 1951 Convention and the 1967 Protocol. Refugees are those:

Persons who have fled their country because their lives, security or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order. (Conclusion III, Cartagena Declaration on Refugees)

This definition allows a broader temporal and geographical scope for the risks refugees find themselves in and additionally covers some of the indirect effects such as poverty, economic decline, inflation, violence, disease, food insecurity, malnourishment and displacement (UNHCR, 2013).

With its flexible set of guidelines, the Cartagena Declaration set the stage for various interpretations among party states on best practices for implementation. Greater agreement among signatories on implementation could go a long way in ensuring that the protection needs of all displaced persons in the region are met without overburdening neighbouring countries, thereby fulfilling the commitments to solidarity resettlement enshrined in the declaration.

Since 1984, participating countries have taken steps to further policy development and cooperation around refugee resettlement within the regional framework of the Cartagena Declaration. In 1994, the San Jose Declaration extended protection to IDPs, who constitute the clear majority of those displaced by the Colombian conflict. In commemoration of the 20th anniversary of Cartagena, representatives from 20 countries in the region gathered in Mexico in 2004 to set concrete steps for addressing Colombian displacement, resulting in the Mexico Plan of Action to Strengthen International Protection of Refugees in Latin America. Participants focused on the need to further develop asylum systems and the protection capacity of governments and NGOs. The meeting spurred the passage of new protection legislation in several countries, including policies to address refugee status determination and integration issues, and established the regional Solidarity Resettlement Program.

Representatives from 28 countries across the Americas convened in Brasilia in December 2014, to mark the 30th anniversary of the Cartagena Declaration. Signatory parties committed to the high standards for protection already established and through the new adopted Brazil Declaration and Plan of Action, they also agreed to develop and implement durable solutions, including local integration and a strategic use of resettlement (Esthimer, 2016).

The regional refugee definition in the Cartagena Declaration was meant to expand protection to those refugees who did not fulfil the 1951 Convention definition. But many Latin American states fail to take concrete steps to implement it and during asylum claims, officials do not seem to apply the regional refugee definition in a consistent and coherent manner (Turk, Edwards & Wouters, 2017). This remains an important challenge for the protection of refugees in Latin America.

As scholars indicate, although the regional refugee definition has been incorporated in a number of national legal frameworks, it still falls short of being part of the practice in domestic jurisdictions (Reed-Hurtado, 2013).

This has an impact in today's contemporary forced displacement. South America in particular –although some parts of Central America as well– faces an unprecedented migratory crisis due to the Venezuelan situation:

In 2019, the number of refugees and migrants from Venezuela worldwide stands at 3.4 million, (UNHCR & IOM, 2019). According to data from national immigration authorities and other sources, countries in Latin America and the Caribbean hosted an estimated 2.7 million Venezuelans, while other regions account for the rest. On average, during 2018, an estimated 5,000 people left Venezuela every day in search of protection or a better life. Colombia hosts the highest number of refugees and migrants from Venezuela, with over 1.1 million. It is followed by Peru, with 506,000, Chile 288,000, Ecuador 221,000, Argentina 130,000, and Brazil 96,000. Mexico and countries in Central America and the Caribbean are also hosting significant numbers of refugees and migrants from Venezuela. (UNHCR & OIM, 2019, para.1-3)

However, the response in terms of protection is rather weak, given that they are treated as economic migrants rather than as refugees. I agree with some scholars about the protection gap causing immense suffering:

Treating people who are fleeing from mass human rights violations, with little to no support networks, as if they were mere economic migrants has considerable drawbacks. If Latin America is to live up to the values it set up for itself all those years ago, then it will need to work together, in a holistic fashion, seeking multilateral solutions to a complex transnational problem. In fact, there is a unique opportunity for this in the near future: upon invitation of Ecuador, thirteen Latin American vice-ministers of foreign affairs will meet in Quito on September 17th. It is essential that this meeting addresses reasonable multilateral solutions, including specifically the process through which fleeing Venezuelans will be recognized as refugees within the framework of the Cartagena Declaration. Anything short of this will be a failure of monumental proportions and a stain in the legacy of Cartagena for many years to come. (Gurmendi, 2018, para. 9)

This has been corroborated by the Inter-American Commission on Human Rights (IACHR), through its Resolution 2/18, of March 13, 2018:

The IACHR has expressed its concern over Venezuela's decrees closing the borders with Colombia in August 2015, with Brazil in December 2016, and with Aruba, Curaçao and Bonaire in January 2018, under the Declaration of a State of Exception in the border area. This situation hinders the right of all people to leave the Venezuelan territory freely, as well as the right to request and receive asylum, complementary protection, or other international protection. On the other hand, as a consequence of food insecurity and the shortage of medicines, the IACHR has observed the daily crossing of borders by Venezuelans to neighboring countries in search of food and medicine. (Inter-American Commission on Human Rights, 2018, para. 4)

Different voices have expressed that the wider protection established both by the 1969 OAU Convention and the 1984 Cartagena Declaration should be proposed universally, or that other regions incorporate those criteria. "However, it seems that the international community has proved its lack of will to be bound by international obligations beyond those established by the Geneva Convention." (Gortázar, 1997, p. 154). In fact, the following words can unfortunately still be applied to the realities of modern contemporary world:

Member States of the European Council, as well as those of the United States of America, generally observe a restrictive attitude with respect to asylum seekers fleeing from civil wars, attitude which is confronted to the one followed in Africa and Latinamerica. (Kalin, 1991, p. 436)

I agree with such opinion, and with the fact that “if States would interpret correctly the Geneva text, situations such as those described above would find, through this path, an adequate protection.” (Gortázar, 1997, p. 154).

4.3. Subsidiary Protection in the European Union

The basis of the protection of refugees under European Commission law is that it must be premised both on the requirements of the Geneva Convention and its Protocol, and on the foundations of international human rights law, which are obligations erga omnes (Goodwin-Gill, 2001). The protection provided for in the Charter of Fundamental Rights of the European Union (hereinafter, CFREU or the Charter) is more rights-based than the imperfect protection of the Geneva Convention. Whereas the Geneva Convention only implies that there is an obligation for States to grant asylum as comprehensive and durable protection, EU law recognizes the individual’s right to asylum (Gortázar, 2018). Article 18 of the Charter and its progressive development, ie. The Common European Asylum System (CEAS), set forth in what circumstances and with what requirements the individual subjective right to receive recognition of refugee status is acquired (and similarly, if the conditions for this recognition are not met, the subjective right to obtain subsidiary protection status).

As part of the ‘first phase’ of the Common European Asylum System (CEAS), an initial Qualification Directive was adopted in 2004. On 29th April 2004, the Council of the EU adopted the Directive 2004/83/EC on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted. In a ‘second phase,’ the European Parliament and the Council recasted the 2004 Directive and after a number of substantive changes, adopted the European 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 (hereinafter, the Qualification Directive). The UK and Ireland opted in to (and are still bound by) the first phase Directive, but not the second phase Directive or the subsequent 2016 proposal; Denmark is not bound by any of them.

The purpose of the Qualification Directive, as expressed in its article 1, is to lay down 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 (Article 1. European Directive 2011/95/EU).

‘Subsidiary protection status’ means the recognition by a Member State of a third-country national or a stateless person as a person eligible for subsidiary protection (Article 2, g. European Directive 2011/95/EU). For the purposes of the Directive:

‘person eligible for subsidiary protection’ means a third-country national or a stateless person who does not qualify as a refugee but in respect of whom substantial grounds have been shown for believing that the person concerned, if returned to his or her country of origin, or in the case of a stateless person, to his or her country of former habitual residence, would face a real risk of suffering serious harm as defined in Article 15, and to whom Article 17(1) and (2) does not apply, and is unable, or, owing to such risk, unwilling to avail himself or herself of the protection of that country. (Article 2, f. European Directive 2011/95/EU)

In 2018, EU countries recorded some 634.700 applications for international protection. This is a decrease by 10 per cent compared to 2017, and the third consecutive year with fewer applications after the unprecedented influx following the migration crisis of 2015. Overall asylum figures returned to approximately pre-crisis levels of 2014, when EU countries processed some 641.000 applications for international protection. For the sixth consecutive year Syrians lodged more applications for asylum than any other citizenship: some 74 800 applications (- 24 per cent from 2017) lodged in the EU, such that one in 10 applicants in the EU was a Syrian national. Afghan (45.300) and Iraqi (42.100) nationals also lodged high numbers of applications. Despite lodging fewer applications compared to 2017, these top three countries of origin still accounted for 26 per cent of all applications in 2018. The top ten countries of origin also included Pakistan (5 per cent), Iran, Nigeria, Turkey, Venezuela (4 per cent each), Albania and Georgia (3 per cent each). The EU recognition rate fell six percentage points to 34 per cent of all first instance decisions, granting either refugee status or subsidiary protection. In particular, nearly two thirds of the positive decisions granted refugee status. Among the 30 citizenships with most decisions issued, Syrians still had the highest recognition rate (87 per cent), despite a decrease by six percentage points. Also, Yemen (87 per cent) and Eritrea (82 per cent) had high recognition rates. In contrast, Georgia (3 per cent), The Gambia (4 per cent), Bangladesh, Senegal and Algeria (5 per cent each) had the lowest (EASO, 2019).

The Qualification Directive is clear: not only does it define who must receive the condition of refugee and who receives subsidiary protection, it also, logically, creates a protection status for each figure and the obligation to guarantee both statuses for Member States (Gortázar, 2018). Without doubt, with these two statuses, a right to asylum has been established as an individual right not only to seek and enjoy it (DUDH, 1948) but to obtain it in one of the EU Member States, according to Articles 13 and 18 of the Qualification Directive, respectively (Gil-Bazo, 2006).

Despite the adoption of the Directive, there are still very different interpretations of the refugee definition across the EU and conditions for granting refugee status should be harmonised at a higher level. Beyond the review of provisions that fell short of international standards, notably, in relation to the qualifying grounds and the status of individuals under subsidiary protection and to the provisions on exclusion, revocation, and *non-refoulement* (Gil-Bazo, 2006), a further reflection on the outcomes in the establishment of a Common European Asylum System is in process with a view to review lessons learnt and to guarantee the EU's commitments to forcibly displaced people, be it refugees or people who fall outside the scope of the 1951 Convention.

Certain provisions of the Directive should be amended to ensure that the right to seek and enjoy asylum is applied according to the same high standards in all Member States. I support UNHCR's comments on the European Commission's proposal for a Qualification Regulation, dated 2nd December 2016 (UNHCR, 2016), which complement UNHCR's overarching proposals as outlined in the document "Better Protecting Refugees in the EU and globally" (UNHCR, 2016). The current provisions on "actors of protection" are a source of particular concern as they inappropriately envisage that a militia or a clan can provide protection to a person in the same way as a State. The notion of "internal protection" in the country of origin is also problematic. There is no guarantee that people can safely access an area in their country of origin where they would not be at risk, as required by the European Court of Human Rights.

With the December 2016 Guidelines on International Protection in the contexts of generalised violence, UNHCR declares that the 1951 Convention includes refugees fleeing from war and violence, and asks, *ex professo*, that Member States apply the Convention according to this inclusion (Gortázar, 2018). Persons fleeing a situation of "indiscriminate violence" should not have to demonstrate that this violence is directed at them as individuals. Generalised violence in some countries is so serious that it

should be a sufficient argument to be granted protection. The logic behind this is that — even if not an instance of individual persecution — many persons fleeing situations of armed conflict and violence may be refugees as such situations may be rooted in, motivated or driven by, and/or conducted along lines of race, ethnicity, religion, politics, gender or social group divides, or may impact people based on these factors (UNHCR, 2016).

The provision on “serious harm” (Article 16 of the Qualification Regulation) should be clarified, based on CJEU case law, regarding the meaning of serious harm consisting of “a serious and individual threat to a civilian’s life or person by reason of indiscriminate violence in situations of international or internal armed conflict” (Article 16, c). I support UNHCR’s position that the reference to “situations of international or internal armed conflict” and “individual threat” in Article 16(c) of the proposal, but this should not be limited to armed conflicts within the meaning of International Humanitarian Law (IHL), and that indiscriminate violence may occur outside the context of an armed conflict, i.e. more broadly in situations marked by a material level or spread of violence that affects the civilian population and results in serious and individual threats to people’s lives warranting international protection (UNHCR, 2016).

In this regard, recent case law shows developments on the understanding of subsidiary protection and individual threat. On 24 April 2018, the Court of Justice of the European Union (CJEU) ruled in case *C-353/16 MP* that a person who has in the past been tortured in his country of origin is eligible for subsidiary protection if he faces a real risk of being intentionally deprived, in that country, of appropriate physical and psychological health care (European Council for Refugees and Exiles, [ECRE], 2018). The main proceedings concern a national of Sri Lanka who lodged an asylum application in the UK claiming that he had been detained and tortured by Sri Lankan security forces for being a member of the Liberation Tigers of Tamil Eelam (LTTE). His application was rejected since it was not established that he would be at risk of further ill-treatment if returned to his country. His case was appealed and reached the UK Supreme Court, which sought the CJEU’s assistance regarding the scope of the subsidiary protection under the EU Qualification Directive (ECRE, 2018).

With regard to family reunification in the framework of subsidiary protection, it is important to mention the ruling *CJEU - C380/1, K, B v. Staatssecretaris van Veiligheid en Justitie* (Netherlands, 2018), the CJEU ruled on family reunification visas for the family of an individual with subsidiary protection status. It was found that an application for family reunification based on refugee status can be rejected if it was not made within three months of the sponsor receiving refugee status.

The question for those responsible for decision-making can be articulated as follows: Are the reasons a person fears a particular situation, in the general context of the country, connected to any of the motives foreseen in the Convention? (Gortázar, 2018). In fact, conduct that may appear to be indiscriminate may, in reality, be aimed at whole communities or areas whose inhabitants are actual or perceived supporters of one of the sides in the conflict (UNHCR, 2016). This means that in the EU, when such nexus between generalised violence and one of the reasons of persecution foreseen in the 1951 Convention fails to exist, only then subsidiary protection will be applied, i.e. Article 15c of the Directive: “serious and individual threat to a civilian’s life or person by reasons of indiscriminate violence in situations of international or internal armed conflict” (Gortázar, 2018).

Other parts of the Qualification Directive which require a revision are those related to the cessation and exclusion clauses. Refugee status should only end when all reasons for persecution have ceased. Refugees may cease to need protection when the circumstances in the country of origin which led to the granting of protection have ceased to exist or have changed fundamentally. The so-called cessation clauses included in the Directive should be amended to be fully consistent with the 1951 Refugee

Convention. They should include exceptions to cessation of refugee status when the person faces new threats of persecution despite the change of situation in the country of origin.

Recent case law on the application of the cessation clause includes the case *Applicant v. State Secretary for Security and Justice*, 2016. The applicant, a woman from Azerbaijan, was granted temporary residence permit following her asylum application on 17 December 2010.. In 2011, 2012 and 2013 she travelled to Azerbaijan, each time making use of a visa issued by the Embassy of Azerbaijan in the Hague. Reasons for her travels were to attend her husband's funeral, to assist her daughter with a miscarriage and to assist her brother in law who was critically ill. Upon return to the Netherlands in 2013 the applicant supposedly stated in front of the Royal Netherlands Marechaussee that she returned from holiday in Azerbaijan, which she later denied. Based on these events the State Secretary decided to investigate. Following this investigation the State Secretary withdrew the applicant's residence permit on the basis of the first cessation clause. The applicant argues primarily that the court of first instance should not have concluded that her application for a travel visa with the embassy of Azerbaijan meant that she voluntarily re-availed herself of the protection of Azerbaijan. Secondly the applicant argues that her situation should be deemed serious enough to grant a renewal of her residence permit based on 'temporary humanitarian grounds'. The applicant lodged an appeal with the Administrative Jurisdiction Division of the Council of State. The appeal was declared not grounded and the decision referred to Article 11 and Article 14 of the Qualification Directive (Directive 2011/95/EU).

Regarding the exclusion clause, reasons for refusing refugee status to persons who have committed crimes should be more closely aligned with international law. The 1951 Refugee Convention sets out the circumstances in which States may exclude persons from refugee status because the crimes they have committed are so serious that they do not deserve protection. These circumstances can be further deepened in case law, namely recent cases related to accusations leading or not to terrorist acts. A recent example is the case of *Any El-Sayed El-Sebai Youssef -and - Secretary Of State For The Home Department And N2 - and - Secretary Of State For The Home Department*, (2018) regarding whether acts may be sufficient to satisfy the threshold for exclusion from the Convention under Article 1F(c). Provisions on exclusion in the Directive require amendment so that the Directive does not go beyond the exhaustive criteria for exclusion as set in the 1951 Refugee Convention.

On differentiation between refugee and subsidiary protection status, I agree with UNHCR's position in that persons fleeing persecution and other forms of serious harm should have access to an equivalent level of rights. Refugees and other persons needing protection are often fleeing equally serious situations and for long periods of time. Their rights should be equivalent.

Because of the primacy of refugee protection and the limitation under which subsidiary protection only applies to persons who do not qualify as refugees, claims for international protection related to situations of armed conflict require first a full and inclusive assessment of the criteria for refugee status, before being assessed against subsidiary protection criteria. Governments ought to implement in a thorough way the legal obligation to grant subsidiary protection to those who are not considered as refugees but need international protection because they are at risk of serious harm in their country of origin by reason of indiscriminate violence.

At the heart of the contested issue of asylum in the EU is the definition of who is entitled to 'subsidiary protection' for those fleeing threats of 'serious harm'. The proposed revision of the EU legislation (through a Proposal for a Regulation of the European Parliament and of the Council 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 and amending Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents) forms part of the

broader overhaul of all EU asylum laws proposed in 2016, as a response to the perceived migrant crisis (European Commission, 2016). The EU governments agreed their position on the proposal, negotiated later on with the European Parliament. In its negotiating position it was said:

A common Union policy on international protection should be based on a uniform status. To move towards a well-functioning CEAS, substantial progress should be made regarding the convergence of national asylum systems with special regard to differing recognition rates and type of protection status in the Member States. At the same time, it is important not to overburden administratively the authorities of the Member States. Accordingly, rules should be strengthened to ensure that protection is granted to those who need it. While acknowledging the legal differences between refugee status and subsidiary protection status, a harmonised duration for residence permits should be established, which should take full account of the current best practice in the Member States. In order to ensure that equal high standards of protection are achieved in all Member States, the rights granted to beneficiaries of international protection should be further clarified and harmonised. (European Parliament legislative resolution (COM(2016)0466 – C80324/2016 – 2016/0223(COD), Ammendment 5, 2016)

The proposal aims to implement the Geneva Refugee Convention in more detail, as regards both the definition of ‘refugee’ and the rights which refugees receive. It also defines ‘subsidiary protection’ and sets out the rights which subsidiary protection beneficiaries are entitled to.

To give effect to the objective of further harmonisation, the 2016 proposal will replace the 2011 Directive with a Regulation, with the consequence that EU law on this subject will be directly applicable, rather than applying through the medium of national legislation giving effect to a Directive. To the same end, the Regulation will also eliminate Member States’ power in the current law to set more favourable standards as long as they are compatible with the Directive – although this power has already been curtailed by the ECJ’s judgments in B and D and M’Bodj. The new Regulation will reflect that case law, by noting that Member States are free to retain or establish a separate status of humanitarian protection, as long as there is no confusion with the (EU harmonised) notions of refugee or subsidiary protection status (Peers, 2017).

The question is, will the new law meet the Commission’s objectives for dealing with the ‘crisis’ and will more harmonization mean an overall reduction in protection standards?. This shift toward harmonisation is manifested by a removal of most options under the Directive, with the effect of lowering standards overall, since most of the options are possibilities for Member States to offer less protection than under the standard rules (Peers, 2017).

While I support the harmonisation of protection standards throughout the EU, this goal should not take place at the price of lowering standards. For the purpose of international protection, the relevant consideration is the level of violence present in the country of origin and the risk of serious harm it creates. In too many instances though, protection is watered down and people who are granted subsidiary protection status are considered refugees according to the 1951 Convention. I support UNHCR’s views that applicants should enjoy the benefit of the doubt. Accelerated procedures appear to be based on a ‘culture of disbelief’ whereby most asylum seekers are presumed to be abusing the system. The focus should be on fair and efficient procedures able to identify persons in need of protection.



“Patera” in the coast of Southern Spain, Andalucía (Valcárcel, 2019)

5. The unprotected: Forced migrants

Forced migrants are considered those who are forced to migrate because they have no choice and are in grave danger. They certainly do not migrate for economic gain. On the other side of this situation are those who are motivated by a whole tangled mixture of hopes and fears, people that migrate in the hope of a better future for themselves and their children.

Most of the people who abandon their homes to escape from persecution and armed conflict either remain in their own country as internally displaced people, or they seek asylum as refugees in a neighbouring or nearby state. While most refugees remain in their region of origin, a growing number have looked for safety and security elsewhere, by seeking asylum in the industrialized states. In doing so, they join a broader stream of international migrants whose primary objective is to look for work, or to join family and community members who have already moved to another part of the world.

I argue that this is precisely one of the most serious issues of our time: the mixed flows of people and the need to protect not only refugees and asylum seekers, as understood by the 1951 Geneva Convention on Refugees, but also people who flee abject poverty, new forms of violence and absolutely impossible lives due to environmental degradation.

It has become increasingly difficult to make a sharp distinction between forced migrants and other international migrants, since in many cases, people move from one country and continent to another in response to a complex set of causes. Fear of persecution and the threat of insecurity may coexist with a desire to gain access to the opportunities and services that are available in the industrialized states. Irrespective of their exact motivation, a large proportion of those people who have managed to move from poorer and less stable parts of the world to one of the industrialized states have sought to secure the right of residence there by submitting a claim to refugee status (Crisp, 2003).

This is clearly stated in the 2018 Global Compact on Refugees, when relating to the Comprehensive Refugee Response Framework (CRRF), although no solutions are actually offered:

While the CRRF relates specifically to large refugee situations, population movements are not necessarily homogenous, and may be of a composite character. Some may be large movements involving both refugees and others on the move; others may involve refugees and internally displaced persons; and, in certain situations, external forced displacement may result from sudden-onset natural disasters and environmental degradation. These situations present complex challenges for affected States, which may seek support from the international community to address them. Support for appropriate responses could build on the operational partnerships between relevant actors, including UNHCR and the International Organization for Migration (IOM), engaging their respective mandates, roles and expertise as appropriate to ensure a coordinated approach. (The Global Compact on Refugees, point 12, p. 4)

5.1 The Model International Mobility Convention

The term “forced migrant” applies to every person who owing to serious threats to life, physical integrity or freedom resulting from generalized violence or events seriously disturbing public order in either part or the whole of her or his State of nationality or in the case of a stateless person her or his state of habitual residence, is compelled to leave his or her State of origin or place of habitual residence in order to seek refuge in another place outside his or her State of origin or habitual residence; and any person who owing to the risk of suffering serious harm is compelled to leave her or his State of origin, or in the case of a stateless person, her or his State of former habitual residence; and any person for whom there are substantial grounds for believing that the person concerned, if returned to his or her State of origin, or in the case of a stateless person, to his or her State of former habitual residence, would face a real risk of suffering serious harm.

(Columbia University, 2017. Article 125. International Convention on the Rights and Duties of All Persons Moving from One State to Another and of the States They Leave, Transit or Enter (2017) [Model International Mobility Convention])

The above is the definition set by the Model International Mobility Convention, also known as International Convention on the Rights and Duties of All Persons Moving from One State to Another and of the States They Leave, Transit or Enter. The Model International Mobility Convention was developed by a Commission of eminent academic and policy experts in the fields on migration, human rights, national security, labor economics and refugee law sponsored by Columbia University. The Commission came together to debate and develop the Convention in workshops conducted regularly from spring 2015 until it was finalized in April 2017, in Columbia University, New York.

This model convention aims to lay down standards for the qualification of persons as beneficiaries of international protection, to provide for a uniform status for refugees or other forced migrants eligible for international refuge, to establish standards for the provision of interim protection, and for the content of the protection granted. It provides a holistic and rights-based approach to international mobility that integrates the various regimes that seek to govern people on the move.

For the purpose of this study, it is the only attempt by the international community to codify in one instrument, diverse obligations which states are committed to which are related to human mobility. I support the approach of the Model Convention in the sense that it protects the human rights of all

refugees and migrants, regardless of status. In this point it converges with the programmatic vision of Pope Francis explained further in Chapter Seven of my thesis.

The Model Convention fills key gaps in international law that leave many people unprotected by establishing the minimum rights afforded to all people who cross state borders — whether as workers, forced migrants, refugees, victims of trafficking, people caught in countries in crisis and family members or others — and defines their relationships to their communities of destination, origin and transit. The Model International Mobility Convention reaffirms the existing rights afforded to mobile people and expands those rights.

These categories of people are for the first time brought together under a single framework, which establishes its complementarity with existing international legal instruments, including the United Nations Charter, the Universal Declaration of Human Rights as well as other core international human rights treaties. It signals therefore that the Model Convention builds upon the rights and protections embodied in these documents, and so none of the provisions in the Convention should be interpreted as undermining such rights. The Model Convention is cumulative, which means that the chapters build on and add rights to the set of rights afforded to categories of migrants covered by earlier chapters. As an example, Chapter Five of the Convention covers the status of refugees and forced migrants and their rights. It strengthens the terms of protection as compared to the existing refugee regime. Refugees and forced migrants enjoy all the rights explained in Chapters One through Four, including work rights as well.

The Model Convention and the Treaty Body chapter conclude by proposing that the Committee establish mechanisms to more comprehensively and equitably deal with refugee and migration flows. The chapter also introduces several innovations for supporting and strengthening the provision of international protection, key aspects of which include a Responsibility Sharing framework, a Comprehensive Global Planning Platform, and a Global Refugee Fund. In this sense, it is worth comparing both the Convention and the 2018 Global Compact on Refugees, and find complementarities amongst them. As the Compact, although the Model Convention puts a focus on the need to strengthen the resilience of communities hosting refugees, particularly in developing countries, it also recognizes the need for responsibility sharing. It also calls for a global response to the protection needs of forced migrants and refugees stressing the international nature of forced displacement and the need for a true spirit of international cooperation as the only possible way to respond to the mixed flows of people on the move.

A politically viable and iterative proposal embedded in the 2017 Model International Mobility Convention, is to identify pathways other than the formal resettlement process. For example, States could make their family, labour, and student visas more readily available to refugees, by giving priority to refugees and forced migrants who meet the skills and other criteria for the award of those visas. Such a provision is contained in article 209 of the Model International Mobility Convention (Doyle, 2018).

The Model Convention stresses some elements of the Sustainable Development Goals (2030 Agenda), since it envisions a world of universal respect for human rights and human dignity, the rule of law, justice, equality and non-discrimination, and recognizes the positive contribution of migrants for inclusive growth and sustainable development.

If this Model Convention was applied universally, the plight of the millions of forced displaced people who remain unprotected would improve. They could enjoy a holistic and rights-based approach to their mobility and also the international protection they deserve.

6. Towards a new definition of refugee. People the 1951 Refugee Convention fails to protect: *De facto* refugees

The current weaknesses and gaps of the world's protection regime, which relies heavily on various definitions and categorizations of forced migrants, have practical consequences for the many people in need of international protection. Distinctions between deserving and undeserving refugees bring potentially catastrophic consequences for the protection and wellbeing of individuals, who are left undocumented and prone to radicalization, destitution, and crime.

The reality is that the current state-centric structures used for addressing forced displacement and the lack of uniformity on an international legal framework are serious obstacles to addressing short-term human security needs and long-term challenges. What is the legal status of a displaced person in a given host country has direct consequences on the access to livelihoods and other opportunities for the development and well-being of the individual.

Regional and international processes have been initiated to address the humanitarian challenges of displacement and the concerns of refugee hosting and other states. In 2016 the UN General Assembly, for example, took the first step towards a political process to design an international framework on safe migration, including more equitable burden sharing in hosting and supporting refugees. However, some processes risk undermining the international legal framework that is currently protecting refugees. For example, on at least two occasions in 2016, the European Union sought to reach political solutions with major refugee-hosting states that had no written or legal basis (SIPRI, 2017).

In this sense, if we are to further refugee protection, we must begin to work towards a new definition of refugee, one that is more inclusive and takes into consideration the current gaps in today's international protection framework. My starting point regarding the definition of refugee is the same starting point of any Catholic reflection on a given social issue, whether it concerns security, the economy, governance, work, or politics: that starting point is the human person.

The first, and core principle, which is grounded not only in Christian faith but also in many other religious and philosophical traditions, is that each human being is of unique value and is precious. Catholics ground that value in the fact that God loves each of us personally and infinitely. Because each human being is of unique value, no one may be treated as an object or as a means to some larger end.

Although, the definition of "refugee" contained in current international law is still useful today because it looks to the causes of flight and to the protection of people, it needs to be expanded along with the refugee protection regime so that both match the new migration realities of the twenty-first century.

Refugees have always existed, but the right to asylum and the legal category of "refugee" were set out by the United Nations in its 1951 Convention and are bound to a specific time and space. The nature of cross-border displacement has changed dramatically since the 1951 Convention. Threats such as environmental change, food insecurity, and generalized violence, push-forces that are not recognized in the current definition, force massive numbers of people to flee states. Because these reasons do not meet the legal understanding of persecution (of which a well-founded fear is needed to be considered a refugee) the victims of these circumstances are not usually recognized as "refugees," inhibiting them from protection.

As it has been mentioned above, increasingly, large numbers of people are leaving their country of origin for motives that fall neither within the 1951 Convention definition nor within the category of voluntary, economic migrant, as noted by the Red Cross and Red Crescent Societies (IFRC). A

combination of livelihood collapse, environmental disaster, and state failure increasingly contribute to non-refugees leaving their country of origin. Some scholars have even developed new concepts such as of “survival migrants” — people fleeing basic rights deprivations rather than just persecution — to highlight the crisis in which these people find themselves. The phenomenon of what some term “survival migration” is vast in scale and has enormous consequences for the millions of individuals who are unfortunate enough to fall outside legal categories. There is massive inconsistency and variation in institutional responses across the neighbouring host states. Some survival migrants are offered asylum as refugees; others are rounded up, detained, and deported, often in brutal conditions (Betts, 2013).

Clearly, the 1951 definition does not capture the totality of circumstances under which people are forced to cross an international border and are unable to return as a result of an existential threat faced at home.

The challenge here is regime adaptation. That is, how international norms are converted into practice. Adaptation can take place at three levels: international bargaining, institutionalisation, and implementation. It is particularly the third level, implementation, which is the key to change. But the massive variation in national and international institutional responses in refugee-hosting states show that politics rather than law ultimately determines how the refugee regime is implemented in practice. To clearly illustrate the enormous human suffering that results from these gaps, I argue strongly for an expansion of protected categories, based on the experience and theory of Catholic thinking.

In 1992, the Catholic Church expanded its understanding of the term ‘refugee’ to include ‘*de facto* refugees’, or those who did not qualify for protection *de jure* (by law) but whose situations were the same as those *de jure* refugees. *De facto* refugees encompass victims of armed conflicts, erroneous economic policy, and natural disasters, as well as internally displaced persons. Following a wider definition set out in the Organisation of African Unity (OAU)’s 1969 Convention governing the specific aspects of refugee problems in Africa and the 1984 Cartagena Declaration on Refugees, the 1992 Vatican document “Refugees: A Challenge to Solidarity” offered a new definition of refugee:

In the categories of the International Convention are not included the victims of armed conflicts, erroneous economic policy or natural disasters. For humanitarian reasons, there is today a growing tendency to recognize such people as *de facto* refugees, given the involuntary nature of their migration. In the case of the so-called economic migrants, justice and equity demand that appropriate distinctions be made. Those who flee economic conditions that threaten their lives and physical safety must be treated differently from those who emigrate simply to improve their position (Pontifical Council Cor Unum and Pontifical Council for the Pastoral Care of Migrants and Itinerant People, 1992).

The above document, drafted by the Pontifical Council for the Pastoral Care of Migrant and Itinerant People, and the Pontifical Council ‘Cor Unum’, provides a systematic summary of the Church’s teachings on forced displacement, with a basis on the Holy Scriptures, and as today, was published to refocus attention on the lack of protection of refugees (Cornish, 2002).

It suggests that *de facto* refugees – victims of armed conflicts, misguided economic policy or natural disasters – who Betts and other scholars define as “survival migrants”, and internally displaced persons should also be recognized as refugees and accorded international protection. (Pontifical Council Cor Unum and Pontifical Council for the Pastoral Care of Migrants and Itinerant People, 1992).

In relation to the controversial concept of ‘economic refugees’ *Refugees: A Challenge to Solidarity* says that:

justice and equity demand that appropriate distinctions be made. Those who flee economic conditions that threaten their lives and physical safety must be treated differently from those who emigrate simply to improve their position.

Pushing the boundaries of the Convention's definition of refugees, the Holy See delegation has even suggested at a Ministerial Conference of 140 Signatory States of the Convention of 1951 on the Status of Refugees that:

distinguishing between voluntary and involuntary migration and between migrants and refugees has become more difficult since the element of free choice is hardly the principal reason for people deciding to move abroad. The economic differences between countries as well as human rights abuses and the existence of conflicts that force people to leave need to be addressed. Moreover, by developing balanced migration policies, the legal framework for asylum seekers will also be guaranteed. (Pontifical Council for the Pastoral Care of Migrants and Itinerant People, 2001)

A particular priority in the recent interventions of the Holy See has been the plight of internally displaced people, a demographic that the Refugee Convention does not cover because they have not crossed an international border. When, in 1998, the UN produced the Guiding Principles on Internal Displacement, the Holy See welcomed this development but said:

A truly international protection regime must cover all those who lack adequate legal protection. As the nature of conflict in today's world changes, so too must the nature of the international response. (Pontifical Council *Cor Unum* and Pontifical Council for the Pastoral Care of Migrants and Itinerant People, 1992).

Today, the organ of the Church most directly responsible for its response to refugee and asylum seeker issues is the Migrants and Refugees Section of the Dicastery for the Promotion of Integral Human Development at the Vatican.

This body was created by Pope Francis and started its mission in January 2017. This Section further developed the thinking of the Church and published a set of Twenty Points of Action which summarize the pragmatic proposal of the Catholic Church from 2017 onwards.

The Twenty Points of Action do not offer a new definition of the term refugee. The logic behind this is precisely that there is a grey area between migrants and refugees that the Church does not want to categorize as one or the other, but rather expand the definition of refugee to cover all those who fall, unprotected and prone to vulnerability, into this enormous grey area.

I will explain in detail the proposal of the Catholic Church in Chapter Seven of my thesis.

7. Conclusions

The consequence of the refugee definition vacuum are serious: These groups have been rendered invisible to the international community, as a result of not being neither refugees nor voluntary economic migrants, resulting in the absence of a coherent normative framework or institutional response to address their plight.

The combination of livelihood collapse, environmental disasters and state failure contribute increasingly to non-Convention refugees leaving their countries of origin. *De facto* refugees show an involuntary nature of migration.

How can the broken refugee protection system be fixed? The central question to any development of refugee policy starts with the definition of a refugee. The Catholic church put forth in 1992 a definition that is realistic and adaptable to the context of forced displacement movements in today's world. Expanding the definition to other categories of people unprotected by the current regime is not only needed but is a responsibility of the international community.

I argue that the best possible definition of a refugee is the 1992 Catholic church definition which could be a Protocol to the 1951 Geneva Convention definition. This definition would not include IDPs though. The 1992 Vatican document "Refugees: A Challenge to Solidarity" could be the basis to develop a new protocol on refugees, in line with the reality of today's forced displacement and new forms of violence.

Regarding people displaced within their own country, although this population goes beyond the scope of this thesis, I argue that the protection they claim needs to respond to the need of the person, and not to the fact of having crossed the border or not. I thus, reinforce, the position of Catholic social teaching on internal displacement:

A great number of people are forcibly uprooted from their homes without crossing national frontiers. In fact during revolutions and counter-revolutions, the civilian population is often caught in the cross-fire of guerrilla and government forces fighting each other for ideological reasons or for the ownership of land and national resources. For humanitarian reasons these displaced people should be considered as refugees in the same way as those formally recognised by the 1951 Convention because they are victims of the same type of violence (Pontifical Council for the Pastoral Care of Migrants and Itinerant People, 2001).

My proposal regarding IDPs is for the UNHCR and the international community to set out a clear agenda for the IDP solution. 2019 marks the 20th anniversary of the Guiding Principles on Internal Displacement, since its creation we have seen civil society organisations and some agencies such as UNHCR take IDPs off the sidelines and commit to addressing their protection needs as a global community. It also marks the 10th anniversary of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention). States and regional bodies must commit to adopting strategies and policies with clear targets for finding durable solutions for the millions of IDPs throughout the world. Commitments to addressing internal displacement made through the World Humanitarian Summit, the 2030 Agenda for Sustainable Development, the New Urban Agenda, the Paris Climate Agreement, and the Sendai Framework for Disaster Risk Reduction must be taken up. As with the refugee protection regime, drivers of displacement must be considered, and States must address structural barriers to IDP protection.

Given the growing number of refugees living in urban areas, approaches to urban humanitarian crises must consider longer-term development, particularly given the increasingly protracted nature of crises. And given the likely impact of climate change on cities, approaches that combine crisis preparedness and crisis response with climate resilience will have more far-reaching effects than keeping the issues separate.

As I have argued throughout the chapter, the refugee definition needs to be developed through a more modern interpretation of the causes of flight. This is key to the fair application of the refugee definition. Despite a series of these high-level conferences convened by the United Nations, there is still no clear strategy for the future of the global refugee system. What, in the 21st century, should the world do about refugees? To answer this question, we must start with a diagnosis of why the global refugee system is not working today. Understanding that the lack of a clear and updated definition is the essential starting point, we can from there suggest what needs to be done to build a system that works.

To deal with today's large dislocations responsibly, and in order to understand what is the source of global disorder today, a first step is to employ adequate tools of analysis rather than letting fear and self-interest prevail. The lack of clear identification of what the problem is, what are refugees fleeing from, why cannot they go back to their countries, has partly been the root of the so-called "refugee crisis."

On closer examination, there is much to appreciate rather than to fear, and much to do together rather than reject outright. I agree with some global thinkers, such as Chinese artist Ai Weiwei, on the nature of the refugee crisis, which is about us, rather than on refugees:

I know what it feels like to be a refugee and to experience the dehumanisation that comes with displacement from home and country. There are many borders to dismantle, but the most important are the ones within our own hearts and minds – these are the borders that are dividing humanity from itself. (Weiwei, 2018)



*The Balkan route. Refugees from the Middle East fleeing to Europe trying to reach safety
(Kristof Holveniy, 2015)*

CHAPTER FOUR - A RIGHTS-BASED APPROACH TO REFUGEE PROTECTION

A refugee situation is a difficult one. We are people with many problems. Our rights are not respected in our land of origin and often neither in the land of asylum. We are without a voice and when we try to speak, our voices are not heard. But we have our lives and that is our biggest hope. We shall one day return to our home land, where there will be peace for all and we shall live together, build our lives anew, and have a chance to plan for our lives and our future. (Kwizera Jean de Dieu, a Burundian refugee in Tanzania, as cited in Raper & Valcarcel, 2000, p. 8)

The international refugee protection regime emanates from the fundamental principles of humanity and international solidarity; it is centred on the cardinal principle of *non-refoulement*. As we have seen in previous chapters, the international instruments directly applying to refugees are the 1951 United Nations Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees. Regional instruments include most notably the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa and the 1984 Cartagena Declaration on Refugees and its three successors: The 1994 Declaration of San José; The 2004 Mexico Declaration; and the 2014 Brazil Declaration.

This regime is complemented by international human rights instruments, international humanitarian law, as well as instruments for the protection of stateless persons. In fact, under their commitments to International Law, States have other protection obligations, both of universal and regional scope, namely those referring to the protection of persons subject to human trafficking; the best interest of the child; or the absolute protection against torture.

Some of these instruments include the 1948 Universal Declaration of Human Rights; The 1966 Bangkok Principles on Status and Treatment of Refugees adopted at the Asian-African Legal Consultative Committee in 1966; The 1967 UN General Assembly Declaration on Territorial Asylum; The 1974 United Nations Declaration on the Protection of Women and Children in Emergency and Armed Conflict; The 1987 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (commonly known as the United Nations Convention against Torture (UNCAT), particularly its article 3 which calls State Parties not to expel, return (“*refouler*”) or extradite a person to another State where there are substantial grounds for believing that he or she would be in danger of being subjected to torture; The 1989 Convention on the Rights of the Child; The 2016 New York Declaration for Refugees and Migrants, and more recently – and unfortunately only to some extent as I will explain below – the 2018 Global Compacts on Refugees and for Safe, Orderly and Regular Migration.

There are differences of opinion among international law scholars as to the relationship between refugee law and international human rights law or humanitarian law. Some scholars conceive each body of law as a self-contained regime distinct from other branches. This view forms part of a larger discussion on fragmentation of international law (Koskenniemi, 2002). Others regard the three branches as forming a larger normative system that seeks to protect the rights of all human beings. Refugee law and international human rights law are closely connected in content but differ in their function, mainly regarding the way in which international refugee law considers state sovereignty.

Much has been said, written, and researched on the rights of refugees. It is important to underline the right to remain in one's country as the aspiration of all human beings. The rest, refugee law regime and all the body of law explained above, acts in substitution of the obligation of any state to offer a dignified life.

According to international law, and national refugee legislation, refugees are entitled to rights and duties. The main problem remains: What are the rights of potential to-be refugees, who are fleeing their countries, but have not yet become a recognised refugee by the state of destination? Millions of people are falling into the cracks of asylum and migration laws because they are not recognised as refugees.

The chapter analyses the rights recognised by the above instruments to persons in need of international protection, inclusive of the principle of *non-refoulement*, the right to leave any country including one's own, or the right to asylum. The focus is the relationship between the border and migration controls and the rights of asylum seekers and how these rights should limit the scope of such measures and the ways in which they are implemented. I will review the literature regarding the principle of *non-refoulement*, which is, and needs to continue being, the main pillar of international refugee law. I will expand to new forms of *refoulement*, such as virtual *refoulement* or chain-*refoulement*, and I will analyze the policies developed in the last decade to create deterrents to asylum, pushing people back to the first asylum countries, many of which are not safe. I will then offer an overview of the rights which refugees are deprived of, starting with the right to be considered refugees, a review of refugee status determination procedures particularly in Europe and Asia, and the consequences of a negative asylum decision: administrative detention; destitution; or statelessness. I will be looking at Afghanistan as a specific country case study. I also offers an analysis on the nexus between humanitarian crises and humanitarian trafficking, first summarizing the issues at hand and later proposing action steps that humanitarian organisations can consider taking to incorporate human trafficking prevention and protection into their operations and advocacy initiatives.

In the last part of the chapter, I offer analysis on the special condition of women asylum-seekers and refugees. Too often, women suffer the lack of legal guarantees due to the condition of refugees, but they are also victims of specific denial of rights due to their condition of women or girls. While much attention has been put on their plight, I still believe that specific legal guarantees for refugee women and girls are needed, especially for those who are not considered refugees under the 1951 Convention. Access to fundamental rights cannot be withheld from vulnerable populations. Access to humanitarian agencies cannot be denied without violating longstanding and fundamental principles of humanitarian law. In this respect, States, the UN, and civil society organizations must enhance their legal and policy frameworks to ensure that protection of the rights of refugees remains at the core of the collective response to forced displacement. After over 70 years of the Universal Declaration of Human Rights, the best way to honour its principles is to vigorously defend them against those leaders who seek political advantage by depriving marginalized groups of the rights guaranteed for all. The retreat of governments that traditionally champion human rights leaves a vacuum in which mass atrocities proceed (Roth, 2018).

There has been progress in gaining universal recognition that the rights and safety of migrants must be at the centre of any actions taken to manage movements of people across international borders (Global Migration Report, 2018). States affirmed in the New York Declaration that they “will fully protect the human rights of all refugees and migrants, regardless of status; all are rights holders” and that their “response will demonstrate full respect for international law and international human rights law and, where applicable, international refugee law and international humanitarian law.” (UNGA, 2016, as cited in World Migration Report, 2018). Equally salient, the Declaration emphasized the benefits, not just the costs of international migration, and the important contributions that migrants make to their countries of origin and destination (UNGA, 2017b as cited in World Migration Report, 2018).

However, with regards to the Global Compacts and the New York Declaration, even if there are many references to human rights instruments, “the position of human rights in the commitments and the objectives of the two tends to be symbolic and fails to be fully integrated into the content of each commitment or objective.” (Guild, 2019, p. 245). This is because the “references to human rights are not fully anchored in the UN human rights conventions and insufficiently precise.” (Guild, 2019, p. 245)

To this end, I support the thesis of some scholars in that:

We must defend the rights of persons, and this affects us here and now. Among these rights are the following: First, the right to remain, that is to say, not to be obliged to abandon the land for political, cultural or economic reasons (responsibility to protect); Second, the right to emigrate, and expectation recognized in article 13 of the Universal Declaration of Human Rights, whose content is being cut back by the externalization of the control of frontiers; Third, the right to seek asylum and not to be returned to a country in which life or liberty are in serious danger. (Gortázar, 20012, p. 32)



Fleeing from Aleppo (Agence France Presse, 2016)

1. The need to re-focus on the principle of *non-refoulement*

A humanitarian worker describes a scene in mid-August 1995, when President Mobutu of former Zaire decided to dismantle Hongo camp and send back all the refugees to Rwanda:

The armed forces started looting the camp. It took less than one day to put all the refugees in vehicles and bring them back to the border. The scene was sordid. In a few hours, rumors got to other neighboring camps. More than 8,000 refugees that were able to escape fleeing to the hills spread this information and alerted the rest of the refugee population. Fear and sense of loss can be read in the faces. I hear: “They will come and fetch us too...we don’t want to be forced to cross the border...what will happen to us there...they don’t want us there...It’s better to flee to the hills than be taken...it’s better to die.” (Jesuit Refugee Service, 2000, p.136)

The erosion of the principle of *non-refoulement* and the right of access to asylum started in Europe and the United States where, following the collapse of the Berlin Wall, the prosperous, Western democracies realised that the new-found freedom to leave once-enclosed countries raised the spectre that millions would seek to enter the western countries. In western Europe, states quickly re-erected the Berlin Wall not with cement but with legal barriers, visa restrictions, and fast track procedures designed to keep out the unwanted. In North America, the United States took the even more blunt step of interdicting on the high seas Haitian and later Cuban boat people, to prevent them from seeking asylum (Rutinwa, 1999). This thesis is supported by a number of scholars:

To alleviate pressure on their protection systems, industrialized host states use a wide array of thresholds diminishing numerical and qualitative access to legal protection. The most prominent among them are measures of migration control which inhibit potential protection seekers from leaving their home country or from filing a protection claim in a giving host state. As an example, the country of destination may deny an entry permit to the potential asylum seeker and thereby inhibit access to its territorial protection. (Noll, 2000, p. 14)

The closure of borders to prevent unwanted refugee influxes is not only a Western phenomenon. Even a country like Kenya, which had a previously admirable record of admitting refugees, has done so. The sacred principle of voluntary repatriation is being over-ridden. Similarly, after closing its borders with Burundi and Rwanda to prevent further influxes of refugees, the Government of Tanzania cited the interdiction by United States of the Haitian and Cuban refugees to justify its action. The then Minister for Foreign Affairs said that it was a double standard to expect weaker countries to live up to their humanitarian obligations when major powers did not do so when their national rights and interests were at stake. The institution of asylum is on the decline in Africa. Yet the need for it is great, as many states remain politically, socially, and economically fragile. The political situation in the Great Lakes region and the Horn of Africa, which are Africa's major refugee generating regions, remains bleak. As is always the case, every conflict is likely to send masses of victims searching for safety outside their own countries. This suggests that whatever the current developments, it is still important to safeguard the institution of asylum in Africa (Rutinwa, 1999).

Today, the reality is that the fundamental rights of people in need of international protection are violated in principle and practice. Even the fundamental *raison d'être* of being a refugee: fear, flight, and the need to find safety, is being ignored. At the time this introduction is being written, a former colleague and friend, a Syrian young man from Aleppo, is staying in my Roman house. The man has been granted asylum in Italy, after several other options fell through. He is finally safe, but not totally. As of early 2018, eastern Aleppo is being bombed. His family is still there: Mother, father, younger brother, uncles, aunts, and cousins. He is glued to his phone and continuously checks the status of bombings in every neighborhood. "Even if they wanted to flee, the border with Lebanon is closed. And now, the border with Turkey is closed as well. Jordan has also closed its border except for severely vulnerable cases," he shares.

The UNHCR consistently urges that bordering countries allow access to their territories for asylum seekers. UNHCR compels Turkey and Lebanon, just as they do with Hungary, France, or the UK. But Lebanon argues that one out of six persons in the country is a refugee. At the same time, there are also 75,000 Syrians living in the desert at the north eastern border of Jordan who are not allowed to enter. Today, people in need of protection are not even able to leave their country. What has happened to the cornerstone of refugee protection today, the principle of *non-refoulement*? How can people find protection today?

In general terms, States understand the returns at the border –at least in a non-territorial border- as an obligation included in the principle of *non-refoulement*. No State admits that returns in the borders are *refoulements* but they declare to guarantee not to return but those asylum seekers whose requests are considered “manifestly unfounded.” (...) (Gortázar, 2018, p. 302-303)

Scholars such as Grahl-Madsen consider that once the refugee “puts a foot” in foreign land, he or she is protected by the principle of *non-refoulement*. As such, “non-return in the border would benefit those who are on the other side of the territorial border, but a fortiori, those refugees who travel by sea.” (Grahl-Madsen, 1980, as cited in Gortázar, 1997, p. 303). Other scholars understand that the refugee is protected against *refoulement* “from the moment he or she abandons the country of persecution even if physically he or she has not crossed a territorial border, because the refugee has already escaped from the jurisdictional power of the State of persecution.” (Kalin, 1988, as cited in Gortázar, 1997, p. 303-304).

I support the thesis of some scholars regarding the need to begin with a clear understanding of the applicable law – the prohibition of discrimination, of *refoulement*, of inhuman or degrading treatment – and then to reflect on what can be done by working within the rules (Goodwin-Gill, 2011).

It is of paramount importance to re-focus on this principle, which by law, is set not only in the 1951 Refugee Convention (article 33) but also in the Convention Against Torture (article 3). With these two articles “international law possesses two treaty provisions prohibiting the *refoulement* of different groups of beneficiaries.” (Noll, 2000, p. 369). Moreover, and with regards to human rights law:

The International Covenant of Civil and Political Rights of 1966 and the European Convention for the Protection of Human Rights and Fundamental Freedoms of 1950 do not contain explicit prohibitions of *refoulement*. However, some of the rights guaranteed by them have been construed by their treaty-monitoring bodies to protect from removal to a state where a claimant would be exposed to certain violations. (Noll, 2000, p. 369)

Are there any implicit of *refoulement* in humanitarian law? “Marx has suggested that Article 3 common to the 1949 Geneva conventions creates ‘and immediate prohibition of *refoulement* for victims of civil war.’” (Marx, 1996, as cited in Noll, 2000, p. 372). Scholars such as Goodwin-Gill go even further and have suggested that “customary international law has clearly extended the principle of *non-refoulement* in order to incorporate persons who are not covered by the text of article 33 of the Geneva Convention.” (Gortázar, 1997, p. 157). In this line, he suggests:

No person in distress shall be returned to any country or rejected at any frontier if the effect of such measure would be to expose him or her to a threat to life or liberty for reasons of race, religion, national or ethnic origin, social group or political opinion, or would be otherwise inhumane. (Goodwin-Gill, 1986-1985, p. 917)

In more recent times, the influx of more than one million migrants into Germany in 2015 and 2016, mainly Muslims fleeing countries such as Syria, Iraq and Afghanistan, hardened public views on immigration, weakened support for Chancellor Angela Merkel and fueled xenophobia.

In the EU context, Member States are bound by various international legal instruments and are under the obligation to respect the right to asylum as laid down in European Union law (Article 18 EU Fundamental Rights Charter). The obligation of States not to expel or return (*refouler*) a person to territories where s/he would face threats to their life or freedom “is a cardinal protection principle”,

most prominently expressed in Article 33(1) of the 1951 Refugee Convention, but also in Article 19(2) of the EU Fundamental Rights Charter. It “applies to all refugees, including those who have not been formally recognised as such, and to asylum seekers whose status has not yet been determined.” In fact, the prohibition of torture and other forms of cruel, inhumane and degrading treatment or punishment, as laid down in Article 3 of the European Convention on Human Rights (ECHR) and Article 4 of the EU Fundamental Rights Charter, also provides protection against “*refoulement*”. State Parties to the ECHR have the right to control the entry, residence and expulsion of migrants. However, expulsion, extradition or any other measure to remove a migrant may amount to a violation of the ECHR, where the person in question would face a real risk of being subjected to treatment contrary to Article 3 in the receiving country. In such circumstances, Article 3 implies an obligation to provide protection.

In *M.A. and Others v. Lithuania* (no. 59793/17), of 11 December 2018, the European Court of Human Rights ruled that failure to allow a Russian family with five children to submit asylum applications on the Lithuanian border and their removal to Belarus, which was not a Contracting Party to the ECHR and, according to publicly available information, could not be assumed to be a safe third country for Chechen asylum-seekers, amounted to a violation of Article 3 ECHR.

Further case law of the ECtHR, in particular its judgement of 23 February 2012, *Hirsi Jamaa and Others v. Italy* (application 27765/09), express that this obligation is also applicable where a migrant is apprehended not on a State Party’s territory but under circumstances where the State through its agents operating outside its territory exercises control and authority over an individual, and thus jurisdiction.

Hirsi Jamaa and Others v. Italy is the first case in which the European Court of Human Rights delivers a judgment on interception-at-sea. Unanimously, the Grand Chamber found a violation of Article 3 ECHR prohibiting inhuman and degrading treatment on a double count (risk of ill-treatment in Libya and risk of repatriation from Libya to countries where ill-treatment is rife), a violation of Article 4 of Protocol no. 4 prohibiting collective expulsion and a violation of Article 13 ECHR guaranteeing a domestic remedy for any arguable complaint of a violation of the Convention. These unanimous verdict undoubtedly put into question the bilateral and multilateral agreements which have been signed by European states in the last decade in order to fight clandestine immigration, not to mention the fact that they indirectly require major aspects of European migration policy to be changed (Dembour, 2012). Presumably the fact that Hirsi emerged at all is due to the UNHCR having been able to act as an intermediary between the applicants and their legal representatives. The Court stated that it would consider valid a simple written authority as long as it was not shown that it was made without the applicant’s understanding and consent (para 52). This may prove a crucial opening for future cases. In this specific case, it was decisive the fact that Italy exercised an exclusive control on the high seas. The Court argued that the applicants, who had indeed never reached Italian soil, had nonetheless been transferred to Italian military ships. They were thus ‘under the continuous and exclusive *de jure* and *de facto* control of the Italian authorities’ (para 81).

Concerning Article 3 ECHR, the Italian Government argued that ‘the applicants had not adequately proved that they had been subjected to treatment allegedly in contravention of the Convention’ (para 92). It submitted that Libya was a safe host country which had ratified the ICCPR and the Convention against Torture (para 97) and which had ‘expressly undertook to comply with the principles of the UN Charter and the Universal Declaration of Human Rights’ in a treaty it had signed with Italy (para 98). The Italian Government described the application as ‘a political and ideological diatribe’ (para 100). The Court took note of ‘the numerous reports by international bodies and non-governmental organisations [which] paint a disturbing picture of the treatment meted out to clandestine immigrants in Libya at the material time’ (para 123). Although it is clear that the country situation in Libya was not safe, it is important to measure, however, the difficulties which applicants threatened with deportation

from a European country (the most common scenario in the Strasbourg migrant case law) encounter as they seek to demonstrate that their removal would subject them to a personal risk and thus contravene Article 3. The Court stated that it was ‘bound to observe that the existence of domestic laws and the ratification of international treaties [do not in themselves] ensure adequate protection against the risk of ill-treatment’ (para 128). The Court also stressed that ‘Italy [could not] evade its own responsibility by relying on its obligations arising out of bilateral agreements with Libya’ (para 129). According to the Court, ‘the Italian authorities knew or should have known that, as irregular migrants, [the applicants] would be exposed in Libya to treatment in breach of the Convention’ (para 131).

The Court’s relaxation of the standard of proof it requires in Article 3 return cases, which was already noticeable in *M.S.S. v. Belgium and Greece*, must be welcomed. This case concerns an Afghan asylum seeker who lodged an asylum application in Belgium. Based on the Dublin II Regulation, Belgium sent him back to Greece, the country through which he had irregularly entered the EU. The Court considered that ‘it was for the national authorities, faced with a situation in which human rights were being systematically violated ... to find out about the treatment to which the applicants would be exposed after their return’ (para 133). This way of proceeding is very different from the approach in other cases, notably *Sufi and Elmi v. the United Kingdom*. Mr Sufi (the first applicant) arrived in the UK in 2003 and claimed asylum on the ground that he was a member of a minority clan which was persecuted by militia, but his application was refused and his appeal dismissed on the grounds that his account was not credible. In 2008 he was diagnosed as suffering from post-traumatic stress disorder. Mr Elmi (the second applicant) was a member of the majority Isaaq clan. He arrived in the UK in 1988 and was granted leave to remain as a refugee. Following convictions for a number of serious criminal offences both applicants were issued with deportation orders. They appealed unsuccessfully. In their applications to the European Court, the applicants complained that they would be at risk of ill-treatment if they were deported to Somalia.

Regarding the asylum request itself, it is not just in the face of formal requests for asylum that the obligation of *non-refoulement* arises. This has the potential of considerably enlarging the obligation of protection. There might be a violation of the Convention in case of enforced return to treatment contrary to Article 3 as long as the risk of such a treatment is ‘sufficiently real and probable’ (para 136). This leads to the conclusion that the only risk which can engage Article 3 is one of individualized persecution is not the case any longer, as under the jurisprudence started with *Vilvarajah and Others v. the United Kingdom*, 1991. In this case, the five applicants were asylum seekers from Sri Lanka of Tamil ethnicity whose requests were denied in the UK and had been returned to Sri Lanka. The Court rejected their allegations that a breach of Art. 3 due to risk of ill-treatment as well as of a breach of Art. 13 because of ineffective judicial remedy had been committed by the UK. The Court stressed the evidence presented to it when assessing the situation at the time of the asylum application decision and because the risk of ill-treatment was found to be too general and not a specific persecution that the applicants faced, the Court acted with deference to the Contracting Party. This was despite the applicants experiencing ill-treatment upon their return to Sri Lanka.

Hirsi has enormous implications for EU policy, including its Frontex operations, and much to offer for the defence of irregular migrants. This is the more so since *Hirsi* was adopted by the Grand Chamber and unanimously. As such it can be described as ground-breaking (Dombour, 2012).

These cases include those involving the activities of a State’s diplomatic or consular agents abroad. A potential asylum seeker and refugee comes into contact with an EU Member State’s official not only when apprehended at the borders, but also when contacting an embassy or a consulate for obtaining a visa or at an airport where immigration officers posted abroad control passports and visa. In these specific situations, the Court, basing itself on customary international law and treaty provisions, has

recognised the extraterritorial exercise of jurisdiction by the relevant State. This, in turn, means that this extraterritorial exercise of jurisdiction by an EU Member State must be in full conformity with human rights law.

I argue that the visa regime, combined with the pre-entry clearance and the carrier sanctions can be de-facto a denial of all legal means to access asylum, which means that, in cases of persons fleeing serious persecution and human rights violations, the above measures can be incompatible with Member States' obligations to provide protection. For this reason, there is an urgent need to install "Doors for Refugees" at the EU borders (Moreno-Lax, 2008). The interception and return measures adopted in the Mediterranean, are an example of the need to refocus on the principle of *non-refoulement* in order to protect not only the refugees, but the values and principles considered fundamental to the Member States of the European Union (Goodwin-Gill, 2011).

Non-refoulement is binding for all states as a general rule. I defend the thesis of many scholars who hold this principle to be a norm of international *ius cogens*, in that the most basic human rights, the right to life and the right to freedom, are a clear example of norms of *ius cogens*. This categorization of the rule of *non-refoulement* as an imperative general norm has "undoubtedly consequences regarding the connection to other juridical norms – either conventional or consuetudinary – over which it would take precedence in an absolute manner and with a non-deferrable character, even in a legal system not governed by the principle of normative hierarchy." (Gortázar, 1997, p. 372). Translated to our contemporary trends, some scholars relate to the worst manipulation of *non-refoulement* as a new form of *neo-refoulement*:

Are we faced with precedents of a *neo-refoulement* custom whose *opinio iuris* lies in the belief that it is necessary to combat irregular migration? A *ius cogens* norm can only be modified by a subsequent norm of the same nature. There was never the possibility that a norm whose *opinio iuris* lay in the protection of a zone involving the unwanted flows of migrant persons could obtain the condition of a *ius cogens* norm. (Gortázar, 2012, p.32)

A different figure of *refoulement* is that of *chain-refoulement*, as seen in the case *Mr Husain Ibrahim and Mr Mohamed Abasi v. The Secretary of State for the Home Department*, 2016. The case considered an application by two Iranian Claimants against the decision of the UK Secretary of State refusing to consider the merits of the claimants' contentions for asylum, on the basis that Hungary was considered to be a "safe" country that would presumably comply with its EU and international legal obligations. The Claimants argued that they would be at risk of *refoulement* to Iran if removed to Hungary, in breach of their rights under Article 3 of the European Convention on Human Rights (ECHR). The Claimants further argued that along the way, they would be at risk of detention in conditions and circumstances amounting to an unlawful violation of their fundamental right to freedom and liberty under Article 5(1)(f) ECHR. The court held that removal of the Claimants to Hungary gives rise to a real risk of *chain refoulement* to Iran. The court found though that there was insufficient evidence that the Claimants would be at risk of unlawful detention contrary to Article 5(1)(f) ECHR if they were removed to Hungary. However, as the court did not conclude that the Claimants may be returned to Hungary, the case on detention did not arise. The court accepted the motion of the Claimants requesting judicial review of the Secretary of State's decision to reject their asylum applications on "Safe Third Country" grounds and subsequently to decline their human rights challenges to the safety of their planned return to Hungary.

In the following pages I will offer an analysis on the return, at times voluntarily but often forced, of Afghans from Europe. A key feature of Afghan migration today—beyond the displacement that an estimated 1 in 4 Afghans have experienced an outward migration—is return. These returns, which

include both recent migrants and those who have been abroad for decades, have significant implications for the individuals returned, Afghan society, and the migration-management and development objectives of the countries initiating returns (Migration Policy Institute, 2017).



Informal tented settlement, Baalbek, Lebanon (Valcárcel, 2018)

1.1. The case of Afghanistan: From Forced Migration to Forced Returns

Afghans remain one of the largest protracted refugee populations of concern to the UNHCR, with over 2.6 million refugees abroad, 95 per cent of which can be found in the Islamic Republics of Iran and Pakistan.

Afghanistan finds itself trying to reintegrate massive numbers of refugees in the middle of a war while people still remain displaced inside its national boundaries. These people are being returning from neighbouring countries. For example, more than half a million Afghans returned from Pakistan and Iran in 2016. According to the UNHCR in its overview of operations in the country, as of August 2016, there were 1.2 million internally displaced persons in the country. Country information from Afghanistan, at the time of the drafting of this research, is disturbing. In mid-February 2018, over one week, as many as 130 people, the overwhelming majority civilians, were killed in twin attacks claimed by the Taliban in Kabul. The attacks provoked widespread fury at the Taliban, prompting some Afghan political leaders and activists to press the government to crush the insurgency instead of pursuing peace talks. Some even called for the execution of Taliban prisoners; government officials said they were considering the option. The attacks have added to Afghans' mounting frustration with their government. Many view the government as bogged down in micromanagement and too distracted by a power struggle against potential rivals ahead of the 2019 presidential elections to adequately protect against insurgent attacks (Osman, 2018).

Afghans are also the second largest group of arrivals in Europe since 2015. With higher numbers of refugees and migrants arriving in Europe in 2015 and 2016, the European Commission (EC) and Member States became concerned about the low numbers of people who left Europe compared to the numbers of return decisions issued. In 2016, 128,000 Afghans filed asylum-applications in Europe, only second to Syrians. However, many are sent home to a country still at war and struggling to integrate massive numbers of returnees. The low rate of return was judged to be due to factors including obstacles to return at Member State level, difficulties in cooperation with third countries and documentation, and non-compliance by individuals. The EU has tried to tackle these obstacles and made increasing returns a primary policy aim.

Some of the solutions to the higher numbers of people arriving and seeking international protection in the EU during 2015–2016 have caused undue hardship, including the hotspots approach in Greece. Although restrictions introduced as part of the response are not always aimed at Afghans alone, measures for refugees in key countries have been introduced, sometimes temporarily, to prioritise specific groups. The situation has led to frictions between refugee groups and Afghan refugees in Europe are increasingly vocal about perceived discrimination. This has not been aided by anti-refugee rhetoric and by narrowly conceived security interests being inserted in protection debates (ECRE, 2017).

These returns, combined with the frequent displacement of people already living in the country, put weight in the already limited absorption capacity of the country. The withdrawal of most international forces from Afghanistan in 2014 led to increased levels of violence. According to the United Nations Assistance Mission in Afghanistan (UNAMA), the first part of 2016 witnessed the highest total number of civilian casualties recorded since 2009, with 5,166 civilian casualties, including a steady rise of children casualties. UNAMA attributed 60 per cent of all civilian casualties to anti-government elements (whilst 23 per cent of the casualties were attributed to pro-Government armed groups). Women, including high-level officials and human rights defenders, are deliberately targeted with threats, harassment, and violence. Children continue to be recruited and used by anti-government agents and Afghan security forces. Human rights defenders, journalists, lawyers, and judges are threatened, harassed, and are the target of violence. These serious violations of international humanitarian and human rights law are perpetrated in total impunity.

At a time when security in Afghanistan is worsening, policy changes seem to be a reaction to the migration situation of Member States rather than to the objective security situation in Afghanistan (ECRE, 2017). There is recognition of the divergence of practice and the European Asylum Support Office (EASO) undertook a pilot Country Guidance exercise to assist Member States to harmonise decisions on Afghanistan, resulting in decisions still diverging widely. However, harmonised decision-making does not always mean quality decision-making; care should be taken that decisions are in-line with international refugee law.

1.1.1. Returnees in exchange for aid: An official *refoulement* agreement?

It is legitimate for states to return people whose applications for international protection have been rejected. The prerequisite is that fair and coherent asylum systems are in place that properly examine whether a person will face a well-founded fear of persecution or serious harm if returned, that return procedures respect fundamental rights and are seen as fair by individuals and third countries, and that partnerships with third countries are open to scrutiny and based on a shared observance of fundamental rights. In the case of Afghanistan, recognition rates and types of protection diverge to such an extent across Europe that the fairness and quality of asylum procedures that are being conducted must be questioned (ECRE, 2017).

Rejection of Afghani asylum seekers in Europe due not to the lack of need of protection, but rather to a too restrictive policy or strict credibility examination with little benefit of the doubt. For the civil society in Europe it is, generally speaking, difficult to say that no one should be returned to Afghanistan for several reasons. First, organizations do not have their own first-hand information, so they rely on information from other NGOs or from UNCHR, that often do not completely exclude the possibility of returns, in individual cases, under specific circumstances. Second, it is difficult to advocate for one group of asylum seekers and not for another. For example, is the situation in Iraq or South Sudan better than Afghanistan? If not, why would we say no return to Afghanistan, but be silent about Iraq?

From a political point of view, there is a general political will to keep saying that Afghanistan is not in its totality an unsafe country. Considering the efforts and budget that many countries have mobilised in or for Afghanistan, politically speaking EU countries do not want to admit it was for nothing or almost.

On their side, asylum seekers and refugees are likely to become disillusioned with European governments as conditions have become more difficult in Europe and as complex asylum systems are felt to discriminate against them and force them to return to danger. These factors could lead to people taking more dangerous routes to Europe, not applying for asylum, going underground when they have protection needs, or not taking up opportunities for reintegration in Afghanistan. This puts their lives at risk, puts the sustainability of returns in doubt and is the real threat to credible asylum and return policies (ECRE, 2017).

In addition, some Member States have altered their policy guidelines on how to deal with applications from Afghan nationals since 2015, including on which areas are safe for an internal protection alternative (IPA) making it more difficult for protection to be granted. The IPA should not be used in the context of Afghanistan. It adds an additional criterion to eligibility for refugee status beyond those foreseen in Article 1A of the Refugee Convention. If used, a reasonableness test should always be undertaken. It is clear that the IPA is not reasonable when UNHCR criteria are taken into account, including vulnerabilities of returnees, security, risk of injury, access to travel to safe areas, other forcibly displaced people in the area, access to shelter and reports of discrimination against returnees.

States should halt forced returns to Afghanistan, especially of vulnerable groups and people who have not lived in Afghanistan for long periods and have no family or networks there, due to the security situation there and the challenges with the reintegration of returnees from Europe and the region, unless the prerequisites for return are shown to be in place. Voluntary return should only take place on the basis of full information, go-and-see visits and informed consent (ECRE, 2017).

The agreement between the Afghan government and the EU, signed on 2 October 2016, is an example of how easily the principle of *non-refoulement* can be breached. The population this agreement applies to are:

Afghan nationals who are found to have no legal basis to remain in an EU Member State, whose protection needs or compelling humanitarian reasons, if any, have been considered in accordance with the applicable legislation and who have received an enforceable decision to leave that Member State, can choose to return voluntarily. Afghan nationals who choose not to comply with such a decision on a voluntary basis will be returned to Afghanistan, once administrative and judicial procedures with suspensive effects have been exhausted. (Point 3, Part I: Scope of cooperation)

The EU Member States understand that there should be a limitation to the number of non-voluntary returnees to 50 per flight in the first six months following the signature of this declaration. (Point 3, Part II: Facilitating the return process)

Afghans forcibly returned from Europe, include unaccompanied children and young adults who were children at the time when they arrived in Europe, and people were sent to regions of the country totally unknown to them (Amnesty International, 2017).

To prevent further irregular migration from Afghanistan and to create conditions conducive to the sustainable reintegration of Afghan returnees, the Government of Afghanistan will take the necessary measures to sensitize the population to the dangers of irregular migration, including through information and awareness raising campaigns. The EU will contribute to finance such information campaigns. (Part III: Information and awareness-raising)

According to official EU statistics, between 2015 and 2016 the number of Afghans returned by European countries to Afghanistan nearly tripled: from 3,290 to 9,460. The returns correspond to a marked fall in recognition of asylum applications, from 68per cent in September 2015 to 33per cent in December 2016. At that very same time, the numbers of civilian casualties in Afghanistan had risen.

To facilitate the return process, the EU side will ensure that every Afghan returning to Afghanistan on a voluntary or non-voluntary basis in line with the EU and international laws is in possession of a recognised valid travel document, such as an Afghan passport, an Afghan travel document or the EU standard travel document for return. (Point 1, Part II: Facilitating the return process)

While the purpose of the agreement in its reintegration assistance programs seems a positive step, the reality is that many returnees choose to leave again—a trend that suggests such policies are not achieving their goals.

In order to facilitate reintegration, the EU is developing and funding programmes providing support for Afghan nationals returning to Afghanistan. Special consideration will be given to the needs of women, children, and other vulnerable groups in the development and implementation of the reintegration programmes.

To facilitate the re-establishment of returnees' livelihoods in Afghanistan and considering the broader reconstruction and rehabilitation needs of Afghanistan, the EU is launching the reintegration programme. (Points 3 and 4, Part IV: Return Programmes and Reintegration Assistance)

Reintegration assistance programs face numerous limitations, including the inability to see beyond economic integration to address returnees' more complex health care, psychological support, housing, and education needs. The programs also are hampered by limited coordination within the Afghan government and international partners, lack of consultation and information-sharing with returnees, and a post-return focus that ignores the fact that engagement pre-return assures better outcomes (Migration Policy Institute, 2017).

1.1.2. A new migration cycle

Many of the returned Afghans leave again because there is nothing but insecurity for them back in their country.

There are multiple serious concerns with the current approach to returns to Afghanistan. Civil society organisations have called for a halt to forced returns and to the return of vulnerable groups, and have questioned if encouraging returns is a viable strategy given security concerns and plans for remigration for many returnees. A genuine assessment is needed of how to make support available longer term so people feel secure enough to stay and prosper; and how to properly monitor returns and integration so that states are sure they are not in violation of their international obligations (ECRE, 2017).

Afghans are spending considerable funds to migrate and re-migrate, often relying on smugglers and other irregular means of travel given that they lack legal pathways to migrate. An opportunity for them would be to safely migrate either through labor migration schemes or humanitarian visas (Migration Policy Institute, 2017). But despite the negative experiences related to the journey to Europe, the difficult conditions faced in Europe, and the threat of forced return, almost all returnees still view migration positively (REACH, 2017). Given the lack of finding employment or education in their

country, most of those who have been forced to return to Afghanistan want to return to Europe. Insecurity and fear is certainly a push factor, and so many plan to re-migrate after saving money for a second journey, which costs between U.S. \$5,000 and U.S. \$20,000. Many families have sold and invested everything they have into making that journey, and coming back to a country where they have nothing can be a very difficult thing (Amnesty International, 2017). In fact, more than 38,000 Afghan citizens made new asylum claims in E.U. countries in the first 11 months of 2017, and a survey of Afghan returnees from Europe showed that most planned to make another attempt at returning to Europe (Eurostat, 2017).



Afghan refugee in France (Jesuit Refugee Service, 2015)

1.2 The right to a right return

The debate about the conditions under which refugees can return to their home country is one of the most controversial issues in refugee policy. The notion of this return as voluntary has been a cornerstone of international refugee protection and the most important safeguard against the imposed return of refugees to countries where they could face persecution. In practice, we witness incidents where refugees are forced to return to conditions of extreme insecurity where respect for their fundamental rights cannot not be guaranteed. In the case of involuntary return of migrants to Afghanistan, which I have analyzed above, as a prerequisite to returns, Europe must have a functioning, consistent asylum system. The EU, its institutions and European countries should refocus on promoting an approach to return that aims for support to individuals and communities, sustainable returns and real partnership with countries of origin, rather than a simple increase in numbers (ECRE, 2017).

The discussion of returns is one of the most egregious examples of migrants being left behind in the policy discourse on migration governance. They are left behind by governments on both sides of the migration cycle, who often do not have policies for sustainable returns and focus primarily on the immediate benefit of migrant workers for the country (in the form of remittances for sending countries, and cheap labour for receiving countries). They are left behind by destination countries who often disregard the causes of their flight and assert the primacy of securitisation in the public discourse

on migration, leading to arbitrary detention and deportation. All this brings with it an objectification of migrants and leads to numerous violations of their rights that are regarded as tolerable in the name of creating better functioning “migration systems”.

Return should not be considered the aftermath of the migration process or an act that simply concludes migration. It is an important stage and very relevant to the well-being of the migrant and the welfare of the state. Already the International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families (MWC) envisioned its application during return (Article 1) and provided for cooperation among state parties for the “orderly return of migrant workers and members of their families” (Article 67.1). The discussion process in preparation of the 2018 Global Compacts addressed return in various circumstances (Battistella, 2018).

For a return to be successful and sustainable, several key steps need to be followed. First, states should increase the availability of legal pathways for entry and exit. The more regular, legible, transparent choices people retain about their mobility, the less likely they are to want or need to move in irregular ways. This is good for states as well as for migrants, as it would protect the individuals’ choice over their movement, including potential return, while providing transparency about their movements to state actors for planning and resourcing purposes.

Second, states should provide effective access to justice for all persons on their territory involved in potential return decisions, including the elimination of immigration detention by promoting alternatives to detention, especially the detention of children, which is never in the best interest of the child, and must be avoided in all circumstances. This includes the repatriation of parents or children when it leads to the breakup of the family (Battistella, 2018).

Third, appropriate and sufficient services should be offered to those returning home at the arrival point, where they should receive legal, social, and financial support. This would also include exploring pathways to regularity as a precondition for successful and sustainable return and reintegration in the country of origin. For vulnerable groups such as children or survivors of trafficking an assessment about their security upon return should be made. In the case of children, they should be heard, and their best interests should prevail. Survivors of trafficking should be offered protection and access to justice in a way that safeguards their dignity and agency, as well as psychosocial support throughout their return process and beyond, to avoid them being re-trafficked, and to be able to access meaningful compensation. They should also be offered livelihood alternatives upon return.

Civil society organisations should be meaningfully and effectively involved in accompanying the voluntary return and reintegration process, through promoting community-based training and employment programmes, and legal and social referral systems to ensure that no one leaves or arrives alone. There are a few community-based sustainable reintegration practices from which learn good practices. Indeed, there are roles for independent and informed observers when it comes to return. Even when the return is not actually forced, it is important that standards be observed. In recent years UNHCR appears to have compromised its time honoured standards (that the return be voluntary, dignified and under safe conditions), and thus NGOs have felt compelled to speak out. This has occurred in the case of the Rohingyas returned from Bangladesh to Myanmar, the Burundians returned from Tanzania, or the Afghans from Germany.

The debate about returns needs to be re-examined in light of the prevailing rights deficits affecting migrants at every stage of their journeys. Only once the agency of migrants and the centrality of protecting their rights has been agreed, a meaningful discussion of best practices related to the area of returns and reintegration will be possible.

2. The externalization of refugee protection

Since the end of the 19th century we have seen more and more deterrent systems for migrants and the “externalization” of borders, and consequently, of refugee protection. For the refugee, there is an intensifying experience of rejection, what Professor Hathaway calls the ‘politics of *non-entrée*’ (Hathaway, 1992). Many countries’ who have developed rights-sensitive standards for assessing protection claims of asylum-seekers have at the same time developed policies of containment: to keep refugees at a distance is their main aim.

The unpopularity of migrants is tangible everywhere. “Fortress Europe” is being reinforced to stem a “foreign invasion”. Sophisticated mechanisms are being upgraded to keep newcomers out of zones of prosperity, such as carrier sanctions, interception at sea, visas, or accelerated removal processing, impeding legal arrival and hindering access to status determination (Gammeltoft-Hansen, 2011). The media, too, are enlisted to protect us from the forcibly displaced, ignoring their sufferings and oversimplifying their struggles. Restrictive migration legislation, common policies regarding asylum requests and the upsurge of extremist anti-foreigner groups all typify Western trends.

Through increasingly elaborate strategies, industrialized states tend to shift the “burden” back onto those states least able to bear the brunt and failing to take equal responsibility for what remained a global problem. Most often this is referred to as the externalisation of refugee protection.

Countries in the developing world have long offered refuge to thousands of people who flee en masse from persecution, civil conflict, violence, discrimination, and social and economic hardships. Sadly, this tradition of generosity has been changing over recent years, as countries in the developed and developing world alike close their doors to those seeking asylum. This trend has been led largely by the industrialized states of the north, which in proportional terms host very few of the world’s refugees. Many states appear to have forgotten that the right to “seek and enjoy in other countries asylum from persecution” –article 13 of the Declaration of Human Rights- is a fundamental and universal human right and one which cannot be bargained away. International refugee law, in particular the 1951 Convention relating to the Status of Refugees, is often taken as constitutive for national refugee and asylum policy. It places a legal constraint upon signatory states against the otherwise well-established right to decide who may enter and remain on its territory, and through both the definition and rights catalogue it sets a standard that is reflected in domestic law across the globe. I support the argument that, because asylum has become politicized, many countries, both traditional and new asylum countries, have adopted a broad array of procedural and physical deterrence mechanisms to prevent refugees from accessing full asylum procedures. Certain states have taken an instrumentalist approach, trying to contest or circumvent their international legal commitments (Hathaway & Gammeltoft-Hansen, 2015).

The current challenge to the international refugee regime is not particularly new, although it has certainly gained an increased impetus in the past few years (Crisp, 2003). While the most efficient response should be global, efforts regarding the movement of refugees have mostly been unilateral or intra-regional, concentrated on the preservation of sovereignty and national or regional interest. Clearly there are national and regional variations. But what is common is that, although irregular immigration and asylum constitute, in principle, separate issues, refugees are more than ever compelled, in practice, to resort to irregular means of migration to access international protection in the Member States (Morrison and Crosland, 2001).

At EU level, the EU and its member states are adopting agreements with third countries - mainly African – to outsource control of their southern border. To this end, the EU and its member states might be using a mistaken concept of safe third country. The difficulty is that along with this outsourcing of border control, obligations of the international law of human rights and of the law of refugees, fully binding, and some of them, imperative and non-derogable, are easily being breached. If this were the case, the EU and its states could incur international responsibility for internationally wrongful acts (Gortázar, 2018).

As the walls of Western Europe are raised against immigrants and asylum seekers, the problem is only pushed further East, towards Turkey, or further South, towards Morocco or Libya: All receive Syrians, Sudanese, Afghans, many seeking work, many seeking safety, most seeking to go further west. But those who persist in crossing towards Europe continue to risk their lives miserably. In November 2017, *Der Tagesspiegel* published a list of more than 33,000 people who died while trying to immigrate to the European continent between 1993 and May of 2017.

In the context of maritime operations, UNHCR's Executive Committee has emphasized the importance of fully respecting the principle of *non-refoulement*, particularly when referring to interception measures. These should not mean the obstruction of access to asylum or the return, directly or indirectly, to the frontiers of territories where their life is at risk, or where the person has other grounds for protection based on international law (UNHCR, 2003).

The European Council declared itself “determined to tackle at its source illegal immigration” (Tampere Conclusions, para. 23). Since then, EU efforts have concentrated on “[c]ombating illegal immigration with an integrated approach” (Council of Europe, 2002). But the consequences of the obstructions to asylum can result in grave violations of the principle of *non-refoulement*. At EU level, precedents have developed a series of guarantees related to access to asylum. For example, any requirements regarding time limits, accelerated procedures, safety, or other presumptions and evidentiary rules, must preserve the effectiveness of procedural guarantees and not render their exercise pointless or exceedingly difficult (Guild et al, 2014). Therefore, the delivery of ‘insufficient information for asylum seekers about the procedures to be followed, [the absence of a] reliable system of communication between the authorities and the asylum seekers, shortage of interpreters and lack of training of the staff responsible for conducting the individual interviews, [as well as] lack of legal aid’ must be considered as ‘shortcomings in access to the asylum procedure’ that States have to avoid (Guild et al, 2014). Ultimately, a ‘real and adequate opportunity’ for individual applicants to advance their claims must be guaranteed (Guild et al, 2014). As foreseen in the 2015 case *IM v France* (n 229, paras 145, 151 and 155) legal assistance and interpretation are therefore essential to ensuring the appropriate conduct of proceedings (Moreno Lax, 2015).

The current pattern is one of lack of transparency and the secrecy, specifically concerning returns. There is no proper tracking mechanism to follow what happens to asylum-seekers sent to a “safe third country”, and there is a very real fear that some risk undergoing a series of chain deportations, and ultimately being sent back to the persecuting home country.

The growing set of *non-entrée* practices over the last two decades have been legally challenged. Rather than abandoning *non-entrée*, states have instead turned their attention to a new generation of deterrent regimes intended to overcome these legal objections. Much, if not most, of the work of deterrence is now taking place in the territory – or at least under the formal authority of – poorer states of origin and transit, which for economic, political or other reasons are often willing to serve as the gatekeepers to the developed world.

Western countries – especially in the EU – aim to provide assistance to certain countries of origin of migrants and refugees, on the basis that if the situation improved, then they would not need to leave. Back in 1999, the EU Council approved Plans of Action for five countries: Afghanistan, Iraq, Morocco, Somalia and Sri Lanka (Council of Europe, 1999). Those Action Plans had lofty aims ranging from preventing human rights abuses to promoting employment opportunities. There is merit in this principle: no-one should be forced to leave their country. But there was a danger that pressure be put on those countries to prevent its citizens from leaving.

Currently, readmission policies are a wide range of diverse mechanisms, such as aid to development, visa creation, or labour exchange (Cassarino, 2014), putting pressure on countries of origin so that people will be returned prematurely, and that aid will be conditional on prevention of migration. Article 79(3) of the Treaty on the Functioning of the European Union (2007) gives authority to the EU to develop agreements for the readmission of non-EU citizens who do not fulfil the conditions for entry, presence, or residence in one of the Member States, or who no longer fulfil them (Giuffré, 2015), but the trend is to create legal frameworks for forced returns that allow border authorities to handle returns as swiftly as possible, and so without the involvement of diplomatic contacts (Moreno-Lax & Giuffré, 2017).

While jurisdiction in international law is generally territorially framed, as foreseen in the 2001 case of the ECtHR, *Bankovic v Belgium* (Appl. No. 52207/99, 12 Dec. 2001, para. 73), when States project their action beyond their territorial confines, extraterritoriality does not prevent human rights obligations from being engaged under certain conditions. International human rights bodies consider that the exercise of “effective control” over an area in foreign territory or over persons abroad constitutes the trigger of State responsibility (Gondek, 2011).

The principle underlying this construction is to prevent a double standard of human rights compliance from arising. In the words of the Human Rights Committee, in the 1981 case *Lopez Burgos v. Uruguay* (Comm. No. 52/1979, 29 Jul. 1981, paras. 12.1–12.3) and *Celiberti de Casariego v. Uruguay* (Comm. No. 56/1979, 29 Jul. 1981, para. 10.3.), it would be “unconscionable” to interpret responsibility under human rights instruments as to “permit a State Party to perpetrate violations ... on the territory of another State, which violations it could not perpetrate on its own territory”. The ECtHR, in *Issa v. Turkey* (Appl. No. 31821/96, 16 Nov. 2004, para. 71.) and on the basis of the HRC pronouncements, has concluded that: “Article 1 of the Convention cannot be interpreted so as to allow a State party to perpetrate violations of the Convention on the territory of another State, which it could not perpetrate on its own territory.” (*Isaak v. Turkey*, Appl. No. 44587/98, 28 Sept. 2006, p. 19). (See also *Solomou v. Turkey*, Appl. No. 36832/97, 24 Jun. 2008, para. 45; *Andreou v. Turkey*, Appl. No. 45653/99, 3 Jun. 2008, p. 10; and *Al-Saadoon and Mufdhi v. UK*, Appl. No. 61490/08, 30 Jun. 2009, para. 85.).

When undertaking extraterritorial action to combat irregular movement, states ought to take into account the respective entitlements of each individual affected. In such situations, the persons concerned are brought under the jurisdiction of the state with the consequence that human rights become applicable to their case and must be observed (Moreno-Lax, 2015). I agree that assisting someone in his country of origin so that he does not have to leave is beneficial; forcing someone to stay in a persecuting state is not (Moreno-Lax & Giuffré, 2017).

Finally, as a way of recapitulating the complexities of the present protection system in most industrialized countries, and in agreement of a worrying trend, the so-called “*neo-refoulement*” (Gortázar, 2002-20011, p. 29), we could ask:

What, then, are the mechanisms of externalization of frontiers that can result in *neo-refoulement*?
First, readmission agreements: an important mechanism of externalization which may result

in *neo-refoulement* is constituted by the readmission agreements. Due to these, third party countries are committed to readmitting not only their own nationals, but all those who are considered to have entered the EU territory through their country (...) Second, sanctions imposed on transport companies: in a way the system of sanctions for carrier companies transforms them into *de facto* civil servants as they must decide whether a person can board with irregular documentation believing that he may have a valid reason to receive international protection (...) Third, the concept of safe-country: The indirect *refoulement* which might entail the whole cluster of applications for international protection in safe countries: *safe country of origin, first country of asylum, safe third country and super safe third country constitutes another kind of neo-refoulement.* (Gortázar, 2012, pp. 29-30)

I agree that “this involves a way to externalize responsibilities regarding the right to asylum. Are the so-called safe countries really safe? How much hypocrisy is entailed by these concepts which endeavor to be considered ideal and respectful of the International Law on Human Rights?” (Gortázar, 2012, p. 30). More than half a century ago the Universal Declaration on Human Rights stated: “Everyone has the right to seek and to enjoy in other countries asylum from persecution” (Art. 14.1). This fundamental principle must not be undermined. “The idea is not only to externalize but to multiply externalization.” (Gortázar, 2002-20011, p. 29).

In the following pages, I will delve into three specific examples of the externalisation of refugee protection.

2.1 Deal between the EU and Turkey, 2016

The EU-Turkey statement, adopted by EU Member States and Turkey on 18 March 2016 —taking the form of a press ‘statement’ intended not to produce legally binding effects—, is the agreement whereby Turkey accepted ‘rapid return of all migrants not in need of international protection crossing from Turkey to Greece and to take back all irregular migrants intercepted in Turkish waters’ (EU Council, 2016). Turkey committed to readmit all migrants reaching Greek islands from Turkish shores irregularly and in turn European states committed to resettle one Syrian refugee from Turkey for each Syrian person sent back, and to accelerate the fulfilment of the visa liberalization roadmap in view to lifting visa requirements for Turkish citizens. The deal foresaw the disbursement of EUR 6 billion to Turkey (Moreno-Lax & Giuffré, 2017).

On February 28, 2017, the General Court of the EU declared that it lacks jurisdiction to hear and determine the actions pursuant to Article 263 TFEU, and, accordingly, dismisses them. The Court states, first of all, that there were inaccuracies in the Press Release No 144/16 of 18 March 2016 regarding the identification of the authors of the ‘EU-Turkey statement’ as the press release indicates, first, that it was the EU, and not its Member States, which had agreed on the additional action points referred to in that statement and, secondly, that it was the ‘Members of the European Council’ who had met with their Turkish counterpart during the meeting of 18 March 2016 which gave rise to that press release. The Court takes the view that the evidence, provided by the European Council and relating to the meetings on the migration crisis held successively in 2015 and 2016 between the Heads of State or Government of the Member States and their Turkish counterpart, shows that it was not the EU but its Member States, as actors under international law, that conducted negotiations with Turkey in that area, including on 18 March 2016 (General Court of the European Union, 2017).

European States and EU institutions present this as a successful agreement which contributed to stop the flows of migrants into Europe, but I support the claims about the fact that this deal has exported the suffering and lack of access to a fair asylum procedure out of sight. People in need of protection are

as of today in Turkey, and still fleeing countries of origins given that the situations in Syria or Iraq have not improved (Bonamini, 2018).

The legality of the EU-Turkey deal rests on the notion that Turkey is a ‘safe third country’, which is defined by international and European laws as a country where returnees can expect a fair and efficient asylum process. But this is precisely the fundamental question here: on what is really based the presumption that Turkey is a ‘safe third country’ for returns from Greece? Groups of refugees returned to Turkey under the EU’s deal with Turkey, their departure from the Greek islands of Lesbos and Chios under police escort, and their arrival at the Turkish port of Dikili, took place under the full glare of the international media. But what happened to them next – and what is likely happening to the thousands who follow – is opaque. They were transferred to a recently built detention centre in Pehlivan köyü, northwestern Turkey, and journalists had no access to them (Siegfried, 2016).

In the aftermath of the failed military coup, Turkey declared a state of emergency and submitted a notice of derogation to the European Convention of Human Rights (ECHR). It also notified the UN Secretary General that it might take measures, which could entail derogations from obligations under the International Covenant on Civil and Political Rights (ICCPR). The Parliamentary Assembly of the Council of Europe (PACE), through its Resolution 2109 (2016) on ‘The situation of refugees and migrants under the EU–Turkey Agreement of 18 March 2016’, as well as a number of scholars and NGOs, have challenged the definition of Turkey as a ‘safe third country’ (Moreno-Lax & Giuffrè, 2018).

Turkey’s geographical limitation to the 1951 Refugee Convention denies any possibility to request and receive protection to those coming from non-European countries. According to the Law on Foreigners and International Protection of the Turkish Ministry of Interior, of April 2014, these persons can only obtain a status of ‘conditional refugee’, granted on a temporary basis (Ministry of the Interior, Turkey, 2014).

While it should be emphasized that Turkey is currently host to more than 3.5 million registered Syrian refugees (UNHCR, 2018), the European Court of Human Rights is witness to the arbitrary detention and mistreatment, including in pre-removal centres where refugees are detained to avoid their departure to Greece, as the European Court of Human Rights expressed in the case *Abdolkhani and Karimnia v Turkey*, Appl. 30471/08, 22 September 2009.

Turkey signed 14 readmission agreements with countries of origin of migrants and asylum seekers, increasing the risk of *refoulement*. Incidents of illegal mass returns to Syria, where people may face persecution, are on the rise since the conclusion of the EU-Turkey deal. Moreover, Turkey is formally and informally returning people back to countries where they may run extreme danger to their life, such as Afghanistan, Iraq, and Pakistan (Siegfried, 2016)

European and national policymakers started looking into how to replicate this kind of agreement elsewhere. As explained below, in 2017, Italy signed a memorandum of understanding with Libya (Memorandum of understanding on cooperation in the fields of development, the fight against illegal immigration, human trafficking and fuel smuggling and on reinforcing the security of borders between the State of Libya and the Italian Republic, 2017).

This trend is particularly concerning, because it externalizes the responsibility for protecting forced migrants to countries where human rights are not respected fully. As other similar agreements, the EU-Turkey deal needs to be reverted towards an asylum system that protects people instead of pushing them away. Governments should put their efforts in developing and implementing safe and legal pathways to protection (Bonamini, 2018).

2.2 Agreement between Italy and Libya, 2017

Following the sealing off of the Greek-Turkish border, the interest in Libya grew and since 2017, the Central Mediterranean route concentrated the highest volume of maritime traffic in terms of unauthorised arrivals (Moreno-Lax & Giuffr , 2017).

More than 600,000 migrants have reached Italy by boat between 2014 and 2018, making immigration a hot-button political issue. About 119,000 people arrived in Italy by boat in 2017 after a record 181,000 made the crossing in 2016. Since July 2017, arrivals have declined by more than two thirds versus the previous year. The decrease in arrivals is due to fact that, in February 2017, Italy signed an agreement with the UN-backed government in Tripoli, promising aid, equipment, and training in exchange for its help in fighting people smuggling; the deal was endorsed by the EU and Libyan authorities helped to slow departures during the second half of the year.

The IOM estimates that more than 20,000 migrants are estimated to have died attempting the crossing to Italy, , making it the deadliest border for migrants in the world. But deaths at sea have declined as well, according to the IOM, with 2,833 in 2017, down more than 38 percent from 2016. This is not shocking given that the departures decreased due to the deal.

I support the argument by rights groups and humanitarian organisations operating rescue ships in the Mediterranean, that this policy rather leaves migrants trapped, facing torture, forced labour and all sorts of human rights abuses. As we saw above regarding the deal between the EU and Turkey, bilateral agreements such as those between Italy and Libya do not define the categories of those to be re-admitted and, in UNHCR’s words in its submission of the case *Hirsi v. Italy* to the European Court of Human Rights (Application no. 27765/09), ‘lack specific safeguards for persons in need of international protection’. While UNHCR’s views of returnees indicated that those returned included people who were indeed of international protection, the Italian Government confirmed, as reported by UNHCR, that neither an identification process nor any interview had been carried out (UNHCR, 2010).

During the past five years, it has been evident that conditions in reception and detention centres in Libya are often of ‘very low standard’. The 2017 deal between Italy and Libya saw arrivals drop dramatically, but abuse and overcrowding in Libyan facilities persisted.

In November 2017, Libya’s Department of Combating Illegal Migration (DCIM) said almost 20,000 people were now in their facilities, up from just 7,000 in September, a rise in detention numbers by more than 100per cent in just a couple of months. The UN High Commissioner for Human Rights, Zeid Ra’ad al-Hussein, said migrants had been locked in hangars and stripped of dignity with «no access to the most basic necessities.» The UN monitors who visited Tripoli detention centres said detainees reported beatings, torture, and sexual violence in both transit and in the detention facilities themselves; they also found “thousands of emaciated and traumatized men, women and children piled on top of each other.” (OHCHR, 2017).

The UN’s human rights chief accused European countries of ignoring warnings over the Libya deal. He described the situation as deteriorating rapidly, and the Libyan detention system as “broken beyond repair.” “We cannot be a silent witness to modern day slavery, rape and other sexual violence, and unlawful killings in the name of managing migration and preventing desperate and traumatized people from reaching Europe’s shores,” Mr. Hussein said.

The EU policy of “contactless externalization” leads to the fact that if forced migrants are rescued by a Libyan Coastguard and disembarked in Libya, EU States may engage their international responsibility for breaching the rights of those thus rescued or retained against their will to leave any country and to *non-refoulement* (Moreno-Lax & Giuffré, 2017).

2.3 Agreements between Spain and Morocco, 2014-2019

Spain has made an extensive list of readmission agreements with Sub-Saharan countries (García Andrade, Di Pascale & Sarraj, 2011). On paper, these countries undertake to carry out a first study on possible applications of asylum. However, the crucial question is this one: “Does Spain acquire sufficient guarantees on how these countries are going to study these applications for asylum? Is it not risking handing the applicants over to unsafe countries and running the risk of *refoulement*?” (Gortázar, 2012, p. 29).

Already in 2014, as the arrivals spiked, Spain and Morocco reached a deal that would send more development money to Morocco, much of which was invested in border management. Later, in the summer of 2018, Spain revived a 26-year-old agreement with Morocco that allowed them to return people to the other side. The 1992 *Agreement between the Kingdom of Spain and the Kingdom of Morocco on the movement of people, the transit and the readmission of foreigners who have entered illegally* entered into force on 21 October 2012. It had been provisionally applied since 13 February 1992, date of its signature. In its Spanish version, this agreement is related to as *Acuerdo entre el Reino de España y el Reino de Marruecos relativo a la circulación de personas, el tránsito y la readmisión de extranjeros entrados ilegalmente*, «BOE» núm. 100, de 25 de abril de 1992, p13969-13970 (BOE-A-1992-8976).

Between 2013 and 2017, hundreds of thousands of migrants and refugees arrived in Italy from Libya, travelling the Central Mediterranean route. However, in 2018, Italy’s far-right Deputy Prime Minister Matteo Salvini shut Italian ports to NGO rescue vessels and even, for a time, to Italy’s own coast guard. For years, as a member of the European Parliament, Salvini had spoken often about “invasions” and “ethnic substitution”. The migratory flow from North Africa seemed to be redirected towards Spain and the Western Mediterranean route.

The rise of arrivals of boat-people into the Southern coast of Spain during 2018 – 64.298 arrivals according to the Spanish Ministry of Interior – does roughly coincide with Salvini’s decision, but NGOs, the UN, and border agencies working the route offer mixed views about the extent of that correlation. In Spain, it however gave rise to an unprecedented strategy to contain irregular immigration and to a series of measures which actually breach access to the right of asylum (Campbell, 2019). In January 2019, even Spain’s governing centre-left party, PSOE – traditionally less hostile on migration – proposed a plan that would attempt to reduce migration to Spain by 50 percent. This would be achieved by avoiding an active presence of *Salvamento Marítimo* in the Mediterranean coasts, slowing down the rescue of people by NGO boats, as well as putting pressure on Italy to open up its harbours to boats close to its territory (Abellán, 2019).

This plan referred to similar “pull factor” arguments mentioned in 2013 by lawmakers in Rome and Brussels that eventually led to the end of Italy’s *Mare Nostrum* rescue operation. While Spain’s interior ministry quickly rowed back from the January proposals, the *Salvamento Marítimo* were concerned that plans to curtail their rescue operation could still go through. Rescue workers pointed not to a migration crisis, but to a politicisation of the issue that risks a humanitarian crisis if their operations are not allowed to continue (Campbell, 2019).

On 21st February 2019, and in the context of pre-general elections campaign in April 2019, the Spanish government, led by the Socialist party, announced an agreement with Morocco through which irregular arrivals by boat intercepted by “Salvamento marítimo” coast guards in the common zone but close to Moroccan waters would be sent back to Moroccan ports. At the time of the last revision of this thesis, this agreement had not been made public. Public or not, arrival numbers in the early months of 2019 *de facto* dramatically dropped from 2018. This drop could mean an implementation of the above announcement. In Andalucía, the southern province of Spain, NGOs and rescue workers worry that Spanish politicians are beginning to follow the hardened Italian line.

On March 13, 2019, Salvamento Marítimo’s then director, Ignacio López, who resigned from the post a week later, explained that the operational philosophy in the southern border had changed, and that the strategy would prioritize Morocco’s role in rescues. Moroccan sailors would receive training and equipment from Spain and the EU (Campbell, 2019). About the agreement between Morocco and Spain, López acknowledged that the two countries do not have a treaty that would allow for returns to Moroccan ports, but he said that creating one would be possible, if Morocco agreed. A spokesperson of the Interior ministry declined to clarify whether or not the government was planning to strike an agreement with Morocco to return migrants rescued at sea to the country.

On May 1, 2019, sources in Morocco’s coast of Tangiers confirmed to me that although they had no knowledge of boats being returned to Morocco, the reality was that the control from the side of Moroccan guards was much more intense, and that there were less Sub-Saharan migrants trying to cross to Spain (Maleno, 2019).



Areas of search and rescue in the Gibraltar Strait (Salvamento Marítimo and OSM. El País, 2019)

The key question is: What alternative solutions do people who intend to seek asylum have? What guarantees will they have to access asylum if they are pushed back to Morocco? In March 2019, almost in parallel to this announcement, IOM released the survey “Profile And Reported Vulnerabilities Of Migrants Along The Western Mediterranean Route”. Between July and October 2018, IOM teams interviewed 1,341 migrants and refugees in transit and reception centres in more than 40 Spanish

municipalities across four autonomous regions, in order to shed more light on the profile and experiences of those who arrived in the country by sea and by land via the Western Mediterranean route. That route, in 2018, emerged as the most frequented route to Europe in 2018 with 63,325 arrivals to Spain. Among the migrants surveyed, only 1.3 per cent indicated that they had changed their route and headed towards Niger or Algeria after time spent in Libya. The most common route was through Mali (Bamako) to Algeria (Algiers, Oran, Tamanrasset) and then to Morocco (Casablanca or Rabat and then Nador or Tangier). Around 38 per cent of those surveyed had spent more than one year in transit, while less than a quarter reported traveling for three months or less (IOM, 2019).

Interestingly Morocco and Algeria, as the two final transit countries with the highest flows, emerged together with Libya and Mali as the countries on the route where the highest percentage of exploitative or abusive events were reported according to the migrants surveyed. Fewer events were reported in Mauritania, Niger and other countries. The results of this survey put in question that Morocco is a safe country to return refugees and migrants. It shows high levels of vulnerability and an alarming incidence of reported exploitation and abuse of migrants and refugees in Morocco (IOM, 2019).

Survey results showed that most of those interviewed reported leaving their countries of origin and habitual residence for a combination of mixed and multiple factors, and that motivations can change over time and during the journey. Overall, 41 per cent of the sample listed economic reasons as the first reason for leaving, followed by personal violence (32per cent) and war or conflict (15per cent) (IOM, 2019). Male and female respondents differ in their main motivation to migrate. Among males, most frequently mentioned reasons for leaving are economic (44per cent) and personal violence (29per cent), while for more than a half of all females, the first reason for leaving is escaping from personal violence (58per cent) while only 23 per cent of them mentioned economic reasons (IOM, 2019).

The majority of respondents were nationals of Guinea (30per cent), Mali (21per cent), Cote d'Ivoire (11per cent), Senegal (6per cent) and Cameroon (8per cent). 89 per cent of respondents were male and 11 per cent female. Nearly half (48 per cent) of all respondents answered "yes" to at least one of the five questions on human trafficking, exploitation and abuse based on their own experience (49per cent positive responses among adult males and 40per cent among adult females) while traveling on the Western Mediterranean Route. 21 per cent of interviewees responded positively to at least 2 out of 5 indicators of human trafficking, abuse and exploitation (22per cent among adult males, 12per cent among adult females). Almost half of those surveyed said that they had financial problems and reported being robbed at least once (46per cent each) during their journey. 19 per cent of those questioned reported health problems (IOM 2019). These findings reinforce my thesis that much of the abuse and suffering could be avoided by strengthening safe channels for regular migration.

On a final note, I argue that while "states enjoy an undeniable sovereign right to control aliens' entry into and residence in their territory", (ECtHR 2008 case *Saadi v. UK* (Appl. No. 13229/03)), it is not less certain that such a right is not absolute. In this case, the seven day detention of a 'temporarily admitted' asylum seeker under the fast-track procedure was non-arbitrary and consistent with Article 5(1), but the 76 hour delay in providing the individual with the real reasons for his detention did not satisfy the promptness requirement of Article 5(2).

States ought to exercise this right within the limits imposed by international refugee and human rights law, as also expressed by ECtHR in the 1985 case *Abdulaziz, Cabales and Balkandali v. UK* (Appl. 9214/80, 9473/81 and 9474/81) (Moreno-Lax, 2015). In this case, the ECtHR held that the 1980 UK Immigration Rules breached ECHR Article 14 taken together with Article 8 as they discriminated on the ground of sex against three female applicants settled in the UK who wished to be joined by their spouses. It was easier for men settled in the UK to be joined by a non-national spouse than women but

no objective and reasonable justification was found for this difference of treatment. On this account the applicants submitted that they had been victims of a practice of discrimination on the grounds of sex, race, and also in the case of Mrs Balkandali, birth, thus meaning that Article 3 and Article 8, alone or in conjunction with Article 14 of the Convention, had been violated. They also submitted that Article 13 had been violated as there was no effective domestic remedy to these claims. The application was granted with regard to violation of article 14 taken together with article 8, granted on ground of sex and with regard to violation of article 13 again granted in regard to discrimination on ground of sex.

The role of knowledge in the scenarios of ‘consensual containment’ through ‘contactless control’ must be carefully appraised by states before undertaking reciprocal commitments that disregard foreseeable consequences in contravention of international refugee law and human rights standards (Moreno-Lax & Giuffré, 2017). Awareness of facts that are ‘known or ought to have been known’ at the time of engagement with Turkey, Libya or other third countries will be imputed by default, and possibly lead to the accrual of international responsibility. (Hirsi (n 60), paras 121, 131, 137, 156; M.S.S. (n 123), paras 258-259, 263, 313, 358-359, 366-367)



Rest of Moroccan boats in Cañuelo beach, Bolonia, Andalucía (Valcárcel, 2019)

3. Refugee Status Determination

“Why are you here in Europe?” I asked. “How many Tamils are there in Europe?” he replied. “About 24,000,” I answered. “Then there are about 24,000 reasons why I am here.”

Let us approach the question of Refugee Status Determination (RSD) first by referring to the thought of French philosopher Paul Ricoeur on the issue. We will then analyze the various approaches to the problem from regional perspectives.

In his text *The Condition of the Stranger* (1996), Ricoeur rightly explains that the policy of admission of refugees is related to national sovereignty and thus the origin of the problem is the following: states, bound by successive international conventions, cannot refuse the right to claim asylum from an asylum

seeker or to-be refugee. However, they have the sovereign prerogative of putting in place a refugee status determination procedure, which has no other objective than the “recognition” of the status of refugee. It is the host country which needs to verify that the person which comes as a refugee has the characteristics according to the international definition of refugee. The decision of eligibility has a declarative character. This concept of recognition goes back to international law. But it is in the procedure of determination whereby the principle of sovereignty finds its gaps. The asylum seeker, who is not yet a refugee until the refugee status determination procedure has not ended, has as his or her only argument the principle of good faith, more known in its penal form as the principle of presumption of innocence. The problem lies when the procedure puts the weight of proving the asylum claim only on the asylum seeker, who is the one to provide the evidence that her claim and her argument is in line of the definition of refugee. But the effects of persecution and the circumstances of flight risk of not leaving but her testimony. Seeking the evidence, the proof should be shared by the authorities of the asylum country and the asylum seeker, as the UN High Commissioner for Refugees advises.

Going further, should the asylum seeker not be, from her entrance to the territory of the asylum country, a presumed refugee? (Ricoeur, 1996).

Refugee and human rights advocates have consistently pointed out that asylum seekers tend to come predominantly from those countries which are most seriously affected by persecution and armed conflict: Syria, Iraq, Afghanistan, the Democratic Republic of Congo, or, most recently, from Venezuela. According to this argument, it is reasonable to assume that a large proportion of them have a valid claim to refugee status or some other form of humanitarian protection. Governments argue that asylum procedures have been abused by large numbers of economic migrants who have no need of international protection, and who have used illegal or irregular means to enter the country where they have submitted an asylum request. Responding to this abuse, governments have over the past 25 years introduced a barrage of measures designed to prevent or deter people from arriving on their territory and seeking asylum there. However, UNHCR has established in a number of times that the asylum seeker should only be asked to “collaborate” to the burden of proof in what is possible.

Other deterrent measures created by industrialized states include extended visa requirements, carrier sanctions, pre-boarding documentation checks at airports, readmission agreements with transit countries, the interdiction and mandatory detention of asylum seekers, restrictive interpretations of the refugee definition, restrictions on freedom of movement, the withholding or withdrawal of social welfare benefits, and limitations on the right to work (Crisp, 2003).

In most Asia countries, and in other parts of the world, refugee status determination is conducted not by governments but by the UNHCR. For the most part, asylum-seekers have no choice but to approach UNHCR, because very few governments in the region are parties to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. Even some of those countries which are parties (e.g. Cambodia) do not have their own refugee status determination process, so refugees cannot apply directly to those governments for recognition. UNHCR carries out this process pursuant to the mandate given in its statute to provide international protection to refugees and the conduct of refugee status determination forms a major part of UNHCR’s work. However, at the same time, this work is not given much prominence by UNHCR, despite its importance.

In fact, it is even played down in official reports. There are a number of possible reasons for this. Firstly, it may be a delicate issue between UNHCR and the host governments, which could see the carrying out of refugee status determination on their soil as compromising their sovereignty. In some instances, UNHCR undertakes refugee status determination without the explicit approval of governments, and sometimes against the wishes of governments. This may be a political embarrassment to some

governments which seek to deny or “paper over” the existence of refugees within their borders. Another possible reason for its downplaying of this role is that UNHCR (quite properly) sees refugee status determination as a responsibility that should be undertaken primarily by governments. UNHCR puts considerable emphasis in its operations in the Asian region on the “promotion of refugee law”, advocating to governments that they should sign the Refugee Convention and institute their own refugee status determination processes. These efforts have met with precious little success in Asia. UNHCR would not want governments to have a perception that “if UNHCR is doing it for us, we don’t need to do it for ourselves”.

Everywhere, but especially in Europe, the task of distinguishing refugees from ordinary migrants presents new and serious difficulties. Formerly migration and refugee movements were discreet phenomena. Refugees could be distinguished from ‘economic migrants’, whose claims were regarded as ‘fake’. But now it has become increasingly difficult to distinguish clearly between ‘voluntary’ and ‘involuntary’ movements of people, between people who are fleeing to save their lives and those who are seeking to escape poverty and social injustice.

According to Eurostat, in 2017 in the EU, 271, 600 persons were granted refugee status (50 per cent of all positive decisions), 189,000 were given subsidiary protection (35 per cent) and 77, 500 authorisation to stay for humanitarian reasons (14 per cent). While both refugee and subsidiary protection status are defined by EU law, humanitarian status is granted on the basis of national legislation (Eurostat, 2017). More than 60 per cent of positive decisions were granted in one single Member State: Germany, (325,400), ahead of France (40,600), Italy (35,100), Austria (34,000) and Sweden (31,200) (Eurostat, 2018).

In 2018, the 28 Member States of the EU granted protection status to nearly 333 400 asylum seekers, down by almost 40 per cent from 2017 (533.000). In addition to these, the EU Member States received over 24.800 resettled refugees. The largest group of beneficiaries of protection status in the EU in 2018 remained citizens of Syria (96.100 persons, or 29 per cent of the total number of persons granted protection status in the EU Member States), followed by citizens of Afghanistan (53.500 or 16 per cent) and those of Iraq (24.600 or 7 per cent), as compared with 2017 when 172.900 or 32 per cent of asylum seekers granted protection were Syrians, 99.800 or 19 per cent were Afghans and 63.800 or 12 per cent were Iraqis. Syrians were the largest group granted protection status in sixteen Member States in 2018. Of the 96.100 Syrians granted protection status in the EU, almost 70 per cent were recorded in Germany (67.000), ahead of Italy (47 900) and France (41 400). Out of the persons who were granted protection status in 2018 in the EU, 163.800 persons were granted refugee status (49% of all positive decisions), 100.300 were given subsidiary protection (30%) and 69.300 authorisation to stay for humanitarian reasons (21%). While both refugee and subsidiary protection status are defined by EU law, humanitarian status is granted on the basis of national legislation. Above one third of asylum decisions at the first instance made in the EU resulted in protection status, meaning 217.400 persons being granted protection status, while a further 116 000 received protection status on appeal (Eurostat, 2019).

Conditions for refugees - both legal and social – widely vary across Europe, and finding protection can be a lottery. After coming so far, and investing so much, it is entirely reasonable for refugees to look for the best prospects of safety. France and Germany, for example, have in the past refused to believe that people can become refugees because they fear persecution by non-state actors such as armed opposition groups. For certain asylum-seekers these countries would truly not be safe places in which to seek asylum. Besides inconsistencies plaguing asylum systems, in countries like Italy are overwhelmed, and some nations are tightening their requirements. The same case could be presented to four different commissions in Italy, again with four different results.

There are also differences in the social conditions faced by asylum-seekers; some states are more likely than others to detain applicants; some states grant residence permits to people who do not fill the Convention definition of a refugee, but who for various reasons it would be inhumane to deport, while other states do not. There are also wide differences in the temporary protection regimes, for people who are seen as needing short-term refuge - this is one reason why the response to the Middle East crisis was so fragmented.

States have an interest in making themselves as unattractive to asylum-seekers as possible, so that potential applicants go elsewhere: this leads in a destructive race to the bottom as far as legal and social standards are concerned. Recognizing that this is unacceptable, the European Union is striving to develop a Common European Asylum System (CEAS). The objectives are to develop a common policy on asylum, subsidiary protection and temporary protection with a view to offering appropriate status to all third-country nationals who need international protection, and to ensure that the principle of *non-refoulement* is observed. The question is that this policy must be consistent with the Geneva Convention of 28 July 1951 and its 1967 Protocol.

From a legal perspective, during the asylum procedure the toughest obstacle to make it past is indeed the examination of credibility, people tend to not have so much evidence to substantiate their claims. For example, the case of a religious conversion and subsequent can be particularly challenging, as obviously there is no way to bring hard evidence about one's genuine conversion. Some EU countries also tend to be extra strict on conversion cases since they quickly think one says he converted in order to obtain protection, but actually did not.

Moreover, European member states want to control not only primary movements - people entering the EU - but secondary movements, or asylum applicants who move from one EU country to another to claim asylum. The Dublin regime has ignited a race to the bottom in protection levels across Member States (Barbou des Places, 2003). The aim of the Dublin system is to prevent positive and most commonly negative conflicts of competence regarding refugee status determination, by rapidly identifying a single responsible Member State. The first EU country where an individual arrives should be the country that determines that asylum claim. If asylum seekers move from one country to another, it is assumed that their claim must be weak, and that this is a strategy to stay in the EU for as long as possible for economic reasons. However, case law shows some exceptions, such as the ruling of the Administrative tribunal of Toulouse, France, on 9 November 2018, N° 1805185. The applicant, a woman from Nigeria victim of an Italian prostitution network, lodged an appeal as a result of a transfer order to Italian authorities, joined with house arrest. She argued she would be at risk of being exposed to inhuman and degrading treatments, as well as to systemic lapses of the Italian asylum system. The Administrative Tribunal granted annulment of those orders issued by the prefect of la Haute-Garonne in the light of the Italian asylum conditions and the reasons motivating the applicant to reach France after having stayed in Italy.

In *Khadija Jafari and Zainab Jafari* (Austria, 2016), the Court of Justice of the European Union states that Article 13(1) of Regulation No 604/2013 must be interpreted as meaning that a third-country national whose entry was tolerated by the authorities of one Member State faced with the arrival of an unusually large number of third-country nationals seeking transit through that Member State in order to lodge an application for international protection in another Member State, without fulfilling the entry conditions generally imposed in the first Member State, must be regarded as having 'irregularly crossed' the border of the first Member State within the meaning of that provision.

More recently, in the Joined Cases C47/17 and C48/17, *X and X v. Staatssecretaris van Veiligheid en Justitie* (Netherlands, 2018), the CJEU ruled on the time limit for Member States to respond to requests for re-examination of “take charge” or “take back” requests and clarified that Member States should endeavour to respond within two weeks; if they do not the requesting Member State retains responsibility.

A key question is: if the reform of the Dublin system seeks to avoid secondary movements, is it not beneficiary for both asylum seekers and the states to make a distribution of people which is compatible with the possibilities of a future integration? Experts point out that such distribution should be organized according to cultural or language links, family ties (in a wider understanding), previous work or studies, or even social links such as friends who can sponsorize and help in their future integration (Gortázar, 2018). With the aim to reduce possible tensions coming from asylum seekers or from Member States, a certain degree of freedom of movement of the beneficiary of protection should be accepted. For example, if after recognition of refugee status or subsidiary protection by the designated state, the person receives an effective job offer in another state, the holder of international protection should have the possibility to accept this job offer, thus leading to a better allocation of the workforce (Di Filippo, 2016).

Whether the current Dublin system complies with the relevant guidelines and principles spelled out in EU primary law, in the Geneva Convention, and in the international regime on Search and Rescue at Sea is questioned by scholars, who have determined the unsatisfactory outcomes of the present rules (Di Filippo, 2018), taking a different approach, partially echoed in a report adopted by the European Parliament on the reform of the Dublin system and based on several indispensable and mutually reinforcing elements: an enhanced recourse to connecting criteria inspired by a genuine link approach; the introduction of a permanent system of mandatory shares of applications, according to a proper reading of art. 80 TFEU; the adoption of reasonable incentives for States and applicants to fully participate in the system (including a qualified freedom of movement for work purposes); or the simplification of the procedures.

The proposal for a Dublin IV Regulation constitutes the central feature of the European Commission’s package of legislative proposals for the reform of the Common European Asylum System (CEAS). In the mid and long term, I agree with some scholars that the key to success of the reform of the CEAS is about creating a distribution system which is both reasonable for the asylum seeker and in accordance to her future integration (Gortázar, 2018). This will mark a historic turn towards a fairer distribution of people in need of international protection within the Common European Asylum System (CEAS) (Guild et al, 2014). It would entail that Member States provide more competencies to the EU in asylum matters, trusting the judicial control of Court of Justice of the European Union and the jurisprudence control of the European Court of Human Rights (Gortázar, 2018).

In conclusion, much of Europe’s problem with asylum comes from one simple fact: that governments and officials who manage the asylum procedure do not believe refugees. In other words, the “culture of disbelief” can make developed countries deaf to genuine cries for protection. The Church and faith-based organisations have a role in advocating for transparent and just refugee laws, and countering this “culture of disbelief”.



Refugees on the Balkan route towards the EU (Holveniy/JRS, 2015)

3.1 Guidance regarding Vulnerable Asylum Seekers: A Mechanism to Replicate

Refugees and asylum-seekers live through stressful and traumatic experiences. These experiences can be detrimental to their mental health and can affect their ability to engage in the refugee status determination process. The psychological strain caused by a prolonged period of uncertainty not only during their time in their country of origin, or on their flight, but also when arriving in the country of asylum, contributes to the deterioration of mental health during refugee status determination procedures. This condition can be aggravated by the fact that many may only be granted a temporary protection outcome, which does not enable them to start a process of family reunification.

In consultation with Australian mental health experts, UNHCR published in November 2017 recommendations for refugee status determination, which provide practical guidance for legal representatives and decision makers involved in interviewing and assessing psychologically vulnerable asylum-seekers. The guidance paper was the result of multi-stakeholder expert roundtables held in October 2016 and June 2017 on the mental health and well-being of the so-called 'legacy caseload' in Australia (UNHCR, 2017).

The logic behind of this guidance paper is that, if an asylum-seeker's psychological ability is reduced, the fairness and accuracy of the protection assessment can be compromised. This is also combined, I believe, with the different cultural parameters the asylum seeker have regarding time and space, which is often overlooked by officials involved in refugee status determination proceedings, both at State and UNHCR levels.

I believe this is one of the most needed and useful instruments in the latest developments in refugee status determination. It is critical that psychological vulnerability is identified as early as possible and processes are put in place to help asylum-seekers discuss the difficult experiences that forced them to flee. This should be replicated and implemented in other contexts.

4. Detention and alternatives to detention

“As a refugee who spent two years and four months in Wackenhut Detention Centre in Queens before I was granted asylum, I know how important it is to have support from people who come to help keep hope alive. Refugees come to this country thinking it is a land of freedom - freedom of speech, freedom of religion, freedom from persecution-. Detention almost killed my soul. Prayer and humanity saved me.” (Abankwah, as cited by Jesuit Refugee Service, 2002, p. 127)

Detention of asylum-seekers continues to create great individual hardship in many countries. The duration can be exceedingly long, the conditions unjustifiably harsh, and the possibilities for legal oversight or review very limited, such as the lack of access to legal representation, information, and assistance. This has serious implications for the cases of asylum seekers and immigrants and may obstruct their right to a full and fair hearing.

Everyone, from asylum seekers to irregular migrants, minors to older persons, and from medically ill persons to the healthy, can be subject to detention irrespective of their special needs and vulnerabilities. Detention is used in a mostly indiscriminate manner with little deference to personal choice and preferences.

From a mental health perspective, research reveals that most detainees are likely to suffer from severe depression, anxiety, crippling stress, insomnia, loss of appetite and deterioration of their well-being (Amaral, 2010). Detainees can do little to alter their circumstances within the detention centre. They must accept the state of living conditions within the detention centre, and cohabitation with persons of differing nationalities, cultures and even personalities and temperaments; and they must accept the restriction on their freedom to move about as they please, even within the confines of the detention centre. In *Khanh v. Cyprus* (Application no. 43639/12), 4 December 2018, the ECtHR ruled the conditions of the applicant’s detention, a Vietnamese woman, prior to her being deported from Cyprus, subjected her to hardship going beyond the unavoidable level of suffering inherent in detention and thus amounted to degrading treatment prohibited by Article 3 of the Convention.

The ‘average detainee’ will find that he or she is unable to exercise a degree of personal choice and must therefore accept detention as one accepts a punishment, rather than an administrative procedure.

The results show that persons with officially recognised needs, such as minors, young women and the medically ill, are indeed negatively impacted by detention. The adult environment of detention immediately puts minors at a disadvantage, especially if they are unaccompanied, because they are vulnerable to the behaviour of the staff and to the prison-like atmosphere of detention, for example.

Women especially suffer from adverse mental health impacts. The medically ill may not be able to receive the treatment they need because the detention centre only provides for basic medical care.

It is not appropriate for asylum seekers to be detained because there should neither be a presumption that they have committed a wrongdoing, nor a presumption of rejection or removal while they are in the asylum procedure. Moreover, the legal complexity inherent within the asylum procedure means that asylum seekers should access all means of support. The closed environment of detention cannot provide this.

The principle I support is that alternatives to detention, as set forth by the UNHCR (UNHCR, 2016). These can include unsupervised and supervised parole, bail, or reporting systems, should be utilized first before any decision to detain is made. Non-custodial alternatives to detention for asylum seekers that respect their human dignity and fundamental rights should always take precedence before detention. Asylum seekers, due to the legal complexity of their situation and the asylum procedure, require a level of care and support that cannot be provided in a detention centre. Detention cannot be implemented if there is no assessment of their special needs and vulnerabilities at the beginning, because it would then not be known how they might cope within the environment of detention. This is why non-custodial alternatives to detention should always take precedence.

A system of qualified identification of asylum seekers' special needs and vulnerabilities should be designed and implemented at ports of entry, be they land, sea or air, for the purpose of avoiding the use of detention. This identification should be done as soon as possible after entry. It can help to ensure smoother procedures at later stages, a more efficient use of State resources and a higher degree of safety and care for asylum seekers' potential vulnerabilities. Most importantly, an appropriate assessment of special needs and vulnerabilities can ensure that detention is not used for persons who may be particularly harmed by it (Jesuit Refugee Service, 2010).

The ethical flaw in recent asylum policy, particularly in the West, is that the good of actual asylum seekers has been subordinated to the abstract goal of deterring other asylum seekers. People have been detained for reasons not dictated by their needs or by the demands of processing, have been transferred to dangerous places, been put at risk of mental illness - all to deter other people from making a claim on Western countries. The case of Australia is particularly evident. Such a policy and the reliance on the principle of deterrence are an affront to the human dignity of those affected.

While there is room for disagreement about migration policy, the humanitarian imperative means that we must never needlessly sacrifice the survival and dignity of any vulnerable people, including migrants. Around the world, migrants, especially irregular migrants, increasingly face detention and barriers to accessing essential services that are indispensable to their survival and basic dignity. There are a range of factors that prevent this access, including outright exclusions but also more indirect factors, such as fears of arrest, detention and deportation, prohibitively high service costs, and language issues. Some claim that limiting access to essential services are justified by an interest in removing the "pull factor" for migration or ensuring law and order. Some states have sought to discourage, and even criminalize humanitarian service provision. Such restrictions violate migrants' human rights. Migration can be managed more effectively when we do not compromise the freedom and dignity of vulnerable people (ICRC, 2018).

Regarding recent case law on the matter, I would like to mention the case *T.M. and Others v. Russia* (2017), ruled by the European Court of Human Rights (ECtHR). The case involved six different complaints brought by Uzbek nationals who were charged in Uzbekistan with religious and politically motivated crimes and who had unsuccessfully applied for international protection in Russia. The Russian authorities took final decisions to deport the applicants to Uzbekistan despite their consistent claims that they would be subject to a real risk of treatment contrary to Article 3 ECHR. Based on the simplistic rejections of the applicant's claims by the Russian courts, the ECtHR found that courts had relied on general assurances from Uzbek authorities despite previous ECtHR jurisprudence concluding that similar assurances had to be considered unsatisfactory (e.g. *Tadzhibayev v. Russia*, 2015). With regard to immigration detention, the ECtHR found a violation of Article 5(1) given that the applicant who had brought the complaint had been detained for two years and that Russia had failed to justify his continuing detention.

With regards to the latest efforts regarding the end of detention and the pressure towards alternatives to detention include a UNHCR Progress Report which offers an update of the implementation of the Global Strategy to Support Governments to End the Detention of Asylum Seekers and Refugees, covering the period from mid-2016 to mid-2018. The Global Strategy aims to support Governments to end the detention of asylumseekers and refugees. The Strategy lays out three main goals: to end the detention of children; to ensure that alternatives to detention are available in law and implemented in practice; and to ensure that conditions of detention, where detention is necessary and unavoidable, meet international standards by, inter alia, securing access to places of immigration detention for UNHCR and/or its partners and carrying out regular monitoring (UNHCR, 2019).

On a final note, studies further found that, where comparative costs of detention vis-à-vis alternatives to detention are available, alternatives are universally more cost-effective than detention (UNHCR, 2016).

5. Human trafficking and forced displacement

The lack of safe and legal ways to enter Europe, the US, and other safe areas of the world in search of protection forces these to-be-refugees to rely on smugglers, putting them in danger of falling prey to traffickers and other criminals. They risk their lives in unseaworthy boats on the Mediterranean, or by climbing the fences at the external land borders of the European Union.

Human Trafficking and smuggling are different realities, although most people tend to believe that there is no difference. Smuggling is transportation-based and involves movement. Trafficking is exploitation-based and involves lack of freedom of choice. Both smuggling and human trafficking need to be understood as part of a failed system where there are no alternative legal options. The increasing number of people in need of international protection perishing on their way to safety is a reminder of the limitations of the current international protection regime. For a Syrian who is forced to leave the country, today there are no legal means but to cross the mountains towards Lebanon, with the help of smugglers. All borders with Syria are closed at the time this thesis was being written.

As the protection mechanisms for responding to those on the move continue to fail millions of people, the phenomenon of modern day slavery and exploitation should not be overlooked for the following reasons:

Firstly, as we have seen in Chapter 3, and as informed by Catholic Social Teaching, the definition of a refugee extends beyond the UN definition to also encompass “victims of armed conflicts, erroneous economic policy or natural disasters, as well as internally displaced persons (IDPs).” Here below we will highlight the ways in which these individuals are at particular risk for human trafficking. Human trafficking victims are by definition forced migrants: they have been forced or coerced to leave their homes and enslaved in a new location. When they manage to escape from these situations, they flee severe persecution.

The second correlation between forced displaced persons and trafficking victims are the inevitable nexuses between these groups of people. The ways in which networks of exploitation thrive in crises situations, especially in the modern-day context of mass migration and humanitarian crises, is a reflection of the scope of the problem. Preventing and protecting human trafficking victims in emergency or protracted crises of displacement is of utmost importance, yet often this is overlooked by agencies mandated to serve and protect those most at risk.

Geographically speaking, Africa is of particular concern given that half of all trafficking victims are estimated to be African and 29 African countries are on the US Department of State Watch List for Human Trafficking. Another group that deserve special attention are children, especially unaccompanied minors, who are most at-risk of human trafficking and exploitation when disaster hits. In 2016, according to the United Nations Office on Drugs and Crime (UNODC), the vast majority of all human trafficking victims – some 71 per cent – were women and girls and one third were children.

Displaced persons are constantly at risk of exploitation throughout every stage of their displacement: from when persecution begins, or conflict erupts, while en-route to a safer place, upon arrival in a new location, while waiting years for a durable solution in their host countries and after return home to post-conflict nations. The precariousness of migration routes and areas of so-called protection for forced migrants as well as grave economic inequalities, climate change, and political instability that provoke so many to move pose a huge challenge to humanitarian and faith-based organisations around the world.

Below I present a series of examples of how human trafficking affects or may affect displacement at various stages of their displacement. This analysis is however not globally comprehensive, and deserves further research, particularly by service providers working around the world.

5.1 Human trafficking at the onset of crisis or as the reason for flight

During conflict, armed groups – government-sponsored, opposition, and UN peace keeping forces – are known to take advantage of local communities, subjecting them to forced labor for valuable natural resources or sexual exploitation for their own benefit, in exchange for protection or a miniscule amount of food. In the DRC, state and opposition-sponsored militias enslave thousands of people to mine valuable resources. In the Central African Republic (CAR), French UN peacekeepers have been found guilty of running prostitution rings of young girls, and in Iraq and Nigeria militias have kidnapped young girls to make them sex slaves for soldiers. In addition, observers in countries in conflict have reported that women and girls have been sold for sexual slavery from their war-torn countries into to brothels, nightclubs, or as brides across border. This is an ongoing problem for Syrians who are sold into slavery in Egypt, Turkey or Gulf States. Other times, in conflict zones people are forced to enlist in warring parties in the Ukraine, Iraq, Libya, Syria and beyond.

Labor exploitation, sexual exploitation, forced military recruitment and other forms of exploitation can provoke people to flee their homes. For example, young Eritrean refugees often flee state-sponsored forced military recruitment and forced labor in copper mines or factories. In conflict-ridden countries like the CAR, DRC, Somalia, and South Sudan as well as in countries with high prevalence of gang violence like Honduras, young people flee forcible recruitment into informal armed groups. Poverty caused by unfair resource distribution, climate change, and other unjust systems lead many to believe their own chance for a better life is across a border, a desert, or a sea.

5.2 Human trafficking en-route to safety

The difference between smugglers and traffickers is often overlooked: not all smugglers are traffickers so while it is still illegal, smugglers may not operate with impunity.

When refugees decide to pay smugglers, they put their lives in the hands of people who operate with impunity and who they are dependent on to reach safety. Sometimes these smugglers are merely offering a service, albeit illegal, and facilitating movement in the absence of safe and legal means to do so (Wells, 2016). These smuggling networks are linked to individual traffickers who sell their customers

en-route, such as to organ traffickers in the Sahara. Eritreans, Syrians, and Somalis have lost their lives to organ trafficking or have disappeared altogether after trusting a smuggler to take them to Europe or Israel through African deserts.

One reason such trafficking en-route to asylum is so common, is the criminalisation of migration employed by countries around the world. When nations close their borders to migrants, such as in the US or in Europe, they are forced to travel in clandestine manners, these secret movements often lend to exploitation at the hands of others. Within this context lack of safe humanitarian channels has created an ideal migration environment in which smugglers and traffickers thrive.

Additionally, these routes often traverse failed states or countries with corruptible border officials and inadequate law enforcement structures. Examples include routes through the Sahara to Europe (deemed the most dangerous migration route in the world), Central America and Mexico, the Middle East and beyond. Internationally, governments with poor human rights records like Sudan and Eritrea are funded to help curb migration instead of being condemned for not fulfilling their obligation to protect human rights. In 2016, the EU granted Eritrea 145 million pounds for stemming migration from and through the country while they continue, to this day, to forcibly enslave their own population.

Traffickers take advantage of lawlessness and specific migration paths to move their victims mixed migration flows of other migrants.

5.3 Human trafficking upon arrival to reception areas

Refugees who cannot afford to pay smugglers before departing are at particular risk as they end up indebted to their smugglers and find themselves in situations of debt bondage. These people can become trapped in indentured servitude, working as prostitutes or in farms, factories or on shipping boats for years and years. Some refugees who arrive in Italy, such as groups of Malian or Senegalese in Rome, are forced to work on farms or in factories in debt bondage to pay unpaid sums to their smugglers. Similarly, 80per cent of Nigerian women who arrive in Italy end up in sex trafficking, according to the former Special Rapporteur for Trafficking.

Unaccompanied minors from regions of conflict are by far the most vulnerable population; those without parental care that have either been sent by their families to get into Europe, or have fled with other family members. In 2016, Interpol estimated that 10,000 children had gone missing in Europe, many of whom were feared to have “fallen into the hands of organised trafficking syndicates.” This figure is likely to be a conservative estimate of the actual number of unaccompanied minors who disappeared since entering Europe.

According to Brian Donald, EUROPOL Chief of Staff, registered or not, the number of disappeared children at the end of 2016 was of 270,000, with evidence that a large proportion might be abused. An entire criminal infrastructure has developed during the end of 2015 and throughout 2016 exploiting the migrant flow (Donald, 2016).

In addition, often during refugee status determination processes, immigration officials and UNHCR staff fail to screen or identify asylum seekers who may also be victims of trafficking or under severe exploitation. If there is no conscious effort through targeted screenings of refugees, many will fall through the cracks.

There is also a clear policy contradiction between human trafficking and refugee protection around the world. The Prime Minister of the United Kingdom has called human trafficking the “greatest challenge of our time” while continually resisted calls for the UK to take in more people fleeing persecution and violence, including children who could be reunified with their families, in the country.

When refugee reception fails to secure safe accommodation, proper documentation, and recognition of those particularly vulnerable to human rights abuses, desperate people can often fall into the hands of traffickers.



Human trafficking: the “greatest challenge of our time” (Jesuit Refugee Service, 2009)

5.4 Human trafficking in protracted refugee situations

Migrants and refugees who have been accepted and have lived for decades in new countries are not safe from exploitation. Most refugees remain displaced in their country of asylum for an average of 17 years, but in some, people have lived in limbo for decades, like the Somalis in Kenya or the Rohingya in Asia Pacific. Protracted crises and outdated asylum responses, such as forced encampment, continue to foster a situation where human rights abuses can thrive.

When people are forced to live in confined refugee camps for decades and are denied rights to education, employment, movement and self-reliance, they become increasingly desperate and vulnerable.

Refugee camps of supposed safety rarely offer adequate protection for their residents, especially the most vulnerable, typically because they lack safety mechanisms needed to support masses of people. For example, in Kakuma refugee camp in Kenya, incidents of rape, robbery, and child abduction are frequently reported. The camp hosts 200,000 refugees yet employs only 100 police officers. NGO protection centres for young boys as well as for women and girls are over-capacity with long waiting lists with people in need of special protection. A handful of people discharged from protection centres in the camps have gone missing and are suspected to have been sold into forced marriages outside the camp or subject to other abuses. When camps are poorly managed, they become shopping centres for traffickers.

When residents of refugee camps are unable to settle and invest in their environment, they live in constant upheaval and are more likely to make drastic decisions to secure a better future for themselves.

Broadly speaking, the lack of access of refugees to the formal economy pushes them to work in informal labor markets which offer little in the way of worker's rights or safety – opening the way for exploitation, survival sex, and forced labor.

For those who are not able to find space in the informal economy, families can become desperate and make drastic decision to survive – such as sending their children to work dangerous jobs in informal factories, people's homes, or begging on the street. This puts them in a particularly precarious and vulnerable situation with no rights or protection, making them the perfect target for traffickers. Once these children find themselves in situations of trafficking they are likely to stay trapped for years, even if agencies or law enforcement are able to save them there are often very few sustainable protection spaces to cater for their needs – especially in urban areas and in cases where family reunification is not possible.

Additionally, when parents are not allowed to work, children rarely have the chance to enter into formal schools, especially in non-camp settings, leaving them without safe spaces and basic protection.

Gender inequality present in many cultures mean that sex trafficking, forced marriage, and other forms of sexual exploitation can easily thrive in refugee situations. In South Sudan, Somalia, Lebanon, Kenya, Afghanistan, and other places child marriage is a pervasive problem interrupting children's ability to attend school and make autonomous decisions about their fate. These marriages are often in exchange for goods or services that the entire family depends upon for survival and makes up an essential part of traditional economies which thrive in the absence of other economic or educational opportunities. Sometimes parents marry off their daughters in an effort to get them out of conflict zones with their new husbands, a common trend among Syrians.



Congolese fleeing the village of Kibate in eastern DRC with their meagre belongings (Harnois, 2017)

6. A gender perspective

Eventually, I decided to leave Burundi. I was alone with my two children. We were crowded, together with many others, at the border between Burundi and Congo, waiting for a chance to escape the war. The only way to travel across is by bicycle-taxi.

I carried one child on my back, and strapped the other against my chest, so we could all fit on one bicycle. With one hand, I balanced the bag containing all our belongings on my head, and with the other hand, I clung to the bicycle frame. By the time we reached the border, I had to lie down on the ground to recover, barely able to open my eyes. When we reached customs, we were searched for any items of value we may have and were even undressed to make sure we had nothing hidden. (Burundian refugee, as cited in Jesuit Refugee Service, 2002, p.22)

The large majority of refugees are women (49 percent) and children (51 percent). That is because the men are often fighting, wounded, or dead. The responsibility for many political decisions leading to war rest predominately with men (UNHCR, 2018). On the other hand, war situations put women at risk from the “living deaths” of assault, rape, or loss of children. Gender roles can shift dramatically in times of armed conflict. These shifts often challenge patriarchal power structures and destabilize interpersonal relations between women and men and between generations.

Dramatic demographic shifts also occur in wartime which impact gender relations: The number of widows and women-headed households increase; and in the aftermath there is often a rise in polygamous marriages and birth rates. Economic changes brought by war are equally dramatic: Growth of landlessness especially among women; the expansion of the informal sector as the number of jobs in the formal sector shrinks. These changes are the experience of Gabriela, an Angolan woman, who also adds:

In 1994 when Bie was under siege by UNITA for 16 months, the only source of fuel and food was outside the city, across the front line. The civilian population organized small groups, often of girls as they are normally responsible for collecting fuel, to run across the lines at night. Sometimes men used girls and women as shields, sending them in front to explode landmines. (Gabriela, Angolan refugee, as cited in Raper & Valcarcel, 2000, p. 32)

Women share the problems experienced by all refugees such as protection against forced return to their countries of origin or from unjustified and unduly prolonged detention. They also need a legal status that accords them adequate social, economic and legal rights, as well as access to health, food and shelter. But in addition, refugee women and girls have special needs. They need protection against sexual and physical abuse and exploitation, and protection against gender discrimination with regards to goods and services.

In April 1996 I gave birth to a boy. When Grozny was shelled for the second time, our home was destroyed. For two long weeks, I hid myself in a cellar with my baby. Once water and food were exhausted, with my hope only in God, I got out of the city with the child, while the bomber planes were flying over our heads. It was just a miracle we were able to reach the town where my mother was living in the Dagestan Republic.

When the war ‘ended’, my husband took us back to Chechnia, but as far as we were concerned, the war was still going on. One day, my husband did not come back from his work, and one month later he was declared “disappeared”. Again, I brought my son to my mother, and I returned to Chechnia to look for my husband.

One night four armed men broke into my house. They told me they had already killed my husband and that it was now my boy's turn. When they did not find him, they beat me and promised to come back. As I was pregnant, I was afraid that my new child, together with his older brother, would have to suffer for their father, so I decided to leave the country and search for a safe place for my sons, although I was unable to confirm my husband's death.

My second son was born in Spain. It is in this country that I hope to bring up my children, far from war and hatred. But I do not lose hope that we all might be reunited with their father one day. (A refugee from Chechnya, as cited in JRS, 2000, p. 34)

Protection problems can follow refugee women through all stages of their lives as refugees. Refugee women may endure: physical and sexual attacks and abuse before and during flight; physical and sexual attacks and abuse in countries of asylum; spouse abuse and abandonment; armed conflict and coerced recruitment into armed forces; sexual exploitation and prostitution.

Too often refugee women face dangers stemming from poor camp design: communal housing that provides no privacy for women; location of basic services, such as latrines, at unsafe distances from where refugee women are housed; poor lighting. In many refugee situations, strangers are thrown together while no efforts are made to restore traditional communities; unaccompanied women and female-headed households may be intermixed with single men; traditional mechanisms for ensuring order within the community may be broken down. Women may not have equal access to food and other distributed items in camps; they may have to walk great distances alone to obtain water and firewood; they may not have equal access to health care, education, skills-training, and income-generating activities.

Refugee women living in urban environments or villages also need protection against human rights abuses. They might encounter problems related to lack of proper refugee documentation; difficulties in access to education or to training and income-generating activities; access to own or lease property; access to social services; and lack of information about the medical consequences of harmful traditional practices, such as female genital mutilation.

In Western societies, refugee women's voices are often ignored. Cultural ignorance can lead to a lack of basic rights such as in Maryam's case:

The rape caused Maryam great pain and physical damage, as well as immense distress. Eventually the police let her go, but they told her that she would have to leave Somalia or she and her sons would be killed. Maryam came to Europe, and applied for asylum. She found the asylum interviews very distressing. At all stages of the procedure the interpreters, and nearly always the decision-makers, were men, which created an immense barrier for her to talk about her experiences in prison. She could only bring herself to speak in euphemisms –she had been “mistreated”, “dishonoured”. The asylum authorities refused to believe. She had to be lying, and her claim was “not credible”. Her request for asylum was rejected. (Maryam, a refugee from Somalia, as cited in Jesuit Refugee Service, 2002)

Even after having been granted refugee status, refugee women can also face the risk of loneliness, isolation, and exploitation. Often overlooked in Western societies, this fact can seriously disturb the lives of women who often come from a more community-based cultural background.

This is the case of a family of three Syrian sisters who I had the privilege to host in my house for a period, in 2016, before they decided to go back to Damascus due to the difficulties of life in Italy. They

had been in Italy for a year and a half. Before the war started in Syria, one of them used to work with the Jesuit Refugee Service in Damascus, visiting and accompanying Iraqi refugee families and teaching French to children. This is what they often shared:

When I visited Iraqi refugees, I always wondered why they slept so much. But now I understand. We also sleep a lot – in the first months after our arrival we slept because of exhaustion, but now we sleep because we don't have anything to do.

Here in Italy, you are the second person who has visited us. We tried to make friends, to invite our neighbours for coffee, but no one accepted our offer. Only one of our neighbours even says hello to us. We are used to living in a big community. In our neighbourhood, the old part of Damascus, we would speak to everyone; we were always among friends. Every day in Italy, we are asked if we are Muslims or Christians. I have never experienced this before. No one in Syria would ask you that. We all talked with one another, lived together. But here, because we are Syrians and people are afraid of us now, it's different.

I tried to find a job, as a domestic worker. I was paid less than four euros an hour – the average is seven or eight. But when I complained, the woman said she could find an Indian worker for less than that, because where we live there are many Indians who came for jobs in agriculture and are exploited.

Life is like a cinema. We are now blocked, as if our lives have stopped. We only have memories; it's like watching a movie of our lives. (Valcarcel, 2016)

Now these women are back in Damascus. They knew the risk of returning, since they had experienced the bombings and trauma for three and a half years before fleeing to Italy. But having no local community of Syrians in Italy, no local friends, they felt isolated. The cultural-shock of loneliness refugees suffer when arriving in the West is frequently overlooked.

Being protected from war is one thing, but the humanitarian community must also consider protection from idleness, depression, and lack of self-esteem. Coming from a strong community-based culture to an individualistic context, full of fear and mistrust due to media messages, refugees often feel that their new situation in fact does not offer protection at all, and even seek to return to their home country. We must re-look at what we call protection, and protect refugees from not only war and persecution, but all other evils that come with the action of fleeing one's home (Valcarcel, 2016).

A lesson I have learnt by hosting refugees in my place is that we have an opportunity to regain the values that the Western individualistic culture has lost by welcoming refugees and learning from them those values. What if every refugee was accompanied by an individual or a family in their host community? Through friendship and accompaniment, our perspective of the "refugee global crisis" would dramatically change. I believe that social transformation comes from a very simple personal interaction which can become friendship.

7. Conclusions

As we have seen throughout the chapter, the link between human rights and the protection of refugees continues to be as evident as ever. People are displaced as a result of grave human rights violations and their rights are frequently violated during displacement and upon arrival to a place that should be safe. Seeking a solution to their displacement entails, first and foremost, ensuring a restoration of and respect for their fundamental rights.

The role of international human rights organisations in shaping the link between human rights and forced displacement, and highlighting the fundamental connection between human rights and forced displacement is critical. But in recent years, there is a growing disconnection amongst governments and international humanitarian organisations. It may seem that human rights are not so central to any efforts to rights prevent, respond, or seek solutions to problems of forced displacement. As an example, although the 2018 Global Compacts on Refugees and for Safe, Orderly and Regular Migration are formally committed to non-regression as regards existing international law – including of course human rights obligations of states – the commitments and objectives of the 2018 Global Compacts would have been easier to implement if the Compacts had properly referenced the human rights commitments in each objective and principle rather than referring to human rights in a general fashion.

Given the scope of forced displacement today, several key rights-based protection concerns require attention:

First and foremost, civilians, and those not involved in military action, should always be protected, both in camps and in the cities, where larger numbers of refugees and asylum seekers end up living. Violations of international humanitarian law, such as indiscriminate attacks on schools, hospitals, arbitrary detentions, sexual violence, and the use of disproportionate weapons to target civilians, have devastating consequences for civilians, frequently forcing them to flee their homes in search of safety. In the last years, the world witnessed shocking instances of civilians being targeted in the conduct of hostilities, including in Nigeria, Iraq, or Yemen. We continue seeing military strategies placing civilians under siege, preventing humanitarian access for lifesaving assistance, and actively blocking civilians from moving to safety, such as in many parts of Syria.

Second, I can conclude that the respect of *non-refoulement* is needed more than ever. In discussions on durable solutions, an increased emphasis has been placed on return, and in several contexts, refugees have reported facing increased pressure to return to their countries of origin. Return is an important durable solution when it is voluntary, safe, dignified, and sustainable. While recognizing that political and economic realities often push both host and origin States to advocate for the return of refugees, it is vital to create the conditions necessary for refugees to make that choice. UNHCR has a crucial role to play in defining the way that a state's commitment to voluntary and sustainable returns can be implemented and measured at field level. Furthermore, return is one of three durable solutions that must be made available to displaced people. *Non-refoulement* is the core principle of international refugee protection and a non-derogable norm of customary international law, which must be respected always.

Asylum was designed to protect people who are forced out of their country by a well-founded fear of persecution; it is not meant to be a substitute for an immigration policy. But until Western countries implement a realistic system for legal immigration, every asylum-seeker will continue to be an object of suspicion by the authorities, with dangerous consequences for those in need of protection, including *refoulement*.

Third, as a result of my analysis on externalization policies, I conclude that these are incompatible with a good faith understanding of State obligations vis-à-vis migrants and those in need of international protection. Policies of containment cannot be justified due to the mixed flows of refugees and migrants.

Fourth, after analyzing the case of the return of Afghan refugees, I conclude that one of the worst violations of rights of people in need of international protection is their premature return to a country where insecurity and instability prevails, even more so if this entails political agreements between host and country of origin. Where there is no legal way out and no sustainable way back in, other options deserve careful consideration. Migration remains a key safety valve for many people, who spend considerable funds to migrate and re-migrate, often relying on smugglers and other irregular means of travel that nurture an informal and unregulated economy that puts them at great risk. Unsuccessful returns that leave forced migrants with few options except to migrate again are in no one's interest. Efforts to slow unauthorized arrivals should consider the benefits of opening legal pathways for migrants to provide concrete alternatives to unsafe migration, such as humanitarian visas, resettlement schemes, or broader family reunification mechanisms. Taken together, these strategies hold the potential to ensure that migration can occur in a managed way that safeguards the wellbeing of those traveling in search of protection and stability, while also supporting the long-term and comprehensive reintegration of those who choose to return home.

Fifth, detention is frequently implemented as a tool of asylum and immigration policymaking, but it leads to high rates of vulnerability in people. I therefore call into question the proportionality and necessity of detention in relation to the ends it seeks to achieve: that is, to systematically manage migration flows so that States may enforce their asylum and immigration policies. Let aside the financial cost, the human cost of detention is too high, regardless of the achievability of these ends because the negative consequences of detention and its harmful effects on individual persons are disproportionate to their actual situations, in that they have committed no crime and are only subject to administrative procedures.

Sixth, today's globalisation of indifference coined by Pope Francis has made new forms of slavery pervasive. The coordinated role of states, inter-governmental agencies, and human rights organisations is to use advocacy initiatives, communications campaigns, and programmatic services to assist in the prevention of human trafficking in the contexts of work, the prosecution of those who profit off the buying and selling of human lives and the protection of the victims who so often come to our doorsteps. The Catholic Church is present at every point of these population's lives – at the onsite of a crisis, throughout the disaster response and for years following—and is also allowed to take moral stances on issues in a way that local communities, governments, and religious leaders will respect. Moreover, the Church is also able to access populations that otherwise have very limited contact with the outside world. Therefore, it has a strong role to play in partnership with others, namely in the areas of creating safe pathways for potential future and current human trafficking victims; enactment or implementation of legislation that curbs human trafficking demand and protects children; universal education for all refugee children, and labor rights for all refugee adults.

The Responsibility to Protect, a principle based upon the underlying premise that sovereignty entails a responsibility to protect all populations from mass atrocity crimes and human rights violations, is based on a respect for the norms and principles of international law, especially the underlying principles of law relating to sovereignty, peace and security, human rights, and armed conflict. I argue that the Responsibility to Protect needs to be expanded to those who flee conflict and persecution but who may not be fully considered as refugees in their countries of destination.



*Art work by a Syrian refugee boy during mental therapy.
Jesuit Social Center in Baalbek, Lebanon.
(Valcárcel, 2017)*

CHAPTER FIVE - SUSTAINABLE SOLUTIONS FOR REFUGEES

The rate at which durable solutions are being found for refugees worldwide has been falling since the end of the Cold War, leaving a growing number in limbo (UNHCR, 2018). The lack of solutions for refugees, coupled with the drivers of migration which we have analyzed in Chapter Two, is part of the current rising rate of refugees worldwide. In this chapter, I will analyze the three traditional durable solutions for refugees, namely, local integration, repatriation, and resettlement, offering a critical eye on what has worked and why by going through a number of good practices.

Regarding the repatriation solution, the principle of *non-refoulement* stands as the cornerstone of this solution, in that a premature repatriation would mean a breach to such principle. This applies to countries signatories of the 1951 Geneva Convention but also to non-signatories. In this line, I agree with the opinion of some scholars regarding Asian countries:

There have been cases of refugees being forcibly returned to their homeland or being towed out on the high seas to stand their chances against pirates, waves and scorching sun. This accentuates the question of the standing of the principle of *non-refoulement* outside the convention context. (Grahl-Madsen, 1982, as cited in Gortázar, 1997, p. 328)

An exception to the stalemate in durable solutions is the situation of the approximately 100,000 Tamil refugees from Sri Lanka living in and around refugee camps in the Indian state of Tamil Nadu, who, after three decades in exile, are confronted with the options of either a repatriation to Sri Lanka or to locally integrate in India. In 1998, I visited the state of Tamil Nadu in Southern India. Years later, in 2017, I had the privilege to interview different groups of stakeholders and refugees. In this chapter I will analyze the needs and desires articulated by the refugees themselves regarding sustainable solutions. The chapter also discusses efforts by the Indian government and non-governmental organizations (NGOs) to assist, assimilate and, at times, repatriate Tamil refugees.

I will analyze the challenges and limitations, and yet the need, for resettlement to third countries for those refugees who remain in asylum countries where they cannot find a durable solution.

I will frame these solutions in the solid ground of the 2018 Global Compact on Refugees, which recapitulates the doctrine on durable solutions and offer new perspectives and proposals on what I agree is part of all sustainable solutions, a greater responsibility-sharing of refugee protection at global level:

The predicament of refugees is a common concern of humankind. Refugee situations have increased in scope, scale and complexity and refugees require protection, assistance and solutions. Millions of refugees live in protracted situations, often in low- and middle-income countries facing their own economic and development challenges, and the average length of stay has continued to grow. Despite the tremendous generosity of host countries and donors, including unprecedented levels of humanitarian funding, the gap between needs and humanitarian funding has also widened. There is an urgent need for more equitable sharing of the burden and responsibility for hosting and supporting the world's refugees, while taking account of existing contributions and the differing capacities and resources among States. Refugees and host communities should not be left behind. (The Global Compact on Refugees, 2018, point 1, p. 2)

1. Is the international refugee doctrine on solutions still valid? New perspectives

The failures of the current refugee policy framework, especially regarding the lack of durable solutions and the rates of displacement, are not inherent, but political. I support the thesis that these solutions are failing because states, particularly in the global north, are not willing to commit to their moral responsibilities toward refugees. Right-wing and populist sentiments within northern countries are behind new alternative proposals. Some scholars think it is unrealistic to base the calls to countries on the need to show kindness and openness, arguing that we must move beyond our traditional mechanisms of refugee protection (Cohen and Van Hear, 2017).

In the past two years, the discussion has shifted towards new solutions, for example, international trade. The Global Compact process emphasized the need to integrate refugee labor into the global economy, noting the importance of employing refugees, “where practicable,” as mentioned in the Zero Draft of the Compact, in global value chains, which in practice means producing goods for export. I support new alternative solutions which involve access to employment, the basis for a dignified life of refugees and their families. This can mean that, if work cannot be found where refugees are, temporary labor migration should be part of a “fourth durable solution” for refugees where resettlement, repatriation or integration are unavailable, and always guaranteeing the principle of *non-refoulement*. The above solution might mean a visa to Dubai, for example, to work in construction. Whatever type of work the refugee compact and the “self-reliance” paradigm encourages, the compact must also endorse provisions to ensure that refugees are not exploited.

Two of the migration compact objectives (No. 5 and No. 6) address fair recruitment and the importance of decent work. The Global Compact on Refugees should follow this line and emphasize that whenever refugees are to be treated as laborers, they must be entitled to social protections and full workplace rights (Gordon, 2018). The Compact expresses quite vaguely though this point:

To foster inclusive economic growth for host communities and refugees, in support of host countries and subject to relevant national laws and policies, States and relevant stakeholders³⁰ will contribute resources and expertise to promote economic opportunities, decent work, job creation and entrepreneurship programmes for host community members and refugees, including women, young adults, older persons and persons with disabilities. (The Global Compact on Refugees, 2018, point 70, p.13)

The Global Compact on Refugees offers new perspectives, still to be developed and implemented, regarding durable solutions:

(...) The elements set out below are intended to bring greater predictability, and to engage a wider range of States and relevant stakeholders, for the achievement of solutions. In particular: support will be provided for countries of origin, and host countries where appropriate, upon their request, to facilitate conditions for voluntary repatriation, including through Global Refugee Forums and Support Platforms; offers of resettlement and complementary pathways will be an indispensable part of the arrangements set out in Part A; and while local integration is a sovereign decision, those States electing to provide this or other local solutions will require particular support. (The Global Compact on Refugees, 2018, point 86, p.16-17)

2. Local Integration of Refugees: What works?

Local integration is recognized in refugee doctrine as one of the three durable solutions to the refugee problem, together with voluntary repatriation, and resettlement. Local integration is the option whereby refugees legally, economically and socially integrate in the host country, availing themselves of the national protection of the host government.

The 2018 Global Compact on Refugees recapitulates the doctrine and importance of local integration as one of the durable solutions for refugees:

While voluntary repatriation remains the preferred solution in the majority of refugee situations, it is also important to support countries who elect to resolve a refugee situation locally. Local integration is a sovereign decision and an option to be exercised by States guided by their treaty obligations and human rights principles. A number of States have found it useful to move towards the local integration of refugees, including by providing durable legal status and naturalization, where appropriate, without prejudice to the specific situation of certain middle income and developing countries facing large-scale refugee situations. (The Global Compact on Refugees, 2018, point 97, p. 19)

It also points out the need to contribute so that this integration is effective, and as a true responsibility-sharing effort:

In support of countries opting to provide local integration, the international community as a whole will, in close cooperation with national authorities of host countries, contribute resources and expertise to assist with the development of a strategic framework for local integration. The capacity of relevant State institutions, local communities and civil society will be strengthened to support the local integration process (e.g. to address documentation issues; facilitate language and vocational training, including for women and girls). Support will be provided for programmes fostering respect and good relations and to facilitate access to livelihood opportunities for integrating refugees, including through analysis of economies in refugee hosting areas, taking into account local labour market assessments and skills profiles, including of women and young adults. Investments in areas where refugees will settle, in support of national development plans and strategies and in line with the 2030 Agenda, will be actively promoted, and regional frameworks which may complement national laws in offering pathways to durable legal status or naturalization for refugees will be explored, where appropriate. (The Global Compact on Refugees, 2018, point 99, p. 19)

2.1. Local Integration: Benefits and Obstacles

While the 1951 Refugee Convention acknowledges the importance of local integration, namely the access to citizenship as part of a durable solution, the process of local integration for refugees and their hosts has not been researched and implemented enough, perhaps since voluntary repatriation has traditionally been the preferred refugee policy globally (Fielden, 2008).

The notion of local integration, though frequently used in the context of refugees, lacks any formal definition in international refugee law. Local integration combines three main elements: legal, economic and social. In the legal process, refugees are progressively granted a wider range of rights and entitlements by the host state. Under the terms of the 1951 Refugee Convention, these include, for example, the rights to seek employment, to engage in income-generating activities, to own and dispose of property, to enjoy freedom of movement, or to have access to public services such as education.

The process whereby refugees gain and accumulate rights may lead to the acquisition of permanent residence rights and ultimately to the acquisition of citizenship in the country of asylum. In the economic process, by acquiring the aforementioned rights and entitlements, refugees also improve their potential to establish sustainable livelihoods, to attain a growing degree of self-reliance, and to become progressively less reliant on state aid or humanitarian assistance. In accordance with these indicators, refugees who are prevented or deterred from participating in the local economy and whose standard of living is consistently lower than the poorest members of the host community, cannot be considered to be locally integrated. The social process enables refugees to live amongst or alongside the host population without fear of systematic discrimination, intimidation or exploitation by the authorities or people of the asylum country. It is consequently a process that involves both refugees and the host population (Crisp, 2004).

According to article 34 of the 1951 Geneva Convention, *“the contracting states shall as far as possible facilitate the assimilation and naturalization of refugees. They shall in particular make every effort to expedite naturalization proceedings.”*

Strictly speaking, the process of local integration becomes a durable solution only at the point when a refugee becomes a naturalized citizen of his or her asylum country, and consequently is no longer in need of international protection. I argue that the multidimensional nature of local integration does not allow for such a restrictive interpretation. A refugee may exercise a wide range of rights, be of contribution to the society and develop close social ties with the host community without becoming a naturalized citizen (Jacobsen, 2003).

Refugee influxes are often termed a “burden” by host countries, but they can also offer a great opportunity for economic development. Indeed, local integration has many potential benefits for both the refugees and host populations.

The refugees constitute a new labour force with skills that can be utilised to benefit the host community by developing under-populated areas. For example, the 1972 influx of Burundian refugees in Tanzania led to the development of land for farming in the country’s remote Western periphery which enabled the refugees to contribute substantially to the local and national economy.

Integrating refugees can lead to long-term development projects, an “opening up” of regions otherwise neglected by the host country (UNHCR, 1997). The educational integration in the Kyenjojo District in Uganda demonstrates this possibility on a local level. While the Bujubuli Primary School was built originally for the Congolese and Rwandan refugees that began settling there in 1994, the school now serves a majority of Ugandan children that study peacefully alongside refugee children. The local children have closer access to a school with more resources and more teachers than they otherwise would have without the integration of refugees into the community (Dyrden-Peterson and Hovil, 2004).

Local integration contributes to put an end to situations of lack of freedom of movement and the right to work, typically suffered by refugees in camps. In the 1983 “Principles for action in developing countries”, UNHCR recognised the need for fair economic opportunities as a guide to integration, and both the 1951 Convention and the 1966 International Covenant on Civil and Political Rights confirm the rights of all legal residents to freedom of movement.

There is resistance to the local integration of refugee populations from host governments and locals alike. This opposition is based on a number of factors, both real and perceived. At times, refugee camps have experienced direct attacks and militarization has become acute, such as in the DRC after the Rwandan genocide. Petty and organised crime has indeed flourished in some refugee hosting areas.

2.2 Where has local integration worked?

For over 30 years, Angola has hosted a population of over 13,000 Congolese refugees who fled the violence of a secessionist movement in 1977. The refugees were given land in non-urban areas to settle and to cultivate.

They have since attained a considerable degree of socio-economic integration and are largely self-sufficient. In a country where half the population is under the age of 15, the vast majority of Congolese refugees have never seen their homeland. They speak Portuguese like the local population, while only the older refugees know the French they spoke in the DRC (Fielden, 2008).

Another country where integration has worked is Gabon. Until mid-1999, Gabon remained one of the few countries on the African continent not to have experienced a significant influx of refugees. That changed in June 1999 with the arrival of thousands of people fleeing the spreading civil conflict in neighbouring Republic of Congo (RoC). The RoC experienced three civil wars in the early 1990s to 1993, in 1997 and again in 1999. The conflict in 1999 caused a considerable amount of internal and external displacement; many eventually settled in Gabon. Upon arrival in Gabon, most refugees initially settled within or adjacent to existing villages in rural areas, some of whom have remained there since their arrival, although some have since moved to the urban areas. Little assistance, however, was provided by the UNHCR or other agencies, so the refugee caseload was, for the most part, self-settled. Some have since repatriated back to the Republic of Congo after the establishment of relative peace.

Both refugee and Gabonese communities today share infrastructure such as health services, or schools, facilitated by regular cross-border interactions and ethnic similarities, which were positive elements that made possible the Congolese integration amongst the local Gabonese. The Gabonese communities have even adopted some traditional Congolese agricultural techniques (Stone & De Vriese, 2004).

For the past half of a century, Tanzania has been one of the most generous refugee hosting countries in Africa. The government has also issued several invitations for the mass naturalization of refugees, making this country a model of local integration and naturalization and an example of a country offering durable solutions to refugees (Kamanga, 2005).

In the 1960s, refugees in Tanzania were naturalized as the country pursued a rural village settlement scheme, named *ujamaa*. The *Ujamaa* policy was adopted in the Arusha declaration of 1967, which promoted collective action through the consolidation of land. *Ujamaa* was not only an economic policy but also a humanitarian one. For example, it promoted the concepts of *undugu* (brotherhood) and *utu* (humanity). This attitude largely drove Tanzania's open-door policy towards refugees (Chaulia, 2003). This success was due largely to the attitude and policies of the host government, as Tanzanian leader Julius Nyerere and his humanist philosophy transformed his belief in communal economics and African solidarity into open-door refugee policies. Although later on Tanzania would suffer host-fatigue, this is a model for today's Africa, and especially for countries in the Northern hemisphere. If implemented in the current context, the refugees would enjoy opportunities and a future of hope.

Large numbers of Rwandan refugees requested the government of Nyerere for naturalization, and in 1981, approximately 25,000 Rwandan refugees were granted Tanzanian citizenship. Later on, in 2003, Tanzania offered approximately 3,000 Somali refugees living in the Chogo camp the possibility of naturalization.

In 2007, the Tanzanian government, in partnership with the Burundian government and UNHCR, adopted the Tanzania Comprehensive Solutions Strategy (TANCOSS), which was a framework for a

durable solution for Burundian refugees, who had been in Tanzania for more than 30 years. In 2008, over 200,000 Burundian refugees were given a choice between repatriation and naturalization, and almost 80 percent opted for Tanzanian citizenship. By October 2014, 162,156 people had received Tanzanian citizenship, marking the largest group in UNHCR's history to which naturalisation had been offered by a country of first asylum as a solution to decades in exile. Later on, Tanzanian authorities would offer citizenship for a further 40,000 people. In total some 200,000 people were granted citizenship, including some of the children of the Burundian refugees, who fled their country amid ethnic conflict in 1972. This was the largest naturalization by any state in the world (Markus, 2014).

Our last good practice regarding refugee integration is Zambia, hosting refugees fleeing political and civil strife in other Sub-Saharan African countries, in particular Angolan refugees. Over four million Angolans were displaced internally, while another 600,000 fled the country to seek refuge in other countries, including Zambia (UNHCR, 2012). These have been able to access asylum status since 1966. On June 30, 2012, however, the Government of Zambia invoked the cessation clause, and Angolan refugees lost their refugee status, compelling the repatriation of many to Angola. As repatriation policies intensified, some former Angolan refugees expressed a wish to remain and integrate in Zambia, having lived in the country for decades and some with strong familial affiliations with the local population in Zambia (Kambela, 2016).

In April 2014, the Zambian government, together with UNHCR, launched the Strategic Framework for the Local Integration of Former Refugees in Zambia. This plan aimed at integrating up to 10,000 Angolan refugees, mainly from the refugee settlements of Mayukwayukwa and Meheba, into Zambian society by issuing long-term residence permits, access to demarcated land, and basic services such as education and health (UNHCR, 2012).

Socially and economically, former Angolan refugees are successfully integrated into Zambian society. However, in terms of legal integration there are some challenges, mainly because the program was predicated on the swift provision of Angolan identity cards and passports by the Government of Angola, which did not happen in a speedy way (Bakewell, 2000).

Research by the African Centre for the Constructive Resolution of Disputes (ACCORD) in May 2016 confirmed that, up until 2016, Zambia had successfully screened and certified approximately 6,000 Angolan refugees for eligibility for local integration. Out of this number, however, only 200 have been issued immigration permits to settle in Zambia, mainly due to the issuing permits for former refugees was a lengthy process (Kambela, 2016).

The main sources of livelihoods for former Angolan refugees in Zambia include farming, small-scale business and casual labour, all of which facilitates their self-reliance and thus, their economic integration. Socially, former Angolan refugees are fully integrated with Zambians, sharing education and social programs, and increasingly intermarriages have facilitated social integration (US Department of State, Development and Training Services, 2014).

2.3. What makes local integration work?

When analyzing good practices, it is important to look at local integration from a holistic perspective. This is because, as the case studies above show, it is sometimes not possible for refugees to attain full local integration because legal integration remains particularly difficult.

2.3.1 Access to land

Access to land is essential for refugees to economically integrate. For example, the governments of Tanzania, Gabon, and Angola designated land to establish refugee settlements and gave plots to refugees where they could construct homes and cultivate crops. In Tanzania and Zambia, refugees received approximately 5 and 2.5 hectares of land per household, respectively. Additionally, refugees in Tanzania benefited from receiving seeds and tools through assistance from government and aid agencies, such as the UNHCR, to establish their farms.

In an example of both provision of land and re-training, Central African Republic refugees in Cameroon had to adapt their livelihoods that were based on herding before they were displaced. Unfortunately, many lost their cattle during the conflict and arrived in Cameroon with no livestock and no experience in farming. UNHCR and other implementing partners helped the refugees negotiate for land to farm and also offered them some technical support including training for farming. In the best cases, this effort resulted in refugees getting plots of land close to their homes that were large enough to sustain their families.

2.3.2 Access to employment

Access to employment is challenging for most of the refugees worldwide. The main challenges refugees face are that they often do not know the process for getting a work permit, or they think it would be impossible because refugees generally do not have the required documentation such as birth certificates. Refugees are often also precluded from working in the formal sector because they seldom have the required skills. For example, the majority of refugees from CAR living in Cameroon are limited by their prior experience as herders and their newly acquired skills as farmers.

In other cases, in Tanzania and Zambia, refugees are also excluded from working in the formal sector because they lack freedom of movement, as they are restricted to staying in designated camps and settlements and they must obtain exit passes to leave their settlements; generally, these are valid only for a short-time.

While this precludes them from formal employment, it gives them limited opportunity to engage in casual labour. This is somewhat common in Zambia where refugees get permission to leave the settlements to do things such as manual labour for large-scale farmers or construction work. The UNHCR and local NGOs have begun providing skills and entrepreneurial training to enable refugees to open and run businesses.

2.3.3 Livelihood support

The primary source of income for refugees in Cameroon, Gabon, Angola, Tanzania, and Zambia is agriculture-related, and therefore the focus of livelihood support by most agencies has been providing seeds and tools. In Cameroon it has also included agricultural training because CAR refugees arrived with no farming experience. The UNHCR and others, like the US Bureau of Population, Refugees, and Migration (PRM) have supported livelihood efforts in Cameroon. For three years (fiscal years 2010-2012), PRM provided a total of \$2.2 million to International Relief and Development (IRD), a U.S.-based organization, for agricultural and livelihood programs in the East and Adamawa regions. With PRM funding, IRD was able to help teach mostly nomadic Central African Republic refugees from a non-farming culture how to cultivate and harvest crops for household consumption, income generation, and contribution to community crop storage.

2.3.4 Social connections

Refugees tend to flee to neighboring countries where a common language is spoken and where they may have family, tribal, cultural, religious, or historical ties. In some cases, they have similar names and similar features, making it difficult to distinguish refugees from nationals; Somali refugees in Kenya are an example of this. When refugees are allowed to settle near the border or locations where they have much in common with the host community, social integration is natural.

In Tanzania, when the government was considering requiring relocation to other regions as part of the naturalization process, there was concern that the social integration of refugees would experience a set-back because they would be moved to a location where they may not have much in common with their new neighbours.

The refugees from Gabon faced no significant social barriers with their host communities. They attended school, play sports, worship, and celebrate holidays together. Marriages between refugees and nationals are also common and well-accepted. However, their integration is sometimes affected by restrictions on their movement.

2.3.5 Access to Services

Refugees in Cameroon, Tanzania, and Zambia generally have access to health clinics, primary education, water supply and sanitation services similar to the host communities' access.

There are, however, limits in accessing services because of several factors such as both the lack of facilities, and the distances to the facilities that do exist. The number of health care and education facilities is insufficient for the number of refugees and nationals. And where facilities exist, they are generally not well staffed with medical doctors or qualified teachers. Partner governments, the UNHCR, and UNICEF have contributed to the construction of clinics and schools, but it is the responsibility of the host government to ensure that they are staffed with appropriately trained medical professionals and teachers. However, funding is a constant problem and often prevents full staffing.

There has also been a push to mainstream the education of refugees. In Malawi, there has been a concerted effort by the UNHCR, and other agencies to integrate refugee children within the Malawian education system, aiming to promote sustainable solutions from the beginning. This approach is primarily aimed at including refugees in the national service delivery systems and avoiding the development of parallel services. It is also aimed at ensuring that all girls and boys complete primary school, which is the initial platform to provide long-term solutions.

There is also the advantage of choosing already existent schools to help “normalize” the situation among the refugee community by providing a regular rhythm to the life of young people. Supporting local schools instead of creating parallel ones allows for social cohesion by offering places where children can come together and promote peaceful coexistence while both displaced and local communities are promoted.

2.3.6 Collaboration with the local population

Providing opportunities for refugees to collaborate with nationals in managing the settlements and villages where they live, gives them a voice so that their concerns and interests are known. In Tanzania and Zambia, the Ministries of Home Affairs provide oversight of the settlements. Refugees then serve

in elected positions such as chairman, vice chairman, block or sector leader, etc. Refugees are involved in various committees for water, education, neighbourhood watch, community development, and welfare. The refugee leaders also communicate with traditional leaders in neighbouring host communities.

In Cameroon, although refugees participate in the management of their host villages, this does not happen to the same extent as nationals. For example, refugees participate in village water or health committees, and may even lead the committees, but a Cameroonian fills the role of village chief. Villages may also have a representative for the refugees who works closely with the chief.

Collaboration gives both refugees and nationals a voice. In Cameroon, for example, village chiefs made UNHCR and implementing partners aware of the fact that nationals were unhappy that all the benefits were going to the refugees and the host community was getting nothing. In response, in addition to public services being available to refugees and nationals, other assistance such as income-generating activities were given to both refugees and nationals according to a 70-30 ratio.

2.4 Operational Recommendations

Based on the observations from the case studies and the experience of the UNHCR and other partner organisations, we can affirm that local integration continues to be an appropriate durable solution for refugees in protracted refugee situations. However, it is important to realise that local integration is a long process, and some important preconditions have to be met. It is important for the Church and humanitarian agencies to understand what role they play in helping refugees better integrate locally in practical terms, and what resources might be required to see it through.

Based on the observations in the five countries studied, there are multiple responses to how integration can be promoted.

First, through the implementation of financial programs: Where land has been provided to refugees for farming and settlement, as was the case in Tanzania, Zambia, Angola and Uganda, organisations may implement programs such as providing financial cash transfers to allow refugees to purchase inputs for their farms which will help them move more quickly towards self-reliance. Investing in education for refugee communities will be crucial towards the integration process. But programs must involve the local communities so that they too can benefit from the quality education offered. This will help in promoting a sense of ownership of the projects and the rebuilding of social cohesion. Education in this case has to include technical and vocational training that will help speed up the path towards self-sufficiency for refugees. Finally, access to legal aid can facilitate access to birth certificates, work permits, identification documentation, legal immigration, and due process for refugees that have been detained or arrested.

3. Repatriation or local integration? The case of Tamil refugees in India

Repatriation, together with local integration and resettlement, is one of the three durable solutions for refugees. Through voluntary repatriation, refugees return to their country of origin and re-avail themselves of national protection. According to refugee doctrine, repatriation needs to be voluntary, and in conditions of dignity and safety. While they seems obvious, these conditions are not always respected.

The 2018 Global Compact on Refugees recapitulates the doctrine on voluntary repatriation:

Voluntary repatriation in conditions of safety and dignity remains the preferred solution in the majority of refugee situations. The overriding priorities are to promote the enabling conditions for voluntary repatriation in full respect for the principle of *non-refoulement*, to ensure the exercise of a free and informed choice and to mobilize support to underpin safe and dignified repatriation. It is recognized that voluntary repatriation is not necessarily conditioned on the accomplishment of political solutions in the country of origin, in order not to impede the exercise of the right of refugees to return to their own country. It is equally recognized that there are situations where refugees voluntarily return outside the context of formal voluntary repatriation programmes, and that this requires support. While enabling voluntary repatriation is first and foremost the responsibility of the country of origin towards its own people, the international community as a whole stands ready to provide support, including to facilitate sustainability of return. (The Global Compact on Refugees, 2018, point 87, p.17)

However, many of the world's refugees live in protracted situations (five years or more) and even if repatriation may appear as a possibility, some of them have never lived in their countries of origin, making this an extremely difficult decision. This is the case of some of the Tamil refugees from Sri Lanka living in Tamil Nadu, Southern India. I will strive to explain in the next pages the difficulties refugees have in making the right choice regarding their future.

3.1 The Indian refugee context

India hosts around 200,000 refugees from various backgrounds, including Tibetans who sought asylum following persecution by the Chinese government; Afghans who have become the largest refugee population in the region due to the conflict in their homeland; Kashmiri Pandit families who have been displaced from the Kashmir Valley; Sri Lankan Tamils who have fled civil conflict during the last three decades; Chin and Rohingyas who have arrived more recently to escape ethnic cleansing in Myanmar; and, Somalis and Sudanese seeking safety after long journeys.

India has at times instituted an open-door policy toward refugees. In 2016, for example, the Indian government issued long-term visas to refugees registered by the UNHCR which allowed the refugees to stay in the country and afforded them easier access to employment and education. Nevertheless, the fact that India has signed neither the 1951 United Nations Refugee Convention nor its 1967 Protocol continues to raise critical questions about its regional leadership role in refugee protection. In December 2015, Indian Member of Parliament Shashi Tharoor introduced a Private Member's Bill entitled the Asylum Bill 2015, which would promote the establishment of a legal framework to consolidate and systematize India's refugee policies. The bill has yet to be taken up for consideration. The absence of any domestic law, or a regional South Asian framework, compounds the issue and contributes to arbitrary and unjust treatment of the refugees.

While the movement of Hindus into India is seen as natural—for example Hindu-Sikh Afghan refugees have routinely been naturalized and integrated within local communities—the flow of other refugees, especially those of Muslim backgrounds, is viewed as a threat. For example, the Rohingya Muslims receive neither proper documentation nor assistance from non-governmental organizations (NGOs) or the government. Until a permanent solution is found in Myanmar, refugee hosting countries, including India, must ensure that the Rohingya people can live with basic human rights and dignity.

Xenophobia towards refugees and migrant populations in India is increasing. Only by upholding the duty to protect those fleeing persecution and violence, and by embracing the opportunities that refugees and migrants offer to their new societies, will India be able to achieve a more prosperous and just future for all (Ki Moon, 2016).

3.2. The Options

Nothing belongs to us in Sri Lanka and here in India we do not have citizenship. We are rightless. We are trapped. My son is telling me to come back but not right now; we hope that after some time things will improve in Sri Lanka. (Refugee in Tamil Nadu, 2017)

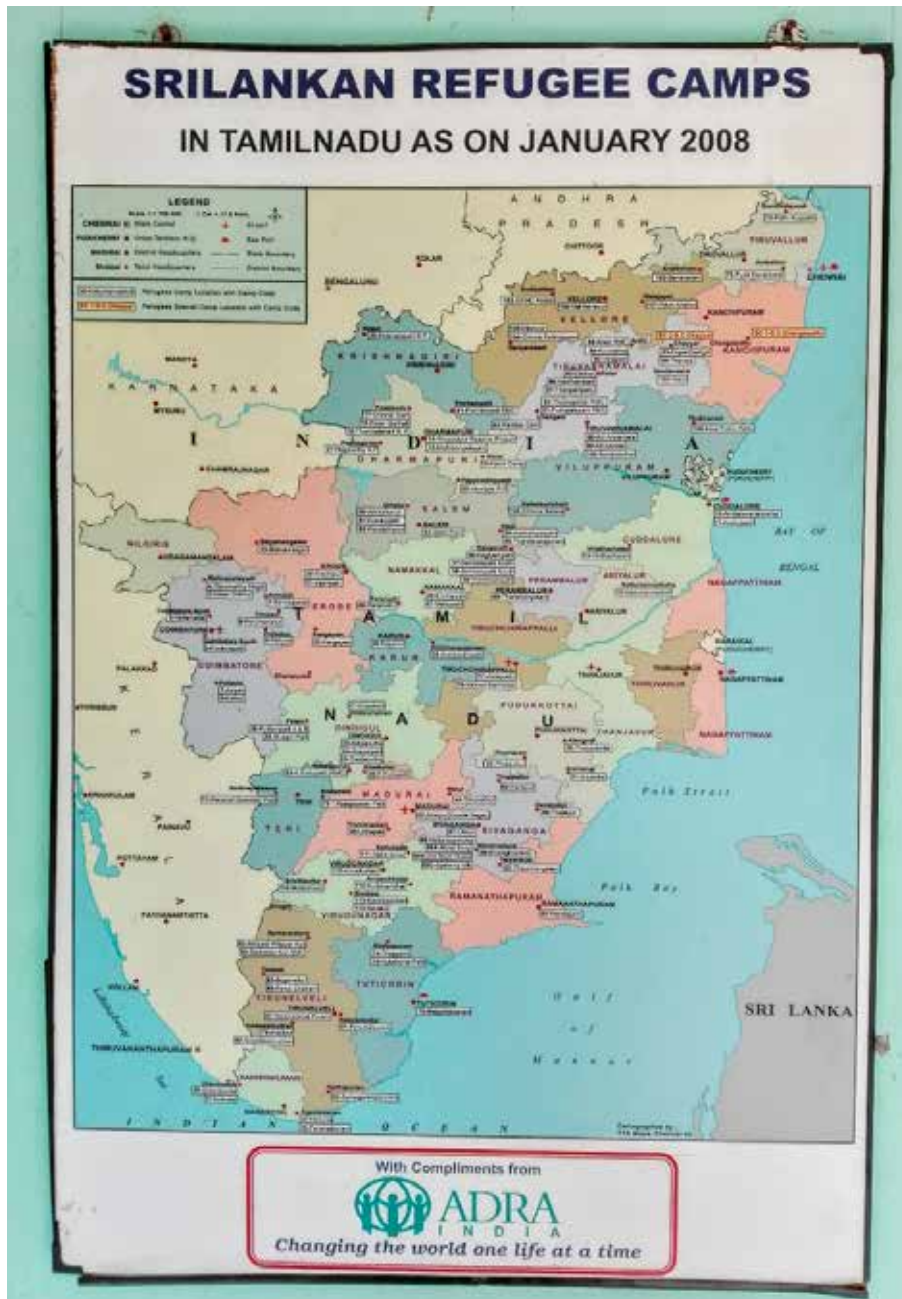
Tamil refugees arrived in the southern state of Tamil Nadu in India from Sri Lanka over various periods. Some arrived 30 years ago, while others arrived at the peak of the civil war in the mid- 2000's. All see themselves as being in limbo, belonging neither to Sri Lanka nor to India, and not able to develop their lives in a natural way.

Today, 62,629 Tamil refugees live in 107 camps spread throughout Tamil Nadu. Another 36,794 refugees have decided to live outside the camps. They are entitled to a residence visas and work permits. The camp populations also include nearly 30,000 Malayalam or Indian-origin Tamils. The Indian Tamils in Sri Lanka and India are Tamil people of Indian origin. Some also migrated on their own for other commercial reasons.

Many Tamils have lived for decades in refugee camps. Life in a refugee camp is not a sustainable solution because, among other reasons, prolonged life in the camps leads to dependency. Moreover, the refugee designation also prohibits efforts to advance oneself in the local society. For example, while many camp residents receive higher education through scholarships, when it comes to access to employment, even those with a college degree are held back because they are labelled "refugees."

Listening to some of the Tamil refugees in Tamil Nadu, I heard the following: "We have lost our land, our culture and all our things. We have been living here in the camp for more than 25 years, asking for permission each time we need to leave the camp. I am fed up with being a refugee." Another refugee stated that: "When we have to go to a burial, we need to ask for permission. For the food rations, we have to queue up for hours in two lines; we are 900 in the camp."

Given the reality that refugee life is not a long-term solution, humanitarian organizations query: What are the sustainable solutions to which Tamil refugees aspire? What are their fears about repatriation? Are these fears well-founded, given current conditions in Sri Lanka? Are their expectations realistic and based on credible information?



Map of the 107 Tamil refugee camps in Tamil Nadu, India (Valcárcel, 2017)

It appears that there are two sustainable long-term options for Tamil refugees: repatriation to Sri Lanka or local integration in India. Resettlement to a third country is no longer an option, as conveyed by the UNHCR in a meeting held in Chennai on March 14, 2017. This news caused frustration for many refugees who had imagined rebuilding their lives outside India. Understandably, however, UNHCR follows the quotas offered by resettlement countries. Because of diminishing quotas, priority is given to other groups of refugees with great protection needs.

Which of these two long-term options is best for a particular refugee and his or her family depends on a number of factors. Some refugees wish to stay in India with access to citizenship; others express the desire to return, but only when conditions improve. The factors and conditions that impact the decision-making process are outlined below.

3.2.1 Repatriation to Sri Lanka

When I came to Tamil Nadu I thought after one year I would go back. I have been here 25 years now. Even if the government of Tamil Nadu has provided basic needs throughout these years, my yearning to go back home is very strong. We are watching the political situation in our country. The lack of livelihood opportunities and access to land is something that concerns me and many other refugees. If the repatriation comes under an agreement between the government of India and Sri Lanka, then the support might be greater. So, I am waiting to see what happens. (Refugee in Tamil Nadu, 2017)

In Sri Lanka, divisions and resentment between the two main ethnic communities have their roots in discrimination. Some of these discriminatory practices are still prevalent and little change is foreseeable in the near future. There is no clear data regarding refugees returning to India after having been repatriated to Sri Lanka. JRS and other groups hope for national reconciliation that permits the voluntary repatriation of refugees to Sri Lanka. However, Tamil refugees express uncertainty and fear regarding their ability to earn a living, access land, and find security if they return to Sri Lanka.

Since 2014, in the absence of a tripartite agreement between the UNHCR and the governments of India and Sri Lanka, the UNHCR has been assisting in the voluntary repatriation of refugees from Tamil Nadu to Sri Lanka. The UNHCR facilitates repatriation, but does not promote it. For those who opt to repatriate, it provides free airline tickets, a reintegration allowance of \$75 USD per person, a transport allowance of \$19 USD per person, and a monetary non-food grant of \$75 USD per family (Colombo Page, 2016). Since 2011, 5,110 refugees—1,863 families—have returned to Sri Lanka, according to the Secretary of the Ministry of Prison Reforms, Rehabilitation, Resettlement and Hindu Religious Affairs. Access to land is a pressing issue since most of the returnees find their lands occupied by others.

Below are some recommended lines of action for the humanitarian community working both in India and Sri Lanka, based on the international standards of return.

3.2.1.1 Willingness to return

We are connected to our relatives; some are internally displaced persons. My son is telling me to come back but not now, after some time. The youth is protesting for land. Economically it is challenging, but the security has improved. (Refugee in Tamil Nadu, 2017)

Refugees must be involved and consulted in every phase of planning and execution of voluntary repatriation. A well-informed decision by the family or individual is vital and all returnees must be made aware of the situation in Sri Lanka through objective information. Yet at present, there is no provision made for neutral, balanced information, and the government shies away from informing refugees about the situation in Sri Lanka. On the other hand, some organizations propagate excessively optimistic information regarding the situation in Sri Lanka for political purposes. The most accurate information for refugees may be from their relatives in Sri Lanka. The UNHCR and the local government should provide balanced information to refugees on a regular basis and should encourage refugee leaders to create an enabling environment so that refugees can make free and fully informed decisions.

There is also a paucity of credible research on the aspirations of the different populations who live in the camps. It is thought that the so-called Plantation Tamils coming from the central hill areas would mostly like to stay in India, although more research needs to be done on this topic. Most of them arrived in India after the communal violence perpetrated against them in 1983. There are also Tamils of Sri Lankan origin who arrived in different periods after other waves of violence. A survey of these

populations, coupled with interactions with refugee leaders in the camps, would enhance researchers' understanding of the aspirations and intentions of these groups.

3.2.1.2 Dignity: Land, Livelihoods, Education, and Trust-Building

I want my land, my trees. I want to be close to my relatives. But I do not own that land any more. When a returnee does not own land, it is difficult for him to adjust. Sometimes he is given a forest land where it is difficult to grow anything. (Refugee in Tamil Nadu, 2017)

The major concern for refugees is access to land, livelihoods, and the basic provision of food, shelter, health, and education in their communities, all in a safe environment. Refugees say that they would voluntarily repatriate if they had access to these basic rights. The UNHCR confirms that the main concern for returnees is access to livelihoods and to shelter.

Listening to the refugees, we hear that land is a main issue of concern. Those who own land repatriate more readily. Initially, they find it difficult to adjust, particularly if their land has become overgrown. However, once the land is cleared, their lives become easier. "My own brother went back to Sri Lanka in 2002, he saw that our land had been occupied by the army. If the army gives back our land, we are ready to go back," says a refugee.

However, some refugees find upon their return that their land is occupied by others, including the Sri Lankan government and military. For example, refugees from India as well as internally displaced people who have gone back to Mullaitivu in Sri Lanka are struggling to get their land back. In 2017, they protested for three months because their land had been occupied by armed forces after their displacement.

The UNHCR should make the issue of land ownership a priority. A supranational body needs to persuade the Sri Lankan government to give land back to returnees. If this need is overlooked, it will lead to tension and potential conflict.

"Unless you have savings to set up your own business, it will be difficult for you to survive," warns a refugee when talking about livelihoods. Refugees share their fears about returning with no prospects for a livelihood. They have been told by returnees that unless they have sufficient capital and the capacity to start a business, it would be better to delay their return. Many returnees have to rent a house after the initial three-month period of assistance from the UNHCR.

There are a number of NGOs providing skills training and agricultural support, such as support for the purchase of livestock. One of the main areas of intervention in Sri Lanka is in life-skills training opportunities that prepare returnees—both IDPs and refugees— for self-reliance.

I left Sri Lanka in 2006 in the midst of atrocities. I have seen the devastation of the war. I remember hiding in the bunkers. Even though I have sad memories I want to go back to my land. Here in Tamil Nadu I learnt tailoring and beautician skills and I have managed to be self-reliant. My aunt told me that beauticians are finding jobs in Sri Lanka so I am preparing my documents to go back to my country. (Refugee woman, Tamil Nadu, 2017)

Education is key when deciding on durable solutions. "I want my children to complete education here. Recognition of grades 1-9 of Indian school levels are a problem back in Sri Lanka," explains a refugee woman.

Refugee women who are teachers indicate that another concern is the uncertainty of refugees over the prospects for their children's education back home. Refugees would like their children to finish their education—university included—in India, since opportunities for access to higher education in Sri Lanka seem to be bleak for Tamils. There are three universities in the north of Sri Lanka, in the Jaffna and Batticaloa areas. The universities are located far away from the homes of many returnees. While many Sinhalese are being admitted to these universities, it is difficult for Tamils to gain access due to ethnic discrimination. Only those Tamil returnees who can secure support from abroad are able to access higher education for their children in private institutions.

The humanitarian community can help to ensure that education is guaranteed until repatriation takes place, to facilitate the education of returnee children, and to ensure recognition of the qualifications and accreditation of teachers and students educated in India and repatriated to Sri Lanka. There is a particular need for inclusive youth development programs inside Sri Lanka.

On a final note regarding trust-building, I have observed that local and international organizations, in collaboration with religious and community leaders, can build trust and promote reconciliation not only between Tamil and Sinhalese communities, but also between returnees and host communities. Lack of trust between returning and receiving communities may lead to problems. The need for reconciliation should be integrated into all the programs and activities undertaken in Sri Lanka through peace education in formal or informal settings, and family friendship groups in the returnee sites.

3.2.1.3 Security and the monitoring of safety conditions

“During last year,” an official explained, “there were no specific security or protection-related concerns, compared to 2014 where 25 percent of the returnees were subject to interrogation by the security forces”. As I have analyzed earlier in my thesis, one of the pillars of international doctrine is the principle of *non-refoulement*, which means that refugees should not be returned to persecution or danger, or to a place that is still unsafe. According to the UNHCR, every refugee who returns through facilitated repatriation, as well as those who go back spontaneously but who register with the UNHCR, should receive one year of protection monitoring. Despite this policy, returning refugees have expressed fear, especially those who migrated to India after the atrocities towards the end of the war in 2009. Those who arrived in India in that time period are often viewed as having connections to the Liberation Tigers of Tamil Eelam (LTTE).

UNHCR in Sri Lanka should systematically monitor the protection of returnees, including their access to land and livelihoods, as a real and sustainable solution and an element of potential tension. It should also ensure that the rights of returnees are respected, and that safety and non-discrimination are guaranteed when accessing social services.

The security situation for Tamils in Sri Lanka has improved. However, the Indian government and donor governments should persuade the Sri Lankan government to create a situation of normalcy and safety for Sri Lankan Tamils by improving security conditions and decreasing discriminatory practices.

The need to return by ship - A practical motivation to return:

According to one source, roughly 10,000 refugees would be ready to go back to Sri Lanka if a ship could be provided to carry their belongings with them. The Organisation for Eelam Refugees Rehabilitation (OfERR) has recently submitted a list of 3,815 refugees waiting for the ferry service to start to head home.

Currently, the repatriation option includes a baggage allowance of only 60 kg by flight; for some, this alone is a reason not to return since they have accumulated many belongings after years in exile. Humanitarian organizations and the UNHCR should encourage the Indian and Sri Lankan governments to provide ship transportation for returning refugees.



*Refugees are confronted to a difficult decision.
Many have never lived in Sri Lanka
(Valcárcel, March 2016)*

3.2.2 Local Integration in India

I want to change my identity from being called “refugee” to being a citizen. I am studying for an MBA in airport management but I cannot get a passport nor handle passports. I am concerned about my future here in India, but I do not want to return to Sri Lanka. My parents have very bad memories of the war. I was born here, and I do not have links with my country. (Refugee woman in Tamil Nadu, 2017)

Tamil Nadu has a population of 79 million people. Like the refugees, its residents mostly speak Tamil. The option of local integration in India needs to be researched and understood in all of its complexity, taking into account the different categories of refugees involved, including Plantation Tamils who do not want to return, and ex-combatants and other refugees who fear repatriation.

According to the Department of Rehabilitation of the Government of Tamil Nadu, a very rough estimate is that 40 percent of the camp refugees are of Indian origin, the so-called Tea Plantation Tamils. There is a widespread belief that most of these refugees would be willing to stay in India. In the central hill country of Sri Lanka, where about one million people live, some have Sri Lankan citizenship and others do not. The risk of statelessness is a concern for them.

When asked what they would like humanitarian organizations to do, a group of refugees suggested the following:

Give us citizenship in India, so we can get good education and proper job opportunities. For the time being, we are treated like foreigners—even if we have been here for almost 30 years—and we are discriminated against in the access to employment. We need more opportunities for the youth. (Refugee group in Tamil Nadu, 2017)

UNHCR should develop a strategic proposal to the Indian government regarding access to citizenship for refugees who desire to stay. The proposal should place all Sri Lankan refugees in India, especially those of Indian origin, under the purview of the Citizenship (Amendment) Bill, introduced on July 19, 2016, so that they—along with Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from Pakistan, Afghanistan and Bangladesh—are no longer considered illegal migrants but a group that deserves to be naturalized.

The 30,000 Malayakam (Indian origin) Tamils in the refugee camps scattered throughout Tamil Nadu should qualify for Indian citizenship by registration under Article 5 of the Citizenship Act of 1955.

However, in a communication dated November 21, 2007 to the Special Commissioner for Rehabilitation, the Secretary of the government of Tamil Nadu mentioned that there were strict instructions from the Indian government “not to entertain applications of Sri Lankan refugees for the grant of Indian citizenship.”

A strong argument in favor of granting of citizenship is the cost of managing the camps. The annual budget of the Indian government for Tamil refugees is 116 crores (17 million US dollars yearly), which is provided by the central government (55 percent) and the Tamil Nadu state government (45 percent).

As with other urban refugees in India, the out-of-camp option is realistic for those who have savings. They can secure a renewable residential visa and work permit for one year. Some say this is an option considered by roughly 10 percent of the people.



*Tamil refugee in Tamil Nadu, India
(Valcarcel, 2017)*

3.3 Meanwhile, refugees in the camps can be agents of change

Tamil refugees suffer from a prolonged stay in the Tamil Nadu refugee camps, and life continues with its daily struggles, some of which relate to the nature of the camp situation itself. However, important advocacy steps are being taken by refugees themselves. For example, one woman states: “There are some residents in my camp who are not registered as refugees. I have taken up their cases to the local authorities and now they are registered and able to get their cash dole and food ration.”

Others have addressed the scourges of child abuse and gender violence, which are often connected to high rates of alcoholism. Teachers and community leaders are becoming real agents of change. A refugee woman explains: “I intervened in two cases of child abuse in the camp. One was resolved at the camp level itself. In the second case, we contacted the police through the child-helpline. The case went to the court, and the perpetrator is now in prison for 11 years.”

Other refugees are taking care of the most vulnerable, such as the elderly, connecting them with existing opportunities: “I have helped a widow and some elderly people in my camp to fill in the form for a pension scheme and have taken them to the relevant authorities. Now these elderly people have access to a pension scheme.”

Another woman reports that she has become an advocate for education: “Some of our children are drop-outs. I have pleaded the management of the school for their re-admission and they are now back to school.” Yet another one shares her fight for access to tertiary education: “Sending our children to school is not a problem, but when it comes to higher education we encounter many problems. I have taken some cases to the government and some of the youth of my camp have now access to tertiary education.”

Thanks to the many skills and training programs throughout their years in exile, refugees have become self-reliant and are ready to make choices for themselves. As one of them put it:

I left Sri Lanka in 2006 in the midst of atrocities. I have seen the devastation of the war. I remember hiding in the bunkers. I saw how my uncle was killed. My father fled with us four children. Now I am in touch with relatives in Sri Lanka and even though I have sad memories I want to go back to my land. Here in Tamil Nadu I learned tailoring and beautician skills with JRS at Mullaikudi center. I have managed to gain other skills and be self-reliant. My aunt told me that beauticians are finding jobs in Sri Lanka so I am preparing my documents to go back at the end of 2017. (Refugee in Tamil Nadu, 2017)

Refugees who have undergone skills trainings programs testify to how this has helped them to become self-reliant, courageous, self-confident, and collaborative. Some indicate that these trainings motivate them to help others.

Many refugee women report that skills training has enabled them to live a life “outside the confinement of a kitchen.” As one woman puts it:

The Tamil culture says you as a woman need to stay at home. My husband asked me not to spoil his name by being so independent. I borrowed 200 rupees from my neighbor and started a small shop with four glasses and a block of stone which served as a table. I started selling fruit juices, one for 5 rupees. In one day I earned 400 rupees, and so I started re-investing. I now have a grocery shop at the entrance of the camp, which is worth 80,000 rupees. The greatest challenge for me has been to become and to be accepted as an independent woman. (Refugee woman, Tamil Nadu, 2017)

Youth education can improve repatriation prospects. However, it is important to understand what training is needed to access jobs in Sri Lanka. A youth group states that skills training opportunities for youth, including boys, need to be upscaled. Young refugees need information on market opportunities that are in demand in Sri Lanka and skills training programs need to be reoriented to address computer skills, health, education, and other needs. “If you learn to tailor you can get 5,000 Sri Lankan rupees a day,” explains a young woman. Another one says: “There is a big demand for beautician courses.” A good way to help refugees who are planning to go back home is to identify where they can get access to good training in Sri Lanka.

After the training on tailoring I started a shop of my own. I did not have a machine. JRS helped me get one. I now have four machines and I am employing three women, and another six girls are undergoing training in my shop. The camp officers and other people used to look down on me as I am a daughter of an alcoholic. Now I am treated with respect and dignity. I do not want to disown my father; for his sake I have postponed my marriage to take care of him. I came to India as a child in 1990. Since then, I haven’t seen my homeland or my grandparents who are there. I have fulfilled my dream of being self-reliant. Now I have a strong desire: To build a house of my own in Sri Lanka. This is now my dream. (Refugee in Tamil Nadu, 2017)

Other refugees are less certain about their future. While they understand that the permanent solution is repatriation they also see the difficulties in accessing land and livelihoods. Young people express the need to be citizens of either India or Sri Lanka. They think that only then can they become embraced by society: “We want to live in a country where there is inclusivity.”



*Welcome by Tamil refugee students to a meeting
(Valcárcel, 2017)*

3.4 Ways forward

A life in a refugee camp is a life without dignity, especially after such a prolonged time. Sri Lankan refugees in Tamil Nadu need sustainable solutions to have a life free from dependency. As one explained to me: “I have been in the camp for 27 years. I want to get rid of rightlessness and so I want to go back to Sri Lanka.”

For those who wish to return to Sri Lanka, conditions need to be safe and free for them to build their lives with dignity. This includes a solution to avoid the risk of statelessness for those who are of Indian origin and who left Sri Lanka more than three decades ago.

The refugee identity is something that people—especially youth—want to get rid of. “For three generations we have been refugees, but I want to live with a different identity, I want to be called citizen, not refugee. I want to be free.”

The Tamils are ultimately the best advocates of their own cause. A powerful example comes from the Catholic villagers from Mullikulam, in Mannar Diocese in northern Sri Lanka, who have been protesting for years against the seizure of their homes, agricultural lands, and a church by the Sri Lankan Navy in 2007 -two years before the country’s civil war ended. On April 30, 2017, after decades of protest, some of their properties were returned. This occurred after a Navy commander met with the villagers, three priests, and representatives from the Catholic lawyers association. This is a hopeful sign and an important victory in retrieving land and property taken by the military during the island nation’s civil war.

Based on interviews and personal observations during my visits to Tamil Nadu, I conclude that the Tamil refugees fundamentally want to be disassociated with the condition of “refugee.” This is particularly important given the length of their exile: many Tamils have lived in India for as long as three decades, while younger residents were born in India and have never been to Sri Lanka. Thus, their situation and needs vary significantly from more recently displaced refugee communities. Distancing themselves from the refugee label and its consequences would result in a better quality of life for them, their families, and their communities.

This can be achieved in the following ways.

First, through a responsible repatriation of those who desire to return to Sri Lanka. This requires coordination with local and national government entities to ensure physical security; access to land; opportunities for livelihood; facilitated re-integration; continuity of education, including access to higher education; and the option to return by ship in order to transport sufficient possessions.

Second, through local Integration within India for those who do not desire or cannot repatriate to Sri Lanka. Because many of the refugees, particularly those from the Hill country in Sri Lanka, do not have Sri Lankan citizenship, they wish to avoid statelessness by becoming Indian citizens. To advocate for them and for other Tamil refugees who wish to remain in India, the United Nations High Commissioner for Refugees (UNHCR) should create a strategic plan for the Indian government designed to grant citizenship to the Tamil refugees.

Finally, by fostering agency among the refugees living within the refugee camps. While these major, longer-term solutions are being structured, refugees living within the camps should be considered partners in development projects. Interviews revealed the creativity and leadership qualities of camp residents, who are trying to build sustainable communities despite their current legal status. These efforts should be fostered and supported as they create conditions for the success of the longer-term solutions.

3.5 Recommendations

Listening to the refugees not only clarified their needs and desires, but also provided insights into the subtleties that need to be considered in either a repatriation or an integration plan, summarized in the following recommendations.

First, UNHCR and the Indian and Sri Lankan governments should consult with local refugee communities regarding their aspirations and fears related to possible durable solutions. Refugees have repeatedly demonstrated their desires and abilities to use innovation and creativity to build stronger, more dignified and self-reliant communities.

Second, UNHCR, and the Indian and Sri Lankan governments should provide refugees with the option to return by ship. This would allow many Tamil refugees to leave India and return to Sri Lanka with all their belongings. The current system, which facilitates return via airplane, allows them to return with only a limited number of items, forcing them to leave behind much of their belongings.

Third, by coordinating with the Sri Lankan government and the NGO community, the UNHCR should ensure a repatriation plan that addresses physical security, access to land, opportunities for earning a livelihood, facilitated re-integration, and continuity of education, including access to higher education.

Fourth, the UNHCR should act as a consultant for the Indian government by formulating a strategic plan to grant citizenship to the refugees who wish to remain and integrate in India. These refugees should be placed under the purview of the 2016 Citizenship (Amendment) Bill, and be provided access to citizenship through naturalization. They should also be granted access to education and eligibility for employment. Many Tamil refugees of Indian origin, the so-called Tea Plantation Tamils, would be willing to stay in India in order to avoid statelessness.

Fifth, by granting citizenship in India, the Indian central and state governments could close the refugee camps in Tamil Nadu, saving the government the cost of managing the camps (17 million US dollars yearly). This money could be invested in helping refugees to set up small businesses in order to facilitate their integration. Local Indian communities could also benefit from these development schemes.

If multiple viewpoints are considered, and coordination is prioritized, the refugees have the desire, the drive and the ability to move beyond the label of “refugee” and to build a better life for themselves and their families.

4. Resettlement

Resettlement, together with local integration and repatriation, is one of the three durable solutions for refugees. Resettlement are annual quotas through which refugees are selected and transferred from the country of refuge to a third country, after bilateral agreements and an organised program towards a semi-permanent residence status in the host country. Refugees in need of resettlement are identified by the UNHCR as having particular problems in the countries where they have sought refuge because their life, liberty, safety, health or other fundamental rights are at risk. Resettlement places not only help those refugees who face extreme difficulty in their first country of asylum but are an important gesture of solidarity with countries hosting large numbers of refugees (UNHCR, 2018).

The 2018 Global Compact on Refugees recapitulates the importance of resettlement not only as a durable solution, but also as a tool for protection and a mechanism of responsibility-sharing:

Apart from being a tool for protection of and solutions for refugees, resettlement is also a tangible mechanism for burden- and responsibility-sharing and a demonstration of solidarity, allowing States to help share each other's burdens and reduce the impact of large refugee situations on host countries. At the same time, resettlement has traditionally been offered only by a limited number of countries. The need to foster a positive atmosphere for resettlement, and to enhance capacity for doing so, as well as to expand its base, cannot be overstated. (The Global Compact on Refugees, 2018, point 90, p.17-18)

Looking back, a historic good practice was the resettlement of Hungarian refugees throughout Europe. The Soviet repression of the Hungarian uprising in 1956 caused an exodus of 200,000 refugees. Most of the refugees fled to Austria. Austria immediately called on states to help both financially and by physically sharing the refugees by means of resettlement. As a result, most of the refugees were resettled very quickly in 37 states. Responsibility-sharing of those refugees was in no need to be discussed. Those facts stand in stark contrast to the contemporary resettlement practice that is characterized by a scarcity of resettlement places and few resettlement states. UN High Commissioner for Refugees Filippo Grandi, has repeatedly said that areas for global resettlement needed far outweigh the places made available by governments by a factor of 13 to one, despite more countries taking part in the programme and an increase in private sector and community involvement (UNHCR, 2018). In recent years, commendable attempts have been constrained under the weight of competing sovereign interests, such as is seen in the European Union.

Although resettlement is only available to the few, with less than one percent of the world's refugees having access to this durable solution, it is vital to understand the will of the refugees regarding resettlement. In late 2015, for example, 70 percent of around 100,000 Syrian refugees approached by UNHCR regarding resettlement to Canada expressed that they did not want resettlement to this country. But resettlement can also be a mental trick:

Those that had come of age in the camps, like Muna and Monday, who had seen so many of their peers resettled abroad, lacked respect for the present: as though one's actions in the here and now had no relation to the great hereafter, abroad. Life was only a process of waiting. And this was their problem too: in such circumstances people are more inclined to act without consequence, without limits, to be caught by hedonism of the senses or the indulgence of emotion, or the violent righteousness of religion. Nothing had permanence, there was no building anything since both the people you loved or the people you hurt could soon be gone. The older refugees with a grounding in school or community had a better chance. (Rawlence, 2016)

The 2016 New York Declaration for Refugees and Migrants, which called for all parts of society to play a role in the global response to large movements of refugees, was a milestone in global solidarity with refugees and the mainly developing countries which host almost nine in ten of them. But true sharing of responsibility requires places for refugees in third countries on a scale in line with the needs. In fact, increased engagement of civil society and the private sector embodied the spirit of the New York Declaration. In it governments committed – amongst other objectives – to work on increasing resettlement places and other legal pathways for admission of refugees on a scale that would match the annual resettlement needs identified by UNHCR.

In 2017, only 93,200 places in resettlement countries were expected to be available – 43 percent fewer than in 2016. For refugees from sub-Saharan Africa the situation is especially acute – with just 18,000 available places for more than half a million refugees. In 2018, the UNHCR estimated global resettlement needs to be close to 1.2 million persons, this includes the resettlement of refugees living

in protracted situations: more than 510,000 refugees in 34 different countries across Africa, 302,000 in Europe (mostly in Turkey), approximately 280,000 in the Middle East, around 100,000 in Asia and over 1,800 in the Americas. This figure remained stable vis-à-vis the previous year where needs amounted to approximately 1.19 million persons, less than 1 percent increase (UNHCR, 2017). At the same time, due to a drop in the number of resettlement places on offer, the number of resettled refugees was down by over 40 per cent at around 100,000 people (UNHCR, 2018). To be effective, resettlement cannot be conceived as a discrete element of the overall refugee regime but needs to be an integral component part of a wider strategic vision. It is important to understand that it is about inequitable allocation of resources: around US\$135 are spent on every refugee in the West for every US\$1 spent on a refugee in developing regions of the world (Betts & Collier, 2017).

Resettlement has to be a part of comprehensive responses to specific refugee situations around the world, especially those which have become protracted. According to UNHCR, a protracted situation is one where refugees continue to be in exile for five years or more after their initial displacement, without immediate prospects for the implementation of durable solutions. The 2018 Global Compact on Refugees is an opportunity to develop a comprehensive response to situations of protracted displacement, and a collective purpose for resettlement. A current problem is the lack of a proactive resettlement actor. As a component part of comprehensive responses to specific refugee situations, I agree with some scholars in that rather than having UNHCR supporting countries determining their resettlement priorities, UNHCR should lead and robustly coordinate in a more proactively fashion a strategic vision for resettlement (Betts, 2017).

The Global Compact on Refugees sets specific guidelines and a clear agenda regarding the need to open up new perspective for wider resettlement efforts:

Contributions will be sought from States, with the assistance of relevant stakeholders, to establish, or enlarge the scope, size, and quality of, resettlement programmes. In support of these efforts, UNHCR – in cooperation with States and relevant stakeholders - will devise a three-year strategy (2019 – 2021) to increase the pool of resettlement places, including countries not already participating in global resettlement efforts; as well as to consolidate emerging resettlement programmes, building on good practices and lessons learned from the Emerging Resettlement Countries Joint Support Mechanism (ERCM) and regional arrangements. The strategy will identify, build links and provide support to new and emerging resettlement countries, including through expertise and other technical support, twinning projects, human and financial resources for capacity development, and the involvement of relevant stakeholders. (...) In addition, pledges will be sought, as appropriate, to establish or strengthen good practices in resettlement programmes. This could include the establishment of multi-year resettlement schemes; efforts to ensure resettlement processing is predictable, efficient and effective (e.g. by using flexible processing modalities that fully address security concerns to resettle at least 25 per cent of annual resettlement submissions within six months of UNHCR referral); ensuring that resettlement is used strategically, improving the protection environment and contributing to a comprehensive approach to refugee situations (e.g. by allocating places for the resettlement of refugees according to UNHCR's resettlement criteria from priority situations identified by UNHCR in its annual projected global resettlement needs, including protracted situations. (The Global Compact on Refugees, 2018, points 91 and 92, p. 18)

5. Responsibility-sharing as part of the solution

5.1 The attempts

In the above sections, I have tried to analyse the traditional doctrine on durable solutions, offering some reflection based on today's refugee perspectives. What seems to be the most pressing issue regarding solutions to refugees though, is the global distribution of the world's refugee population. This distribution continues to be highly uneven, with the vast majority residing in countries that neighbour refugee-producing countries.

Overall, 84 percent of the global refugee population reside in low and middle-income countries, while the six wealthiest countries, which represent 50 percent of the world's economy, host less than 9 percent of the total. In contrast, the world's least developed countries (LDCs) host 28 percent of the world's refugees. Close to 90 percent of those who have fled the world's five largest refugee-producing countries find refuge in a neighbouring country. As an example, in 2016, of 10.1m refugees from the five highest countries of origin, all but 1.1m (11 percent) found safety in a neighbouring country (UNHCR, 2017).

In 2017, altogether, more than two-thirds (68 per cent) of all refugees worldwide came from just five countries: Syrian Arab Republic (6.3 million); Afghanistan (2.6 million); South Sudan (2.4 million); Myanmar (1.2 million); and Somalia (986,400) (UNHCR, 2018).

As noted above, a relatively small number of countries host the vast majority of the world's refugees. The top 10 refugee-hosting countries (in terms of the number of refugees hosted) together host 10.2m refugees – or almost 50 percent of the global total. The UNHCR uses three measures to assess the 'burden' borne by different refugee hosting countries: the total size of the refugee population, the number of refugees per 1,000 inhabitants and the number of refugees per \$1 million of GDP. Thus, at the end of 2016, taking into account all three of these measures, the top twenty countries bearing the 'burden' of hosting refugees were: Turkey, Pakistan, Lebanon, Iran, Uganda, Ethiopia, Jordan, Germany, DRC, Kenya, Chad, Sweden, South Sudan, Djibouti, Malta, Mauritania, Niger, Rwanda, Burundi, and Cameroon.

A series of high level summits and meetings have taken place over the last five years as states have sought to find solutions to the perceived global crisis. These included the Supporting Syria and the Region Conference, held in London in February 2016; the High-Level Meeting on Global Responsibility Sharing through Pathways for Admission of Syrian Refugees, in Geneva in March 2016; the World Humanitarian Summit, held in May 2016 in Istanbul; or the Summit on Refugees and Migrants, held in New York on 19 September 2016. Although these meetings sought to galvanise international cooperation, and mobilise attendance and commitments at the highest political level, their outcomes helped to move the international system only slightly further towards a comprehensive and collective approach towards refugees, rather than creating systemic change (Ferris, 2016).

However, in recent years, many of the initiatives have shown a very weak focus on the question of international responsibility sharing for the protection of refugees. States' commitment to share responsibility for refugees is again, not new. The Preamble of the 1951 Convention Relating to the Status of Refugees, (Paragraph 4) acknowledges the importance of international co-operation in finding a solution to the unduly heavy burdens faced by certain countries when it comes to providing protection to refugees, which arise from the binding obligation on states to open their borders to those seeking international protection (Goodwin-Gill, 1996).

As it has been explained in Chapter Three, the international community's commitment to the principle of responsibility sharing is further articulated through multiple international instruments and agreements, including the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa of the Organization of African Unity, article 2.4, and the 1987 Addendum to the Bangkok Principles on the Status and Treatment of Refugees. Moreover, there were some examples of responsibility sharing, mostly at regional level, such as in the case of Vietnamese refugees who fled their country by sea (1975) and the Mexico Plan of Action (2004).

Since then, this commitment has been reiterated in a number of different forms. However, they do not constitute a binding obligation on states, and international law does not include a duty to engage in responsibility sharing, either by custom or treaty. While states may volunteer to help share some of the responsibilities borne by countries of first asylum, few would acknowledge any legal obligation to do so (Newland, 2011).

5.2 The West needs a new perspective on responsibility-sharing

As we have seen in Chapters Two and Three, the movements towards the industrialised world are not comparable with what is happening within the global South. Most countries in the industrialised world are not faced with large influxes nor with protracted refugee situations. With the exception of Greece, the proportion of refugees in industrialized countries is a minority (8,6/1,4). For the most part, refugees stay in the countries close to home. Around 84 percent of refugees are in havens in the developing world, and just 10 of these countries host around 60 percent of the world's refugees. Several of them – countries like Iran, Ethiopia, and Jordan – have been repeat hosts over decades. These havens are not atypically generous: they are simply located in a 'rough neighbourhood'. Besides, the world spends approximately \$75bn a year on the 10 percent of refugees who moved to developed regions and only around \$5bn a year on the 90 percent who remain in developing regions'. Some scholars suggest the need to switch some of that money around and think more creatively towards new solutions (Betts & Collier, 2017).

Other scholars think that by bridging the transition 'gap' between humanitarianism and development, there can be a greater likelihood of resolving protracted refugee situations, which are often perceived to be a source of insecurity by host states and a source of onward movements by third country asylum states (Crisp, 2001). The debate builds upon the legacy of the refugee aid and development debate that identified the multifaceted links and synergies between development and refugee issues (Gorman, 1993). I argue this is a way to go in order to decrease the rate of protracted refugee crisis.

For this reason, it is vital that the reception of refugees arriving in some regions such as Europe – or to other countries of the OCDE – is not detracted from the funds aimed at providing humanitarian aid in large-influx situations (Gortázar, 2018). Likewise, "humanitarian aid cannot be confused with development aid: if it is, then the countries of first reception – close to the area in conflict – will have to deal with serious confrontations with those local populations who see their public services cut." (Gortázar, 2019, p. 47). The solidarity mechanisms in the Global Compact could be an inspiration for solidarity mechanisms within the EU.

Instead of cooperating on a coherent plan, European governments resorted to unilateral panic decisions, their policies being shaped more by the domestic politics of the moment than the search for collective solutions. Greece became the main reception country, its islands overwhelmed, though few refugees aimed to stay there: instead they moved north. Hungary built a razor wire fence to keep them out. But Germany's response was quite different: from the summer of 2015 Chancellor Merkel effectively offered an open door. Unsurprisingly many more came, and not just from Syria. Perhaps Chancellor

Merkel had expected other states to follow her lead. If so, the expectation was misplaced: not sharing Germany's unique history, they didn't. As hundreds of thousands came to Germany, the domestic political situation shifted radically. Within months of the open door, Chancellor Merkel had backtracked dramatically, returning thousands of people caught in transit, to Turkey. As public confidence in the asylum system – intended to distinguish 'refugees' from broader movements of people – collapsed, far-right parties gained growing support, and by early 2016 Europe had virtually closed its doors.

While this catastrophe was absorbing political and media attention, the parallel tragedy was the neglect of the nearly 90 percent of the world's refugees who remained in the developing world. The most vulnerable, with no means or desire to travel to Europe, remained in an utterly dysfunctional system. For every \$135 of public money spent on an asylum-seeker in Europe, just \$1 is spent on a refugee in the developing world. Fewer than one in ten of the 4 million Syrian refugees in Turkey, Lebanon, and Jordan receive any material support from the United Nations or its implementing partners. Moreover, most refugees around the world do not have the basic autonomy necessary to help themselves and their communities: they are not allowed to work. They are left dependent on a system that fails them (Betts, 2017).

Future policy reforms should include, first, the management of policy dynamics that are often linked to the non-implementation of commonly agreed standards and rules. The Dublin Regulation, with its core principle of designating the country of first entry as the responsible Member State for a particular asylum seeker, goes squarely against the type of substantive co-operation that responsibility-sharing calls for in order to curb lack of solidarity in the EU. The deterrence objectives of the Dublin system, aimed at discouraging irregular migrants and at strengthening the border controls of EU external border countries continue to undermine responsibility-sharing efforts and instead legitimize responsibility-shifting practices (Thielemann, 2017).

It can be all too easy to agree that there is a need for solidarity while remaining vague about what kind of solidarity one is referring to. Binding quota-based refugee responsibility-sharing initiatives and efforts to create more credible oversight over implementation through agencies like the European Asylum Support Office (EASO) are a step in the right direction of increasing the credibility of EU actions in this area. In order to address the limited effectiveness of the European asylum system, which was so evident during the Syrian crisis, Europe needs to strengthen co-operation and move beyond the mere demonstration of symbolic solidarity.

Ultimately, the future development of the EU refugee protection system is a critical test of Europe's collective identity (Wendt, 1994), its commitment to human rights and its relationship with third countries. If it fails this test, the result will entail more harm for refugees, increased tensions between Member States and the risk of undermining some of the core principles and achievements of the European integration process (Thielemann, 2017).

5.3 The 2018 Global Compact on Refugees and responsibility-sharing

The United Nations processes to produce Global Compacts, one on safe, orderly and regular migration, and the other on refugees, are an opportunity to respond together through international cooperation and shared responsibility. Establishing fairer sharing of the global responsibility for refugees, currently shouldered by the global South, and strengthening the mechanics of responsibility-sharing, are major objectives.

Countries that receive and host refugees, often for extended periods, make an immense contribution from their own limited resources to the collective good, and indeed to the cause of humanity. It is imperative that these countries obtain tangible support of the international community as a whole in leading the response. (The Global Compact on Refugees, point 14, p. 4)

The Compact clearly states the responsibility of States to manage forced migration flows, but indicates the need for a multi-stakeholder approach:

While recognizing the primary responsibility and sovereignty of States, a multistakeholder and partnership approach will be pursued, in line with relevant legal frameworks and in close coordination with national institutions. In addition to the exercise of its mandate responsibilities, UNHCR will play a supportive and catalytic role. (The Global Compact on Refugees, point 33, p. 7)

A signal of the international community's intention to give substance to the concept of responsibility sharing, the Global Compacts are rather a question of strategy, not putting up for discussion what is already international law and policy (Turk, 2018):

One of the primary objectives of the global compact (para 7) is to facilitate access to durable solutions, including by planning for solutions from the outset of refugee situations. Eliminating root causes is the most effective way to achieve solutions. In line with international law and the Charter of the United Nations, political and security cooperation, diplomacy, development and the promotion and protection of human rights are key to resolving protracted refugee situations and preventing new crises from emerging. At the same time, addressing the causes of refugee movements can take time. The programme of action therefore envisages a mix of solutions, adapted to the specific context and taking into account the absorption capacity, level of development and demographic situation of different countries. This includes the three traditional durable solutions of voluntary repatriation, resettlement and local integration, as well as other local solutions and complementary pathways for admission to third countries, which may provide additional opportunities. (The Global Compact on Refugees, 2018, point 85, p. 16)

Mechanisms for responsibility-sharing put forward by the Global Compact are Global refugee summits every three years, starting in 2019, and region or country-specific mechanisms, including through national arrangements, regional approaches, and activation of the Global Support Platform. This platform works once a country is faced with a large-scale influx of refugees or a protracted refugee situation and will make financial mechanisms and the emergency response more predictable. Such a global platform would be a vehicle of crafting the comprehensive response with the host country, and then planning for the mobilization of support. Already in its first draft, the Global Compact on Refugees, expressed this idea:

In support of national arrangements, host countries would be able to seek the activation of a Support Platform (...) Upon the request of concerned host countries, or countries of origin where appropriate, a Support Platform could be activated/deactivated and assisted by UNHCR, in close consultation with relevant States that have committed to contributing in principle, taking into account existing response efforts and political, peacekeeping and peacebuilding initiatives. Criteria for activation would include: - a large-scale and/or complex refugee situation where the response capacity of a host State is or is expected to be overwhelmed; or - a protracted refugee situation where the host State(s) requires considerable additional support, and/or a major opportunity for a solution arises (e.g. large-scale voluntary repatriation to the country

of origin). (...) Each Support Platform would benefit from the leadership and engagement of a group of States to mobilize contributions and support, which may take different forms. (The Global Compact on Refugees, 2018, points 22, 24, and 25, p. 5-6)

The idea of the so-called solidarity conferences followed the Syria situation, including the three conferences in Kuwait, London, and twice in Brussels. They were essentially around funding and galvanizing international attention, but also about inclusivity. A solidarity conference as it is envisaged in the Global Compact is broader: for the international community to come together around one event that comprehensively encompasses all the support measures to a host country – not just funding, but also contributions of the World Bank or regional development banks, and concrete pledges for resettlement, private sponsorship mechanisms and better family reunification. The solidarity conferences are not just about funding but also about material assistance, resettlement places or other complementary pathways (Turk, 2018).

There is still a question mark regarding the real innovation of these methods, and if they will really contribute to burden- and responsibility-sharing. For the moment, the trend we see is to deter refugees from arriving to the West, rather than opening up real mechanisms. However, there is a need to call on UNHCR to make a stronger call to commitment of states to International Refugee Law, which is being breached through the building of physical walls but also agreements, such as between the EU and Turkey, or between Italy and Libya. The global refugee summits, solidarity conferences, and the global support platform will only work if there is a real commitment to make significant changes, founded on international refugee law, by governments themselves. Otherwise, it will remain to be seen if such methods are really innovative and effectively contributing to burden and responsibility-sharing.

Regarding the wider global migration governance, notwithstanding the progress to date, which has built on the regional processes, dialogues and consultative mechanisms that began in the mid-1980s and continue until today, the challenge ahead is to move to greater joint action that ultimately mitigates the level of fragmentation in the system. There is no assurance – as States weigh the practical advantages and, in some cases, the political costs of strengthening global migration governance – that they will forge a more coherent system that enables them to make and implement mutually beneficial decisions on the movement of people globally. Yet, attempting unilaterally to solve the complex challenges that migration presents is likely to fail. An opportunity for proponents of international cooperation is to identify the issues and thematic areas most amenable to global, rather than national or regional, responses (World Migration Report, 2018).

The global compacts on migration and on refugees provide the opportunity to move ahead in strengthening the norms, principles, rules and decision-making processes that will allow for more effective international cooperation in responding to what is a defining issue of our times (World Migration Report, 2018).

6. Conclusions

Regarding local integration, I conclude that the biggest threats are fear, ignorance and populism. What is needed is bring things back to facts, and this can only be done collectively. There is also a need for an education process in order to understand the benefits of such an integration. Regaining a humanitarian non-political space to act with a sense of compassion, but in a dispassionate way in terms of facts, evidence, and protection principles, is the way forward towards refugee integration.

Repatriation is considered as the concluding moment of the refugee cycle, but its dimensions and modalities are often poorly understood. Existing policies are often generic, one-size-fits-all interventions. Specific repatriation policies are absolutely needed to reabsorb migrants who are subject to expulsion or repatriation because of individual or country crisis. They are to be formulated at the national but even more at the local level, knowing that migrants return to specific localities (Battistella, 2018). A core of services, such as labor market information, accessibility to retraining programs, provision for skills certification, and protection of acquired rights should always be present. To ensure that the rights of refugees are properly protected, repatriation should involve cooperation among countries of origin and destination. In summary, repatriation should be properly understood as a diversified process according to the constraint the migrants experience, and the preparedness of the migrants, their families, and the institutions involved.

Regarding resettlement, both governments and UNHCR need to go beyond an inherently benevolent vision serving as a means for distant and progressive governments to believe that they are making a difference. I support the views of some scholars in that resettlement needs a much stronger evidence-based and an improved and more pro-active coordination, with UNHCR as the main actor (Betts, 2017).

The figures offered in the present chapter starkly underline one of the central weaknesses of the international refugee regime that has evolved since the end of Second World War, namely the absence of fairer and more equitable responsibility sharing. One way to improve access to durable solutions is through increased north-south responsibility-sharing, aiming to facilitate local integration and repatriation by incorporating refugees in national development plans. Creating general and clear principles that link burden-sharing in the form of development assistance directly to the achievement of durable solutions can be a way forward. Ensuring that resources are used to facilitate durable solutions will require monitoring, criteria of evaluation and support (Betts, 2004). Failure to bring 'results' in terms of durable solutions may create tensions between both donor and host communities. A generic agreement in the form of solidarity conferences as set by the Global Compacts might be part of the solution.

Refugees, by definition, cross one or multiple borders resulting in an inherently international phenomenon that requires the involvement of an international system of refugee protection and law, a United Nations body, countries, and religions to successfully provide comprehensive solutions. The only solutions historically that have proved successful are those which are multilateral, such as the Comprehensive Plan of Action for Indochinese refugees in the 1980s or the coordinated response of European countries to the refugee influx of Bosnians. The future development of the refugee protection system is a critical test of the West's collective identity, its commitment to human rights and its relationship with countries of origin. If it fails this test, the result will entail more harm for refugees, increased tensions between host and donor states and the risk of decreasing even more the access to durable solutions.



*Art therapy by a Syrian refugee young man.
Jesuit Refugee Service social center in Baalbek. Lebanon.
(Valcárcel, 2018)*

SECOND PART

Legal mechanisms and international policy might never bring full justice to refugees. The Christian tradition is rich in stories of forced migration and teachings on the importance of providing protection for those seeking refuge. This tradition calls us to live a closeness to refugees: “You shall also love the stranger because you were strangers in the land of Egypt” (Deuteronomy 10:19). Built in the Scriptures and in Catholic Social Teachings, Pope Francis reminds us once and again about the treasures that refugees bring. I will develop both aspects in the following two chapters. In chapters eight and nine I will focus on the praxis of such thought, reflected in different experiences of community protection. I will offer a specific model: the lived experience of refugee protection of the ecumenical community of Taizé, in France.

I believe that only by that closeness to refugees, which is a communion that sees no one rejected, a true justice might begin for the forcibly displaced.

CHAPTER SIX - THE RIGHTS OF FORCED MIGRANTS IN CHRISTIAN TRADITION



Syrian refugees on the Balkan route (Bauluz, 2015)

Forced migration has been a core element of the human experience throughout history. Christianity has a strong heritage of refugee protection, stemming from the original teachings of the Old Testament, as well as from historical examples taken from the lives of the Prophets – Isaiah, Job, or Tobias. Above all, forced migration played a particular role in the life of the Apostles, and of Jesus Christ himself.

This chapter is not meant to be an anthology of Christian doctrine on forced migration. For that I would refer to the compendium “Caring for migrants. A collection of Church documents on the Pastoral Care of Migrants” written by Fabio Baggio CS and Maurizio Pettenà CS. Rather, I will focus upon what I feel to be the core of the issue: the definition of “stranger” in the Judeo-Christian tradition, and the obligations of Christians towards those so defined.

As explained in Chapter Three, the present chapter will use the term “refugee” to encompass Convention refugees, internally displaced persons, asylum seekers, and other forced migrants who are not covered by international law.

For the definition of the stranger, I will base my analysis on Exodus 23:9 in its historic context, and offer exegesis and commentary. This verse belongs to the broad tradition of Biblical Israel, and similar verses can be found in Deuteronomy and Leviticus. I chose Exodus 23:9 because of the relevance of the

second part of the sentence ‘since you yourselves know the feelings of a stranger,’ which emphasizes the power of memory to set moral and ethical standards of living as articulated in the laws of Ancient Israel. In order to understand the world behind the text, I will use principally a pluralistic/historical methodology, though I have also made recourse to the Jewish interpretative tradition, namely of medieval and modern Rabbis, and to a sociological perspective of the cultural anthropology of the notion of the stranger.

Jewish tradition commands both the seeking of refuge if one is facing persecution, and the provision of refuge to those who need it. Each imperative validates the other. Provision of refuge entails a complete framework of protection enshrining rights such as dignity, *non-refoulement*, equal treatment, and the integrity of family units the absence of which would impose a duty to seek refuge.

Such essential reciprocity of rights and obligations are rarely invoked, let alone applied, today, with migration such a major global issue. Even in communities and states which maintain strong values of hosting forced migrants, it is rare that those values are seen as the very same which maintain those host communities and states themselves. There is a pressing need to nurture the theological discourse that will allow Christians to understand that their own rights are merely the mirror of the rights of refugees and vice versa.

The foundational concept of Catholic Social Teaching that has special relevance to forced migration is that of Divinely-donated human dignity. It therefore has special relevance in constructing an analysis of the causes of forced migration – as we have seen in Chapter Two – and in laying out a coherent and comprehensive ethical framework to guide responses at individual and structural levels, which I will strive to develop further throughout this chapter.

Displacement and hospitality are integral to the self-awareness of Christians as enjoying Divinely-donated human dignity. Through both the Old and the New Testament the stranger emerges as a subject of rights derived from Divinely-donated human dignity. Catholic Social Teaching develops this approach through its concept of this human dignity being realized relationally and expressed structurally through membership of, and participation in, political communities. The chapter attempts to answer the question ‘where does the Church stand in relation to refugees and asylum seekers?’ and what emerges is the Church’s continuation of the Jewish-Christian self-awareness and self-identification as an hospitable people in exile.

Divers faith traditions have moral teaching on the treatment of refugees and migrants. Yet they have not spoken as clearly on rising nationalist movements that impede the just treatment of refugees and migrants. I will focus on my own faith tradition, even if I point out that many religions have teachings on national identity as it relates to refugee protection and migration policy. Faith leaders and scholars need to raise their voices on how religious teaching on these issues can promote more cooperative and generous responses to refugees and migrants, inform local and global policies, and ensure that the present international and national law frameworks – especially beyond the Global Compacts on Migration and Refugees- live up to their promise and potential.

I have deliberately circumscribed the scope of this chapter to explore the subject of refugees and displaced people from the perspective of Roman Catholic theology. Thus, it does not pretend to speak for all Christian traditions and denominations. The following pages propose a set of major resources by which the Catholic tradition approaches forced migration and guides its response to it. It is consideration of the Church’s ecclesiology and Catholic Social Teachings that brings such understanding to the full and provides a number of key prompts which help us reflect upon the rights of forced migrants.

In this and the following two chapters, by providing an overview of the Church's thinking concerning migration and refugees, in order to offer reflection on the best responses, I will both try to make sense of the reality of global migration and to contribute to the development of a new generation of Christian social teaching adapted to our times. I see this as a shared task that stretches from the local to the global level and includes local communities (Chapter Eight) as well as professional practitioners, academics, and church leaders.

I will highlight the main strengths of the Church's official teaching on migration and refugees, while also providing some pointers to help find places from which we can draw inspiration, encouragement and guidance from within the Church's faith heritage.

My hope is that these teachings will contribute to a serious reorientation from current exclusionist thinking towards policies of inclusion and diversity that guarantee freedom from mistrust and fear.

1. Christian Sacred Scriptures and forced migration

Migration, travelling in search of one's true home, the idea of life being a journey, is a familiar metaphor in the Bible and the Christian tradition. Indeed, the Bible is arguably a history of migrant peoples: it tells the story of migrations that are chosen, and also of migrations that are forced but through which God still acts. In some cases all migrations are both forced and blessed. Migration and flight from persecution has played a prominent role in the stories of many of Christianity's great figures, including, of course, Jesus Christ.

This makes the Bible a resource for our times because it does not start from a place that sees migration as either 'bad' or 'good'. This complex history of God's people as a migrant people has shaped generations of Jewish and Christian social practice: from cities of sanctuary or asylum in the Old Testament and early Church, to religious orders established to cross newly formed borders and care for those on the move, to new forms of accompaniment and hosting (Rowlands, 2018). Another biblical theme which is of great importance when thinking about strangers, exiles, and refugees is that of hospitality. In the societies which made up the worlds of the Old and New Testaments, as in many non-Western societies today, those who travelled or who moved away from home for any reason were dependent on the hospitality of the people among whom they found themselves.

1.1 Old Testament

The institution of the right to asylum, according to some scholars, could be as old as humanity (Reale as Cited in Gortázar, 1997). Other scholars think that "older legislations, such as the Indian laws of Manu or the Hammurabi Code, are clear about the inexistence in those civilizations of that practice." (Gortázar, 1997, p. 38-39).

Christianity's consideration of the refugee and the Church's practice associated with refugee assistance has firm foundations in Judeo-Christian Scripture and tradition. The close link between forced migration and faith is not confined to Christianity: the theme of migration and displacement is present in Judaism (Plaut as Cited in Orobator, 2010, p. 50), Islam (Abu-Sahlieh as Cited in Orobator, 2010, p. 50), and Confucianism (Weimun Tu as Cited in Orobator, 2010, p. 50).

In older ages, "the first clear antecedent regarding the right to asylum is to be found in the Jewish people" (Gortázar, 1997, p.39). Although he was not a refugee in the modern sense of the term, Abraham, the 'father in faith', responded to a call from God to move in search of better land. Subsequently, the book

of the Genesis tells how Abraham welcomed three pilgrims who arrived in his tent seeking asylum. This hospitality to the three mysterious strangers at Mamre (Genesis 18:1–7), sometimes referred to as three, sometimes as one, and sometimes as angels in the narrative, stands as a prototype of the ethic of hospitality towards ‘the other.’

At the end of this episode, God promises Abraham that the land in which he was then wandering – Canaan – would be given to him and his descendants, one of several such promises. However, Abraham never came to full and complete possession of the land but continued to live a wandering, tent-based existence. He was both the chosen one but also the archetypal stranger who clung to the promise of a homeland.

Genesis 18 tells a story hospitality. Abraham recognised the three travellers as messengers of God, and a son was born to Sarah and him just nine months later as they had promised; a sign that hospitality and God’s blessing go together.

“Do not neglect to show hospitality to strangers”, enjoins the New Testament writer to the Hebrews, in a reference to this story, “for by doing that some have entertained angels without knowing it” (Hebrews 13:2).

The law called on citizens to show compassion and solidarity towards the stranger, because they too had been oppressed and exiled. The visitors for whom Abraham, as a good bedouin, rushed to prepare restful shade and a refreshing meal at the oaks of Mamre were revealed as the messengers of God’s promise. Whether the guest arrives at the expected time, or not — and the latter was in fact more common — the Christian call is to keep the lamps burning and watch patiently (Mt 25:1–13; Lk 12:35). Normally the visitor arrives ‘importunately’ in the middle of the night (Mt 15:23; Lk 11:5). In Judeo-Christian tradition, always the quality of the welcome to the stranger — as a messenger from God — is the key criterion for authentic service. Welcome is a recurring theme of the Bible, and the welcome given to a guest is the model for the encounter with refugees.

Generations later Abraham’s descendants found themselves strangers and foreigners in Egypt. They had fled from famine, and were welcomed at first, but eventually fell into destitution and slavery. Their escape from slavery and their wanderings in the desert of Sinai before they settled in Canaan was an experience they have never forgotten. Modern Jews still celebrate Passover each year in commemoration of God’s marvellous deliverance. The suffering of the Hebrew people during their years in Egypt laid on them a moral obligation to be merciful to foreigners, strangers, exiles. In this context, “another aspect which is closer to today’s understanding of the right to asylum is the question of the cities of asylum. The legislation which configures this peculiar institution of the Jewish people is set fundamentally in the Pentateuch.” (Obermayer, Zieler, Speidel, & Vogt as cited in Gortázar, 1997, p. 41). The cities of asylum could be the background of what has later been the so-called “sanctuaries” in the Christian tradition (see Chapter Eight).

Later on, the Israelites endured another forced migration into their exile in Babylon and likewise sought theological meaning in this experience.

This repeated displacement stands somewhat in contrast with the image of homecoming portrayed also in Older Testament writings. The tension is held and to an extent resolved in the injunctions towards hospitable treatment of the stranger. Indeed, the biblical tradition places the alien, sojourner, stranger, and exile at the very heart of its religious and ethical concern:

You shall also love the stranger because you were strangers in the land of Egypt. (Deuteronomy 10:19)

You shall not oppress a resident alien; you know the heart of an alien for you were aliens in the land of Egypt. (Exodus 23:9)

When an alien resides with you in your land, you shall not oppress the alien. The alien who resides with you shall be to you as the citizen among you; you shall love the alien as yourself for you were aliens in the land of Egypt. (Leviticus 19:33–34)

In conclusion, in relation to the right to asylum in the Old Testament, I agree with some scholars (Gortázar, 1997) that the institution of asylum was not known to nomadic Israel. “It is the Jewish people already settled in Canaan who accept the right to asylum practiced in those territories (...) which we can find in the cities of asylum, just as it is expressed in the legislation of the Pentateuch (Numbers and Deuteronomy).” (Gortázar, 1997).

1.2 Defining a forced migrant in the Judeo-Christian tradition: Exegesis on the *stranger*, based on Exodus 23:9

Exile and an erratic existence play a central role in the construction of the Jewish identity, of the identity of Biblical Israel. Abraham set out into exile, without knowing exactly where the promised land was. His long nomadic experience, together with the Egyptian and Babylonian exiles, are part of the credo of Israel, so much so that exile and enslavement are considered by many to be exegetes of the founding experience of the people of Israel: part of the collective memory that formed their identity. In the Jewish tradition, it is common to go back to this and other similar texts, during public or private liturgical celebrations. The text of Exodus makes reference to the memory of having been a stranger – and thus having the feelings of a stranger – and is also a call against oppression. Oppression, according to the Oxford Living Dictionaries, is the ‘prolonged cruel or unjust treatment or exercise of authority.’

I will use the word *ger*, in Hebrew גֵר, in the sense of sojourner, temporary dweller, new-comer. This masculine noun has its word of origin in the verb *gur*, to sojourn. In order to analyse the feelings of the stranger I will use the word *nefesh*, which originally meant ‘neck’ or ‘throat,’ and later came to imply the ‘vital spirit,’ or *anima* in the Latin sense. I will explain further below the etymology of these words in order to better understand who the stranger was for the people of Ancient Israel.

1.2.1 Israelites as strangers

To ask who the stranger was in biblical writing raises the question of interpretation, as attitudes to foreigners have varied over time.

Israelites are regarded as *gerim* – ‘sojourners’ – and understood as ‘resident aliens’ (Spina 1983 [Kellerman, 1977]) – prior to their settlement in Canaan, during the Exile. But once they are established in Canaan, they become a ‘host’ people, and no longer have *ger* status. References to Israelites as strangers can be found in the earlier strata of the Pentateuch. Later on, *ger* meant ‘foreigner in Israelite territory’ and then finally ‘proselyte/convert’.

There are references in Deuteronomy which recall the experience of having been a stranger in Egypt, admonishing Israel to treat fairly those now related to them as *gerim*. Besides Exodus 23:9, this concept of moral behaviour based on the memory of exile can be found in Deut 10:19; 16:11-12; 23:8; 24:17-18, 19-22. References of similar content can also be found in the Book of the Covenant (Exod 22:20) and the Holiness Code (Lev 19:33-34). Ps 105:23 and Isa 52:4 employ the verbal form to describe the time Israel spent in Egypt.

Early uses suggest *gerim* as people living in territory not their own, like Abraham in Canaan (Gen 23:4) or Moses in Egypt (Ex 2:22). However, the reference to Moses having been a *ger* is in relation not to Egypt, but to Midian. Moses names his son Gershom, explaining: 'I was a *ger* in a foreign land.' Strictly speaking then, this does not refer to an Israelite experience (Spina, 1983).

In Deut 26:5 Jacob is referred to as a 'fugitive Aramean' who travelled to Egypt and whose descendants were badly mistreated.

There are many other references of *ger* in the Hebrew Bible, but they refer almost exclusively to non-Israelites.

According to the reconstruction of scholars (Spina, [Mendehall 1962, Gottwald, 1979]), what is interesting is that Israel emerged as Israel as a result of a coalescence of peoples with widely differing backgrounds and experiences, and the fusion of their traditions. These included pastoralists who had been in the process of withdrawing from urban centres; a sizeable number of indigenous Canaanite peasants; sea peoples, together with various groups of Hebrews, some of whom had probably been involved in the escape from Egypt. Other groups of *gerim* would have readily added to this social ferment. The basis for this unification was the common rejection of a hierarchical, centralized political control system and the concomitant embracing of the cult of Yahweh and decentralized, non-hierarchical social forms.

The tradition that pre-settlement Israel had been *gerim* fits in well with this view of the genesis of Israel. No matter how diverse the people who made up Israel were, most of them had in common their status as 'outlaws, fugitives, and immigrants.' They had a commitment to a deity, Yahweh, who was believed to be uniquely concerned with the array of human problems reflected by these categories of people. Actually, this may be the first time in human history in which a deity was seen to side with 'outlaws and immigrants' rather than with the political structures whose use of power made such social strata inevitable (Spina, 1983).

What is at issue is the essential validity of the memory that some of the groups which eventually composed Israel had in fact been *gerim* in one circumstance or another prior to their inclusion in Israel proper, when their individual histories and traditions began to undergo the process of transformation into a single 'history' and tradition.

But who was really the 'stranger' in Ancient Israel?

Over two thirds of the 90 occurrences of *ger* in the Old Testament are in law codes in Exodus to Deuteronomy, and many others directly refer to these codes, alluding to the prohibition of oppressing the *ger*.

Often the term 'stranger' contrasts with 'kin.' The idea of the stranger as non-kin is broader than the theme of strangerhood in the Bible. It seems to refer to no particular ethnic or national group; the law for strangers applied to individuals who had left their home region, perhaps to escape oppression, perhaps just to earn a livelihood (Douglas, 1994).

For some scholars, the *ger* was a descendant of Jacob, not descended from Judah, Levi or Benjamin, but from the remnants of the twelve tribes who had been defeated and scattered by invaders and who still lived in Canaan during and after the exile in Babylon. His special status would be precisely that he was neither a foreigner nor a Jew (Douglas, 1994).

So, the stranger in the Bible has a double sign, he is an exile, and yet he is also obliged to keep the ritual laws and entitled to religious consolations. This suggests that he was only an outsider to the extent that ancient ties of kinship had recently broken down. The strangers who seemed to have poured into

Judah during and after the exile would have included families from all over the region and especially from conquered Samaria.

1.2.2 Characteristics of the *ger*

As we have seen above, it is generally acknowledged that *ger* in the Hebrew Bible refers to people who are no longer directly related to their original social setting and who have entered into dependent relationships with various groups in a new social setting (Spina, 1983, [Bertholet, 1896]).

What were the *gerim* entitled to, why did they become *ger*, and what other characteristics can we learn from them?

1.2.2.1 Real rights, or part of a status quo strategy?

The *ger* was of another tribe, city, district or country who was without customary social protection or privilege and had to place him or herself under the jurisdiction of someone else out of necessity (Spina, 1983, [Smith, 1956]).

We can thus refer to *gerim* as ‘resident aliens’ or persons with rights and legal standing. But still, *gerim* did not have all the rights and privileges of regular members of society, and their status was distinguishable from that of the ‘native born.’ Deut 28:43 refers to *gerim* as borrowers rather than lenders, suggesting a slightly inferior financial position (Spina, 1983).

Leviticus gives the impression that the stranger has more rights than the foreigner when it says:

If your brother becomes poor and cannot maintain himself with you, you shall maintain him; as a stranger and a sojourner he shall live with you. Take no interest from him, or increase, but fear God, that your brother may live beside you. You shall not lend him money at interest, nor give him your food for profit... And if your brother becomes poor beside you, and sells himself to you, you shall not make him serve as a slave; he shall be with you as a hired servant and as a sojourner (Levit. 25:35-45).

This passage suggests that the sojourner is a dependent member of the family, working for the family, but not to be treated harshly.

Gerim are often mentioned in the Scriptures along with typically disenfranchised persons, such as slaves, the poor, widows and orphans. These types of vulnerable persons were protected by civil and religious laws, making mistreatment a violation of official policy.

The question here is: were the widow, the orphan, the stranger, part of a status quo strategy? Deuteronomical law in its present form is the product of centuries of life under monarchy. A convincing case has been made that, under the laws covering this triad – *gerim*, widows, orphans – the Deuteronomists were complicit with the State in keeping disadvantaged groups in their place, as objects of charity, rather than furthering their aspirations (Jobling, 2009).

The scriptural laws dealing with widows, strangers and orphans were conventionally viewed as rules meant to aid the plight of vulnerable persons in ancient Israelite society. Some scholars challenge this perspective, arguing instead that key sanctions found in Deuteronomy were actually drafted by a powerful elite to enhance their own material condition and keep the peasantry down, uncovering the previously neglected link between politico-economic interests and the formulation of law (Bennett, 2002). This

counter-thesis leads to a new understanding of law in the Hebrew Bible and the ways it worked to support and maintain the dehumanization of widows, strangers, and orphans in the biblical community. Moreover, it rescues the triad from the realm of cliché to reveal their plight as victims of ‘concealed socio-political interests’: they were exploited by the very people who claimed to be helping them.

This reflection can have contemporary relevance in a world plagued by rampant poverty amid accumulations of wealth. Are morality or ethics necessarily categories based upon religious convictions or paradigms, or do they rather reflect social and economic realities of particular groups that may be used to reinforce or change their social status? Today, extremist interpretations of Islam, for example, could lead to similar exploitation of the poor and the disadvantaged.

1.2.2.2 Forcibly displaced: Causes of migration in Ancient Israel

Why leave tribe, city, or country, with the protection and privileges they afford, to move to a new social setting in which one will be, theoretically at least, more vulnerable? Just as important as the fact of being *gerim*, is the question of why people became *gerim* initially.

Extrapolating this question to today’s socio-political analysis: What are the reasons for becoming a refugee? Interestingly, this question is central to understand the dynamics of today’s migration movements, and one of the less analysed in connection to its grave consequences. Responding to this key question, the Bible can be of great use for moral and social reflection of how migration, and especially forced migration, is managed today.

In the ancient Near East, as is still the case today, nomadism or semi-nomadism lie behind much of the movement of peoples in the area. However, this fact is only infrequently alluded to in answer to the questions above. It seems clear that the wandering of strangers was not necessarily part of a regular occupation, such as pastoralism, but rather fuelled by the need to seek a new social setting elsewhere. *Ger* status could be attained voluntarily – the desire for a potentially more favourable life – or involuntarily – severe political, socio-economic pressures. In either case, it was social and political upheaval due to war, famine, economic and social troubles, oppression, plague and other misfortunes that produced *gerim* (Spina, 1983).

Semantic and etymological considerations in Hebrew and other languages, especially Akkadian and Arabic, show an underlying connotation of social conflict and its derivatives. There is a likely etymological connection with the Arabic *jar*, a term known from Bedouin life for an outsider seeking protection from a local chief (Jobling, 2009). *Jar* may denote a ‘refugee’ who has fled his original home due to intolerable circumstances, or because he was compelled to leave (Spina, 1983 [de Vaux, 1961]). Other reasons cited to become *ger* are famine or military attack, or the search for sanctuary after a land has been destroyed by conquest (Spina, 1983 [Mauch, 1962]).

The above situations involve distress and social conflict, and this is the key question when it comes to defining the ethics regarding forced displacement today: What are the drivers of migration? What is the connection between the causes and the consequences of forced movements of populations? Could this connection be more central to the global understanding of the phenomenon of migration?

If we look at the global refugee phenomenon today, and the international conventions striving to protect refugees, namely the 1951 Geneva Convention on Refugees, we will see that they refer to many of the causes mentioned above. And certainly, in contemporary times, political and socio-economic interests may deliberately obstruct the connection between causes and consequences of forced migration, leading to a status quo of the migration phenomenon.

1.2.2.3 Extended meanings of *ger*

Other characteristics of the people of Israel as *ger* are exclusiveness and proselytism.

Max Weber considered that the development of an in-group mentality caused the fateful separation of the Jews from other nations (Weber, 1952). He attributed their exclusionary behaviour to their religion. It is true that the Bible calls the people of Israel the uniquely beloved of God, and at some point, they certainly turned in upon themselves and refused interaction with outsiders, but it is doubtful that in doing so they were following the precepts of the priestly books (Douglas, 1994). The Jew is almost the prototypical outsider in the history of Christendom, and Judaism as a religion has often been as exclusionary in its religious doctrines as it has suffered itself from civic exclusion by the nations.

A recurring theme in Genesis is that Israel will one day possess the land of Canaan where their ancestors 'sojourned' (also Ps 105:23 and Heb 11:9). 'Sojourn' can be used to refer to Israel in exile (Ezek 20:28, Ezra 1:4) (Jobling, 2009).

Regarding proselytism, it is possible that in the postexilic period, *ger* was also attributed to those foreigners who sought conversion to Judaism. LXX translates *ger* in the Pentateuch as *proselitos* (proselyte), such as in Deut 23:7, Heb 23:8 (Jobling, 2009).

For other scholars, landlessness seems fundamental to the meaning of *ger*. Israelites are *gerim* with Yahweh in a more specific way, since God is the sole owner of the land. Israel is a *ger* in relationship to Yahweh's land, that is, Israel does not own the land. There are two references of *ger* in this particular relationship to Yahweh and to the land. In Lev 25:23 Israelites are forbidden in perpetuity to sell any land, since it belongs to Yahweh. And in 1 Chr 29:15, David calls Israel 'strangers' and *gerim* 'before' Yahweh, alluding to the transitory nature of Israel's life (Spina, 1983).

Finally, metaphorically speaking, being a *ger* before God is an expression of human existence as such (1 Chr 29:15; Ps 39:12 [Heb 39:13]; compare life as a 'sojourn' in Gen 47:9 and 1 Pet 1:17). The point is to offer the transitory, more than alien, nature of existence (Jobling, 2009). This metaphorical extension of the meaning of *ger* offers a different line in Jer 14:8, God acts like a *ger* towards Israel, passing by as a visitor, rather than as a permanent resident.

1.2.3 The migration movement: To soujourn or *gur*

The verb *gur*, according to standard lexica, has three roots: *Gur* as 'sojourn'; *gur* as 'to create confusion, quarrel'; *gur* as 'to dread, be afraid.' There may be an original connection between the words so that the various meanings represent particular conceptions of a single root. It is plausible that emigration, with its connotation of social conflict and unrest, underlies the basic meaning of Hebrew *gur*. The different nuances support such an interpretation (Spina, 1983).

The most extensive use of *gur* is in instances where to 'sojourn' is the obvious meaning. Stories such as the soujourn of Ruth's in-laws in Moab (1:1) or Elijah in Sidon (1 Kgs 17:20), suggest an extended stay in a place not one's own due to famine or legal reprisal. Such individuals may prosper, but more often than not they are in difficulty. According to some scholars, the most adequate term to define *ger* is 'refugee' (Jobling, 2009), but for others it is best understood as 'immigrant,' in which case, if we are to be consistent with the first interpretation of *gur*, it should be translated as 'to emigrate' or 'to be an immigrant.' This emphasizes both the departure and the subsequent settlement (Spina, 1983).

Presumably, less distant displacements were more common, so people would choose the closest place for safety. The status of the *ger* is normally permanent or long duration and is often passed on to the *gerim*'s descendants (Jobling, 2009).

Regarding the meaning of *gur* as 'to fear' or 'to dread', what can be said is that fear may be related to the psychological state of the person who has been forced to migrate. A combination of fear and anger is more than probable in such contexts. This can easily be related to the idea of 'sojourn' and to quarrel, all nuances of *gur* which are interrelated.

Whatever word is used to translate *ger* or *gur*, it is important to keep in mind the complex sociological background reflected in the terms. As mentioned above, much of the movement implied by *gur* has to do with unrest, not with occupational duties such as pastoralism, but in any case, not a few pastoralists adopted this occupation as a means of protesting against and withdrawing from urban centres of power, so the underlying sense of social conflict is not eliminated (Spina, 1983).

1.2.4 *Nefesh*: The feelings of the stranger

'For you know the *nefesh* of a *ger*' (for you know the heart/feelings of a stranger), that is, you know by experience what a distressed, friendless condition that of a stranger is. The disposition, dejection and distress of his heart make him an object of pity, not of malice or injustice.

Early Jewish tradition emphasizes the pain of the outsider and seeks solutions to it. Commandments calling for sensitivity and justice for the *ger* are found in thirty-six places within the Torah. The language of the commandments dealing with the *ger* is special. At times the formulation is positive 'you shall love the stranger', in other places it is negative: 'you shall not oppress the stranger.' Many Jewish commentators note this unique emphasis of the Torah upon justice for the stranger and ask: 'Why all these warnings? Why all this attention to the *ger*?'

Early rabbinic interpreters offer a variety of opinions. *Ger* had a meaning of 'convert.' For many, all this concern for the feelings of the *ger* meant that Jews had a special obligation to treat converts fairly, never to take advantage of them, insult them about their past, or find fault with them.

Later commentators not only refer to converts but also to strangers, who should not be oppressed because 'you know the feelings of the stranger.' This warning raises several questions: Do memories of the past, especially a painful past, teach us to be more sensitive to the feelings of others? Can those who recall being abused or oppressed prevent themselves from abusing or oppressing others?

Opinion is divided regarding these questions. For French medieval biblical commentator Rabbi Rashi (1040-1105), memories of cruel treatment do not teach sensitivity. What the Torah really means by its warning is that, if you oppressed the *ger*, he or she might answer by reminding you of your own lowly origins. On the other hand, Rashi does allow for persons who might be more enlightened and aware of the suffering of the stranger through their study of Jewish history and their understanding of how they were persecuted in Egypt. Commenting on the Torah's observation, 'you know the feelings of the stranger,' Rashi suggests that because you have been in pain 'you know how painful it is for whom you oppress' (Rashi, Comment on Exodus 22:20).

Sixteenth century commentator, Ben Alshekh, amplifies Rashi's view maintaining that the Torah's linkage of the warning 'knowing the feelings of the stranger' with the reminder 'you were strangers in the land of Egypt' is deliberate. The Torah teaches not to oppress the stranger by noting our own treatment by God. The logic is as follows:

When you lived in Egypt, you worshiped idols. Afterwards you accepted the Torah. Just as God did not look down on you for having worshiped idols (...) so you must not look down upon the stranger. (Ben Alshekh, Comment on Exodus 22:20)

It is Alshekh's conviction that Jews who recall their origins before being given the Torah will be more sensitive to the feelings of strangers and will treat them with more fairness and kindness.

Rabbi Nachmanides (1194–1270), a leading medieval Jewish scholar and Sephardic philosopher, goes further, saying that the linkage between 'knowing the feelings of the stranger' and the notion of having been 'strangers in Egypt' is not merely a reminder of a common origin. I would support this interpretation as a warning of how God works in history on behalf of the oppressed, a lesson about whose side God takes in situations of oppression. According to Nachmanides, God speaks to his people in this way:

You should not think that the stranger has no one to save him from the violence or oppression of your hands. On the contrary, you should know that, when you were in Egypt, I saw the oppression with which the Egyptians were persecuting you and I brought punishment upon them. For I see the suffering inflicted by evildoers on people and the tears of the oppressed who have none to comfort them. And I free every person from hands of violence. Therefore, do not afflict the stranger, thinking there is no one to save him. For he will be helped more than any other person!' (Nachmanides, Comment on Exodus 22:20 and 23:9)

Therefore, Nachmanides thought the reminder of God that 'you were strangers in the land of Egypt' is not so much to prompt recall of their painful experience as a persecuted people, but a clear message: God stands by the persecuted. The recollection of what God did for the Israelites in Egypt is meant to encourage them to help the oppressed.

The modern commentator Nehama Leibowitz differs from Nachmanides by arguing that the memory of having been strangers in Egypt is no motivation for not oppressing the stranger. The enlightened may feel a true concern for strangers, but for most this will not be a deterrent (Fields,1991). A position reminiscent of the parable of the unmerciful servant in Matthew 18:21-35.

1.3 New Testament

The New Testament inherited this religious memory through the descriptions of and reflections upon the experiences of Jesus and his family's displacement and, later, the displacement of the early disciples. It is a central tenet of Christian tradition that Jesus begins his earthly journey as a child-refugee persecuted for what he represented:

Now after they had left, an angel of the Lord appeared to Joseph in a dream and said, 'Get up, take the child and his mother, and flee to Egypt, and remain there until I tell you; for Herod is about to search for the child, to destroy him.' Then Joseph got up, took the child and his mother by night, and went to Egypt, and remained there until the death of Herod.

Matthew 2:13-15

St. Matthew tells the story of the Holy Family's flight into Egypt to emphasise Jesus' solidarity with his people: he had even shared symbolically in the exile that the Hebrew people had suffered from long before.

The theme is broadened and deepened in the Prologue of the Fourth Gospel, which characterizes Jesus' entire earthly life in terms of a generalized rejection and displacement: 'he came to his own home and his own people did not accept him' (John 1:11). Jesus' subsequent ministry showed both his concern for those who lived as aliens within Jewish society and, in episodes such as the encounter with the Syro-Phoenician woman (Matthew 15:21–28, Mark 7:25–30) and the Samaritan woman (John 4), his conscious broadening of his own mission to include those living outside the social and religious confines of society. In this way, his ministry is presented as continuous with the Old Testament religious memory and self-understanding of the Jews as a displaced, yet chosen and inclusive, people.

In his adult life, too, Jesus suffered homelessness. St. Luke records his saying that, though the foxes had dens and birds their nests, he had nowhere to lay his head.

Matthew records a parable Jesus told about the way in which God will finally judge our conduct:

When I was hungry, you gave me food; when thirsty you gave me drink; when I was a stranger, you took me into your home; when naked you clothed me; when I was ill, you came to my help; when in prison you visited me...anything you did for one of my brothers here, however humble, you did for me.

Matthew 25:34-36, 40

Through word and ritual, in prayer and fasting, Christians seek to deepen their knowledge of Jesus, and the meaning of his life and death, more intimately. But there are men, women, and children in the world today for whom the experience of exile, and of being hunted down by death, are not ritual and remembrance, but cruel daily reality.

Every minute somewhere in the world 20 people are driven from their homes as a result of conflict or persecution. From Syria to South Sudan, from Myanmar to Manus Island in Papua New Guinea, people are regarded simply as collateral damage in wars, or treated as pawns in games of political expediency.

Agatha, a refugee from Rwanda who is now in Kenya, showed us how much there is in the Bible that can help us understand the feelings of refugees. Reflecting on a text of the Deuteronomy she says:

The Bible clearly tells us that God will never leave us or forsake us. God will remain with us through everything. Many of us refugees worry a lot about where we are going to sleep, what we are going to eat, where we will be tomorrow, but I would like to open up and tell you that the Lord will make you strong and help you; God will protect you (Isaiah 41). Scripture also tells us that unlike the birds in the air, we are especially privileged for God is there and ready to protect us. God is nearer to those who are discouraged and saves those who have lost hope. God preserves us so completely that not even one of our bones shall be broken. So my fellow refugees, place all your hope and put all your burdens on God, who fully understands each and every moment of our lives; keep on persevering for one day we will be given rest. Truly God has heard our voice and sees our afflictions.

2. Church and forced migration

There are many skills to be learnt, but perhaps at the end of the day it is a vocation of accompaniment or healing. It is a gift, and never something that belongs to us. It is not something we can presume upon because of our talent or skills. It is simply the trust to be with another knowing that each of us is created in love and that our destiny is to return to the

fullness of love, but what happens in between is often a huge struggle. A bigger struggle for some than others. A struggle made harder because of the wanton cruelty of people. But my abiding feeling is a deep knowledge that love triumphs eventually. (Hosking as cited in Jesuit Refugee Service, 2002, p. 81)

Before considering in detail the relationship of the Catholic Church towards refugees and other forced migrants we must firstly deal with a common assumption made, that this relationship is inherently benign, let alone benevolent. The term refugee was first used in relation to the Huguenots, who in the 17th century were faced with the removal of their right to practice the Protestant religion in France (Haddad, 2008). Despite government efforts to keep them in the country, between 200,000 and 500,000 people fled France, many for England whose government saw the advantages of having well-educated people of the Protestant religion on their shores and organised land grants and other benefits for the immigrants. This marked the first recorded organised response to an instance of forced migration and demonstrates well the mixed motivations that continue to mark policy responses to spontaneous migrations today.

The ultimate cause of the 17th century flight was the French state's desire to create a political identity for itself, one based on adherence to a particular religion, Catholicism (Haddad, 2008). Behind much displacement since then, one can readily identify similar attempts by governments to ensure a political identity based on a ethnicity, religion or culture. This complex interplay between religion and politics is one about which we must continue to be vigilant today. The awareness of the negative potential of religion invites a sober and measured consideration of the theological foundations of Christian understanding of displacement (Orobator, 2010).

In continuity with the scriptural tradition, the contemporary migrant, refugee, and internally displaced person have inherited the status of the biblical alien in the eyes of the Church community. Indeed, the Old Testament injunctions to look after the sojourner and alien were given specific contemporary expression in the 1963 Papal Encyclical *Pacem in Terris*, which explicitly recognizes the right of persons to change nationality for social and economic as well as political reasons. Where a state which suffers from poverty combined with great population cannot supply such use of goods to its inhabitants, people possess a right to emigrate, to select a new home in foreign lands and to seek conditions of life worthy of their common humanity (O'Neill, as cited in Hollenbach, 2010).

The encyclical also imposes duties on the receiving state to

Accept such immigrants and – so far as the good of their own community, rightly understood, permits – to further the aims of those who may wish to become members of a new society. (Encyclical Letter: *Pacem in Terris*, April 1963, 106)

As in the case of Hebrew scripture, these are not merely injunctions: they point to some deep current of identity that exists within the Church's self-understanding and its outlook on, and engagement with, the world around it.

So, we are left with two fundamental concepts – that human beings have a right to migrate and that the people who receive them stand to benefit from this migration.

The Church thus continues to deeply identify with the experience of exile and displacement, and to define its mission in the social and public arena with images drawn from this experience. At the Second Vatican Council this identification was explicit:

The Church, while on earth it journeys in a foreign land away from the Lord, is like in exile.... On earth, still as pilgrims in a strange land, tracing in trial and in oppression the paths He [Jesus] trod. (Vatican II, Lumen Gentium 'The Dogmatic Constitution on the Church', Nos 6-7)

It will come as no surprise that this identification also finds expression in early Christian writing. The link between persecution and displacement recurs in the Letter to the Hebrews which links faith "The assurance of things hoped for, the conviction of things unseen," to the experiences of migration and exile, likening our earthly life to a journey towards a heavenly home hoped for in faith:

By faith Abraham obeyed when he was called to set out for a place that he was to receive as an inheritance and he set out not knowing where he was going. By faith he stayed for a time in the land he had been promised as in a foreign land...All of these died in faith without having received the promises but from a distance they saw and greeted them. They confessed that they were strangers and foreigners on the earth, for people who speak this way make it clear that they are seeking a homeland...

Hebrews 11: 8-9, 13-14

Displacement therefore remains both a theological, as well as a political, event, an event that lies near the heart of the Church's self-understanding and identity. This, in turn, gives to the Church's consideration of the status and treatment of the migrant and refugee a moral perspective that informs, and is not exhausted by, popular political and legal expression concerning forced migration. In keeping with its scriptural roots, the Church's history and self-understanding challenge its members, as a matter of divine command, constantly to re-imagine the issue of forced migration beyond these secular spheres.

In listening attentively to the particular Churches in Europe, I sense a deep unease about the massive influx of migrants and refugees. That unease needs to be acknowledged and appreciated in the light of this moment of history, marked by an economic crisis that has left deep wounds. It has also been aggravated by the sheer size and makeup of the continuing waves of migrants, the general unpreparedness of the countries that receive them, and by often inadequate national and community policies. But the unease is also indicative of the limits of the process of European unification and points up the obstacles hindering the concrete application of universal human rights and the expression of that integral humanism which is among the finest fruits of European civilization. For Christians all these factors must be interpreted, in opposition to a self-enclosed and secularist mentality, in the light of the unique, God-given dignity of each human person. (Pope Francis, 2017)

Refugees are individuals who have been pushed out from their homes, exiled, and dispersed, world-wide. The Church world-wide consists of individuals who seek to build a community. Homelessness is at the heart of the refugee experience, while hospitality is at the heart of the Church's mission. The two should be a perfect match.

More simply put, the Church sees the refugee as a person who, as a result of having been subject to a set of particular circumstances, has a claim on the Church community in justice and hospitality, both for it to respond, and also to not further or create the conditions by which she has been forced to move. The actions of doing so, the engagement that results, gives meaning to the Church and furthers and deepens its self-understanding as the people of God.

From a distinctively ecclesiological perspective, the arrival of great numbers of our brothers and sisters in the faith offers the Churches in Europe yet another opportunity to embody fully

its catholicity, which, as we profess in the creed each Sunday, is a fundamental mark of the Church. In recent years, many dioceses in Europe have already found themselves enriched by the presence of Catholic immigrants who have brought with them their devotions, and their liturgical and apostolic enthusiasm. (Pope Francis, 2017)

Perhaps the most important resource available to guide the Church in re-imagining itself is the body of work contained in Catholic Social Teaching, and particularly the work of the Pontifical Council for the Pastoral Care of Migrants and Itinerant People. Taken as a whole, this work forms the most developed and sustained theological analysis of the causes of forced migration, and the ethics surrounding it. More recently, in a 2017 statement to members of the Catholic Bishop's Conferences of Europe, Pope Francis pointed to a new "frontier for mission":

From a missionary perspective, the current influx of migrants can be seen as a new "frontier" for mission, a privileged opportunity to proclaim Jesus Christ and the Gospel message at home, and to bear concrete witness to the Christian faith in a spirit of charity and profound esteem for other religious communities. The encounter with migrants and refugees of other denominations and religions represents a fertile ground for the growth of open and enriching ecumenical and interreligious dialogue. (Pope Francis, 2017)

3. Catholic Social Teaching and forced migration

The foundational concept of Catholic Social Teaching (CST) that has special relevance to forced migration is that of human dignity. This inherent dignity, which is derived from human beings having been created in the image and likeness of God, is essentially unrelated to the external circumstances in which individuals find themselves at any given time: it is intrinsic to being human.

This theological 'status' results in the individual person being a moral subject, a subject of rights that ensure the appropriate expression of this dignity. Denial of these rights – in other words, the prevention of this expression – is therefore a moral issue. Forced migration, which always involves the stripping away of these rights and which is thus an affront to human dignity, becomes, likewise, a moral issue: ultimately its causes are the decisions and choices made by other human beings acting either individually or collectively, its redress the responsibility of the Church community (Orobator, 2000).

Following the Second World War, a theological set of reflections were developed by the Catholic Church in a significant document on migration, *Exsul Familia*, which was published in 1952 and led Catholics to read the Bible and think about doctrine as reflection on the reality of migration. It also drew on Pius XII's emphasis on human dignity and argued that forced migration was a threat to that human dignity and to security (Rowlands, 2018).

One of the main reference documents in CST regarding forced migration is *Refugees: A challenge to our solidarity*. Drafted in 1992 by the Pontifical Council for the Pastoral Care of Migrants and Itinerant People and the Pontifical Council Cor Unum, the document defines the crucial question of who is a refugee for the Catholic church. It envisions a progressive definition beyond the 1951 Geneva Convention on Refugees, as I have explained in Chapter 3.

A 2013 document entitled *Welcoming Christ in refugees and forcibly displaced people. Pastoral Guidelines*, drafted again by the Pontifical Council for the Pastoral Care of Migrants and Itinerant People and the Pontifical Council Cor Unum, updates the vision of how to respond to the phenomenon of migration from a pastoral perspective.

Similarities, differences and gaps can be analyzed in synopsis with the 1992 document in five areas - the documents, the context of references, the challenges, the responsibilities of the states and the responsibility of the Catholic Church (Baggio, 2014).

Later Vatican documents on migration – including John Paul II’s updating of *Exsul Familia* entitled *Erga Migrantes Caritas Christi*, deepen this theological reflection further, noting the migration of God himself through history, and the figure of Christ as refugee who repeats the journey of the people of God into exile.

The Church’s teachings on migration challenge our culture to move away from two poor choices in the way that we see migrants: either as threats to peace, and prosperity or as passive victims in need of salvation. The theological tradition offers a perspective on migrants as people with dignity, able to make decisions and contribute to host societies, and as people who are both uprooted and who necessarily uproot the mindset of those who cannot welcome the stranger (Rowlands, 2018).

More recently, and building upon the teachings of his previous pontiffs, Pope Francis has been very clear on the agency and dignity of refugees and migrants. In his 2015 statement for the World Day of Migrants and Refugees, Pope Francis pointed to yet another dimension of the refugee phenomenon, saying that “migration movements are now a structural reality.” Pope Francis sees that countries are not acting as free agents in making moral decisions: rather that the world economy is built increasingly upon an interlinked system of unrestrained free market capitalism which seemingly needs the disparity of wealth, currently in evidence between countries, and the armed conflict that results, which in turn leads to refugee flows. I will analyse this more in Chapter Seven.

4. The rights of forced migrants in Christian tradition

Rather than providing juristic rulings on specific issues, Christian principles could form the foundations of a more modern protection framework, drawing on primary Christian sources – the Sacred Scriptures – as well as secondary works based on Catholic Social Teaching, which have dealt in a comprehensive fashion with the protection of refugees. Because a main principle is the equality of all human beings, for Catholic teaching once protection is granted, a refugee should benefit from all the rights granted to nationals.

These principles provide a comprehensive framework within which we can understand the rights due to a refugee, stemming from the right to protection, the right to *non-refoulement*, the right to have their spiritual and physical needs met, or the right of family reunification. Such rights would be due to any refugee, regardless of whether they were Convention refugees, internally displaced persons, asylum seekers or stateless persons.

The obligation to fulfil the rights of forced migrants finds its roots in the ethical foundations of Catholic teachings on human rights (a comprehensive analysis of which can be found in Hollenbach, 2014). The care of refugees offers a very special occasion for a Christian to contact and give practical help to persons of other faiths, as around 70 per cent of the refugees today are Muslim (UNHCR, 2017).

We can easily see the close relationship between the theological concept of human dignity and the juridical concept of universal human rights enshrined in the Preface to the Constitutive Charter of the United Nations and fleshed out in the Universal Declaration of Human Rights. Indeed, we may view these rights as created to ensure the appropriate recognition and expression of this dignity in the secular sphere. (Pontifical Council for the Pastoral Care of Migrants and Itinerant People, 1983)

4.1 Dignity and agency

Christian tradition emphasises the importance of ensuring that refugees can maintain their dignity. This stems from the inherent dignity due to all humans. Indeed, with the freedom bestowed upon humankind comes an obligation to preserve human dignity by seeking refuge from oppression and persecution.

The challenges to the Church, like any challenges provoked by faith, come in many forms. First, the experience of being a refugee is an offense to the dignity of the human person. So Christian tradition responds by insisting on that dignity. The question is: how can we accompany the refugees in a way that helps them to stand on their own two feet? In the camps they are brought to experience many needs because of their dependent circumstances. They have no new role except to wait on others' decisions.

The challenge is to establish a relationship of mutuality with refugees. We aim for a relationship that helps displaced people stand free of dependency. A related task for the Church is to arouse public opinion so that more people will know how human rights are violated with impunity. A world where human rights are not respected will continue to produce refugees of all kinds (Raper, 1998). Non-government organizations and churches need to become even stronger and more central to the international response for the sake of those communities and individuals left without defense in the face of conflict. Priority is given to strengthening civil society, especially local human rights, and communications organizations, or to supporting local communities which have a concern for human dignity, such as churches or co-operative associations. But all these local organizations need to be linked through reliable and trustworthy communications to international counterparts, both for their own safety and for their effectiveness.

The example of the international land-mines campaign is revealing. This campaign chose to by-pass the unwieldy and intensely partisan UN process of securing votes for a revised international Convention. Instead, it succeeded to weave a network of new alliances between individuals, non-government movements and governments. Through this alliance, pressure has been exerted even on non-state parties to the conflicts, such as rebel and resistance movements. The same type of campaigns and alliances are needed now to bring the dignity back of people affected by harmful and inhumane phenomena that create and accompany forced displacement, such as the proliferation of small weapons, the recruitment of children into armies, or the trade across frontiers of human beings.

Although the media and even humanitarian organizations, traditionally have tended to portray refugees as figures of compassion, leading to a mentality and a perception of passive, powerless, de-politicised figures who are denied a sense of history, culture, or nationality (Kirmani, Khan & Palmer, 2008: 6-7), Christian understanding of a refugee does not merely imply a helpless victim of circumstance but rather one who has taken an active choice to preserve their life. They are not helpless, as they have the power and agency to change their situation. Such an understanding confers dignity to forced migrants. Likewise, in Islam the seeking of asylum is rooted in the attributes of moral autonomy and free will – uniquely conferred by God onto mankind ('Abd al-Rahim 2008: 16). As such, within an Islamic framework it is a "duty" rather than the "right" to seek asylum (Kidwai, 2014).

The reality of migration, with its important cultural and spiritual dimensions, has a significant impact on attitudes and reactions all over the world. A question central to these attitudes and reactions is how to understand migration, more specifically from what perspective of the phenomenon is my understanding drawn from? Certainly, if we look at the media, we will have one perspective. But if we listen closely to one single migrant or refugee, the perspective will drastically change. Pope Francis puts his emphasis on this second approach.

Dignity can be reaffirmed by a closeness to the refugee. The quality of companionship with refugees is well illustrated in the Gospel of Luke's account of two dejected disciples dragging their feet from Jerusalem to Emmaus, and finding a companion in the risen Jesus, though they could not at first recognise him. He walks with those who are searching. He listens to them. He challenges their interpretation of the discouraging events. He waits, respects their freedom, and makes as if to walk on. But he is ready to accept their invitation to a meal. Finally, he breaks bread with them — the climax of the story — and their hearts are filled with joy and hope.

To accompany others and contribute in the rebuilding of their dignity and agency is itself a practical and effective action. Frequently now this is the way refugee protection is provided. Accompanying refugees is a way to 'internationalise' a situation. The presence of an international team in a refugee camp or in an urban setting has been known to prevent attacks on refugees. Moreover, the presence of international or national accompaniment with refugees can be a sign. When a free person chooses to accompany faithfully those who are not free - who have no choice but to be there — this is itself a sign, a way of eliciting hope. Accompaniment affirms that God is present in human history, even in its most tragic episodes.

This ministry of "accompaniment" is urgent and begins with searching out, rescuing, and listening to the victims. A ministry of accompaniment then leads to oppose the traffic in small arms, the spreading of land-mines, the recruitment of children to carry arms and commit atrocities.

Christianity has a striking message, that no person should be excluded, that all are neighbours deserving respect for their dignity. Moreover, showing respect to the other person is the way to show respect to God. As St John Chrysostom said:

It is only right that honour given to anyone should take the form most acceptable to the recipient not to the giver... Remember that he who said, 'This is my body', and made good his words, also said, 'You saw me hungry and gave me no food', and, 'in so far as you did it not to one of these, you did it not to me'. ... So give God the honour he asks for." (From the homilies of St John Chrysostom. Hom. 50, 3-4)

I believe refugees have a message that our world needs to hear. Teilhard de Chardin said: "I think that the world will not be converted to the heavenly hope of Christianity if first Christianity does not convert itself to the hope of the world." That first step of conversion can be done through listening to the hopes of refugees.

4.2 The right to remain

The Love of Christ Towards Migrants or *Erga Migrantes Caritas Christi* (Pontifical Council for the Pastoral Care of Migrants and Itinerant Peoples, 2004) includes the principle of peace and proposes a "right to stay or to remain". This principle has clear implications for conflict-resolution and development policies addressed to the root contexts of displacement, as we have seen in Chapter Two, and expresses the right not to be displaced. It is the duty of those who govern to provide the conditions for stability and the belonging to a peaceful community.

The perspective of the Church regarding the prevention of forced and disorderly migration, is to reaffirm the right to remain in one's homeland and to live there in dignity, peace, and security. To elaborate and promote the right to remain is deeply rooted in the Church's faith and in her social teaching. This right includes access to the common good, protection of human dignity, and access to

sustainable human development: these are rights which should be effectively guaranteed in one's own country and by one's own State. Only if this is guaranteed, can migration become a voluntary option.

To make today's migration a choice, not a necessity, is an enormous challenge. But there is a road map: the full implementation of the Sustainable Development Goals and the Paris Climate Agreement.

The right to remain is prior to the right to migrate. The right to remain really addresses those drivers of migration that compel people to abandon their homes and countries, and contribute to unpredictable migration cycles.

4.3 The right to leave

According to Vatican II document *Gaudium et Spes* (The Pastoral Constitution of the Church in the Modern World), of 1965 "Where there is conflict, persecution, violence, or hunger there exists a natural and absolute right of an individual to migrate and a natural right to seek sanctuary within an alternative 'safe' political community." (*Gaudium et Spes*, n.65).

This is enshrined in article 13 of the Universal Declaration of Human Rights:

(...) Everyone has the right to leave any country, including his own, and to return to his country.

Of particular importance, is to understand the drivers of migration – as analysed in Chapter 2 - which can vary according to time and context, and so there is a need to shape the right to be protected in accordance with that context. Also, there exists the importance of "return", as part of the experience or cycle of migration. The right to return or the right to an alternative durable and sustainable solution, as we have explained in Chapter 5, needs to be part of the discussion on the right to leave, as part of the same migratory cycle.

4.4 The right to protection and *non-refoulement*

Within Christian thought, providing protection to a refugee is not an act of charity, but rather an act of justice. While seeking asylum is a duty, being granted asylum is also a right. People who flee persecution have a right to find refuge, a right which has been conferred by God, and which their fellow humans have a duty to fulfil.

In Christian thought, all of humanity is in a pilgrimage towards God (home). Human beings are custodians of the earth, not the owners – and thus do not have the right to deny territorial refuge to those who need it. There is a clear religiously mandated requirement to provide protection and assistance to refugees (examples of the nature of what assistance and protection might look like is explained through praxis in Chapter 8). Indeed, helping the oppressed is a core theme in Christian scripture and teachings.

At the risk of over simplification, the extension of hospitality and protection to the stranger, one who is potentially a messenger from God, can be seen as the foundational ethic of the community and the means by which that community's religious identity is constituted.

This biblical testimony makes the alien, sojourner, stranger, and exile the subject of divinely sanctioned rights. The injunction to welcome and protect them comes as God's command and this is closely bound to the identity of a people who see themselves as in some way displaced. For the Israelites, the experience of, firstly, hospitality then displacement 'helped define their character as a people and their relationship to God.'

This right includes the right to *non-refoulement* (forced return). Christian tradition forbids to force a refugee to return to their country of origin against their will.

4.5 Right to have physical and spiritual needs met, including the right to non-separation from family

Careworn, lined faces and calloused hands reach out in faith to receive the Bread of life during a camp Eucharist. They are seeking so much more than what comes from a food ration card, seeking what will nourish their inner life and give comfort and consolation in a land of exile –strength to believe in a better future.

Sr. Louise Reeves, Ngara refugee camp, Tanzania

The right to dignity can be left abstract if it is not translated in real service. The first, and core principle, which is grounded not only in Christian faith but also in many other religious and philosophical traditions, is that each human being is of unique value and is precious. Catholics ground that value in the fact that God loves each of us personally and infinitely. Because each human being is of unique value, no one may be treated as an object or as a means to some larger end.

People who flee from persecution and cannot return to their homeland must have many needs met if they are to live with dignity. They need food, shelter, medical care, freedom of association, access to education and the possibility to begin a life's project through work and assured residence. These things, denied in their place of origin, flesh out the meaning of protection, which is not limited to a particular religion or race. To limit service to a particular religion or race is morally unjust and religiously dangerous. "Love the stranger" appears 36 times in the Old Testament, especially in Exodus and Leviticus.

In Islam, the third pillar, zakat, calls on Muslims to offer a percentage of their annual savings as alms to assist eight categories of vulnerable people: one of which is "travellers in need" (Q9:60). The Qur'an also exhorts Muslims to assist travellers in a voluntary capacity as well. God reminds us that "the truly good are those who ... give away some of their wealth, however much they cherish it ... to the needy, travellers ..." (Q2:177).

Right to non-separation from family can be considered as part of the spiritual well-being of the refugee. Christian traditions stress the importance of family unity, which plays an essential role in the refugee's moral and psychological well-being. It is the duty of the host state to keep families together and assist refugees in being reunited with their own families.

Christian tradition puts special attention to the most vulnerable categories of people, which are often afforded particular rights of provision and protection. Following the principle that a refugee is entitled to the same rights as citizens of the host state, such refugees are entitled to receive that which is promised to vulnerable groups of the host state.

Christian teaching puts weight on the importance of communal care for the elderly, refugees with a disability -very often overlooked-, the elderly, children (particularly non-accompanied minors), and some categories of women.

Christian traditions provide a broad framework for child rights, including the right to life, identity, family, freedom, upbringing, education and culture, rest and activity, health, justice, freedom and so forth.

4.6 The right to community life

The right to leave implies a moral requirement that nation states receive the refugee. Whereas the idea of human rights is normally associated with the individual, the theological notion of human dignity is wider. The Encyclical Letter *Caritas in Veritate* (June 2009), expresses that the human being is:

... defined through interpersonal relations. The more authentically he or she lives these relations, the more his or her own personal identity matures. It is not by isolation that man establishes his worth, but by placing himself in relation with others and with God ... The same holds true for peoples as well. (Pope Benedict XVI, *Caritas in Veritate*, 53.)

The human being is thus a being-in-relation-with-others. He or she can only realize his or her personhood, the full human-ness that God intended, in relation to others:

...this personal sociality manifests and realizes itself by the formation of, and participation in, communities. It is an active exchange... All persons are unique and their participative contribution to others and the community will be distinctive. As such, impeding or destroying this participation is not only destructive to the person – a violation of human dignity – but ultimately a loss to the whole community. (Llanos, as cited in Hollenbach, 2010)

The locus of the development and realization of full personhood is the community, the prime structural example of which is the political community we call country. Country thus represents the space in which all persons ought to be able to find what they need to become fully participating members of human society and, it follows, human beings with their God given dignity fully realised.

There are two important conditions to this right to the membership of such a political community (Hollenbach, 2010). The right so described is a right to one political community: it is not a right to a country of our choice. We are born into one political community – we neither chose this community nor the community us, nevertheless there is a loose bond, one to the other. Secondly, if human beings are to realise their personhood and thus their dignity, they must have access to basic education, basic health services and ways of earning a living. The structures of that political community must be of a nature to ensure that every person can participate in the community, access these goods and contribute to that community.

4.7 The right to political participation

Yesterday I spent the day coming back from Betun in Maliana. I was privileged to have mass with some women in a workshop. Many were widows. We finished mass by making a pilgrimage from the place of the workshop with candles to the Polres. The place where just over six months ago many of their husbands, brothers and sons were massacred. It was a powerful moment for us all. (Hosking, as cited in Raper & Valcarcel, 2000, p. 15)

In his Message for the Day of Migrants and Refugees, (Vatican City, 2001) Pope John Paul II teaches a need for both migrant participation and contribution to a host society. On the question of just legislation to enable integration and participation in host communities, again Pope John Paul II in his Encyclical Letter on Human Work *Laborem Exercens* (Vatican City: 1981), stresses the dignity of the human person and thus, the responsibility to enable real social, economic, civic, political participation of the migrant by the host community.

This right to participation in a community is fundamental and acts as the mechanism by which other rights are conferred. Such rights extend past purely political rights to include socio-economic rights as well. The purpose of the political community is to guarantee these rights and so the dignity of the person. CST conceptualises human rights as “the minimum conditions for life in community” (Hollenbach, 2010). This has a number of interesting implications. The first is that there now exists a condition attached to the right of countries to exert territorial sovereignty over their subjects. Governments are accountable to a higher, more universal, set of moral claims: they must guarantee a basic level of opportunity and participation within their borders (Hollenbach, 2008).

A country’s failure to fulfil this purpose produces the uncertainty which is so peculiar to the forced migrant: while he or she shares the dignity proper to membership of the human family, the mechanism by which this dignity is normally conferred, membership of a political community, is lacking, through no fault of their own. For CST, the need for continuation or restoration of these rights, irrespective of citizenship status, generates correlating moral duties on other parties: positive obligations imposed upon individuals, governments and non-government organizations (O’Neill, 2008).

Therefore, in CST persecution or being singled out in some manner is not the root of the moral claim to refuge (Llanos, 2010). The moral claim arises because of a foundational assault on a person’s dignity that becomes evident when a person’s relationship with the political community is irreparably broken.

4.8 Socio-economic rights

As we saw in Chapter 3, it is therefore not too surprising that the Pontifical Council for the Pastoral Care of Migrants and Itinerant People, together with *Cor Unum*, as far back as 1992 created a definition of forced migrant that encompassed in an open-ended manner the increased complexity and multiplicity of causes of such migration. The definition set by the Church grouped various subcategories of people caught in “refugee like” situations into a broad definition of what it termed ‘*de facto* refugee.’ In so doing, it emphasised the important difference between economic migrant and refugee but also added a counter- balance to narrow interpretations of refugee:

In the case of the so-called ‘economic migrants’, justice and equity demand that appropriate distinctions be made. Those who flee economic conditions that threaten their lives and physical safety must be treated differently from those who emigrate simply to improve their position. (Pontifical Council ‘*Cor Unum*’ and Pontifical Council for the Pastoral Care of Migrants and Itinerant People, 1992)

In other words, socio economic rights form a fundamental part of the framework that constructs membership of, and participation in, the political community. They thus provide an important pathway for the realisation of other rights which are at the heart of the Catholic social teaching’s concept of human dignity.

4.9. Impartiality and the right to non-discrimination

On 18th October 2015, I interviewed in Rome a member of the Jesuit Refugee Service in Syria. A Syrian himself, Fr. Sammour expressed the following regarding the principle of impartiality:

Here in Syria, the prophetic role of the Church can be seen in small gestures and initiatives. Many communities and organizations are able to reach to the most vulnerable with basic necessities and food, beyond religion and ethnic origin. Young religious and lay people are still committed to helping people. We saw these little groups and initiatives growing from the beginning of the war. Now, given the difficulty of the situation, there are fewer, but they are

still present. The war and the loss of everything has been an opportunity to spread greater awareness by some Church leaders. Many people converted after they lost everything; some have really changed.

Nawras Sammour SJ, Director of the Jesuit Refugee Service in Syria

Some of the largest refugee populations in recent years have been Muslims, notably many of the Syrians fleeing that nation's civil war, the Hazaras forced out of Afghanistan over many years, and the half million Rohingyas of Myanmar who crossed into Bangladesh after August 2017. In fact, some 70 percent of the refugees in the world today are Muslims (UNHCR, 2017).

Impartiality is at the heart of refugee protection. The International Committee for the Red Cross (ICRC) defines protection as "... all activities aimed at ensuring full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law, i.e. human rights law, international humanitarian law, and refugee law. Human rights and humanitarian organizations must conduct these activities in an impartial manner (not on the basis of race, national or ethnic origin, language or gender)." (ICRC, 1996)

A common question for staff working in faith-based organizations is: "Do you only help Christians? Do you only help Muslims?" Religious identity is becoming for some organizations and countries the criteria to select people whom to reach out to. Already in 1963, a week before his death, Pope John XXIII wrote:

Today more than ever...we are called to serve man as such, and not merely Catholics; to defend the human person everywhere, and not merely the Catholic Church...It is not that the Gospel has changed; it is that we have begun to understand it better...and to know that the moment has come to discern the signs of the times. (Quote attributed to Pope John XXIII, in his deathbed, 24 May 1963)

Basic to the right to non-discrimination is the refugees' fundamental right to freedom of worship, whether the refugees are Muslim, Buddhist or Christian. Conversely, no religious practice may be imposed on refugees by force, nor by 'blackmail' –subtle or not— such as offering assistance exclusively to those who attend religious services.

Another principle involves respecting the duty of the local Christian community to welcome strangers who take refuge among them, and the right to worship in their own language and according to their own culture.

The responsibility of offering welcome, solidarity and assistance to refugees is incumbent, first of all, on the local Church. It is called to incarnate the Gospel demands by reaching out to them without distinction, when they are in need and where they are alone. This response will take different forms: personal contacts, defense of individuals and groups, denouncing injustices which are the root of the evil, lobbying for the passage of laws to guarantee effective protection, education against xenophobia, setting up volunteer groups and emergency funds, spiritual aid. (Pontifical Commission for Pastoral Care of Migrants, Rome, 1992)

In Christian tradition, refugees are entitled to the same rights as citizens of the host state, regardless of whether they are an internally displaced person, a refugee, or a stateless person. This is done regardless of religion, race, or class.

If there is a question of priority in who Christians should care for, Christ's message is crystallised in the CST principle of the option for the poor, no matter his or her religious, ethnic, national origin. In the story of the Good Samaritan, Christian understanding of 'who is our neighbour' and what it is owed to the neighbor is not limited by borders, race, caste, religion, or political, social or cultural affiliation or orientation. The neighbour is the person in need. Those kept faceless and nameless behind the veil of border security operations are revealed to be brothers and sisters. The parable of the Samaritan says that the test of solidarity and of commitment to the common good is the care we have for the people who are most disadvantaged. So, the criteria is vulnerability, not identity (Australian Catholic Bishop's Conference, 2015).

Christ was often asked what mattered most in our relationship with God:

One of the Pharisees, a lawyer, asked him a question to test him. 'Teacher, which commandment in the law is the greatest?' He said to him, 'You shall love the Lord your God with all your heart, and with all your soul, and with all your mind.' This is the greatest and first commandment. And a second is like it: 'You shall love your neighbour as yourself.' On these two commandments hang all the law and the prophets.'

Matthew 22:36-40

In the wake of so much hostility towards Muslims in the world today, it is vital to reiterate that the Catholic Church has a "high regard" for Muslims, as indeed it does for believers of other faiths, and that it sees these non-Christian believers as partners in the mission to bring about a more just and peaceful world. By exploring more effective ways to engage with Muslims, and people of other faiths, as well as with faith-based organizations, Christian organizations and communities can find partners to promote social cohesion and what Pope Francis calls "a culture of encounter".

A cornerstone of humanitarian law, the principle of impartiality, put into practice, especially by faith-based organizations, can be a source of mutual knowledge, greater solidarity, and reconciliation, a sign towards a different way of thinking, even during war. In Syria, the Jesuit Refugee Service (JRS), whose mission it is to accompany, serve and advocate for refugees worldwide, works with teams of young Syrians, from Muslim and Christian backgrounds, providing aid to those most in need, regardless of religion. In Aleppo, the JRS offers 10,000 meals every day under the sound of mortars.

Refugees have something to teach us. We have much to learn about the principle of impartiality, reflected in hospitality towards people in need in the Christian tradition. The refugee context in Europe presents us with an opportunity to regain Western values of very basic humanity, by welcoming refugees. In doing so, we stand to rediscover traditional values that we have lost. As Pope Francis said to a group of refugees at JRS's Centro Astalli in Rome:

Though treated as a burden, a problem, a cost, you are really a gift. For every one of you can be a bridge that unites distant peoples, that makes possible the encounter between diverse cultures and religions, a way to rediscover our common humanity. (Pope Francis, 2016)

The response by states, as well, must be governed by the acknowledgement of the inalienable dignity of every human being. The fundamental rights of all human beings, irrespective of their nationality or citizenship and immigration status, must be respected so as to allow for the full enjoyment of these rights. In this line, Pope Francis's thought has been very clear throughout his pontificate:

I cannot fail to express my concern about manifestations of intolerance, discrimination and xenophobia that have appeared in various parts of Europe. Often this reaction is motivated by

mistrust and fear of the other, the foreigner, those who are different. I am even more worried about the disturbing fact that our Catholic communities in Europe are not exempt from these defensive and negative reactions, supposedly justified by a vague moral obligation to preserve an established religious and cultural identity. The Church has spread to all continents thanks to the “migration” of missionaries convinced of the universality of the saving message of Jesus Christ, meant for men and women of every culture. Throughout the history of the Church, there have been temptations to exclusivity and cultural rigidity, but the Holy Spirit has always helped overcome them by ensuring constant openness to others, viewed as a positive opportunity for growth and enrichment. (Pope Francis, 2017)

4.10 Understanding Identity

The link between hospitality and religious identity both become more profound and expand to include the themes of oppression and displacement in the story of the Exodus, where God calls on the Israelite people-in-exile to flee the political and economic oppression of their slavery in Egypt in search of the Promised Land. It is God who calls the Israelites out of this oppression and displacement, thereby cementing the identity of a nation loved and chosen by God.

Of course, both in the case of Abraham and with the Exodus, the chosen people were being sent to occupy a land that was already occupied by others. It is not clear, but God sees the human impulse to conquer and to deny the host people their rights as a precursor to divine punishment (Numbers 13-14). Clearly in the divine realm other ways to deal with the influx of migrants into a country are envisaged. Apart from the ethic proposed, and its interrelation with the religious identity of the emergent community, this and other biblical texts reveal that interaction with the stranger or foreigner, as with original inhabitants of the land were already important issues for pre-exilic Israel right at the beginning of the biblical record.

In our times, identity is central to the fears invoked in many people towards migrants and refugees. In his message for the World Day of Migrants and Refugees 2016, Pope Francis expressed a counter-cultural proposal in a very clear way:

At this moment in human history, marked by great movements of migration, identity is not a secondary issue. Those who migrate are forced to change some of their most distinctive characteristics and, whether they like or not, even those who welcome them are also forced to change. How can we experience these changes not as obstacles to genuine development, but rather as opportunities for genuine human, social and spiritual growth, a growth which respects and promotes those values which make us ever more humane and help us to live a balanced relationship with God, others and creation? (Pope Francis, 2016)

Migration need not lead to a loss of identity. Pope Francis evokes “the duty of civility” which can give rise to a sense of fraternity that “does not threaten us, but engages, reaffirms, and enriches our individual identity (cf. Benedict XVI, Address to Participants in an Inter-academic Conference on “The Changing Identity of the Individual”, 28 January 2008).”

Protection and hospitality require individual change. Pope Francis invites Christians and non-Christians alike to accept the challenge:

Too many times have we failed to welcome you! Forgive the narrow mindedness and indifference of our societies who fear the change in life and mentality that your presence requires. (Pope Francis, 2016)

Violence and persecution can be perpetrated in the name of religion. I support the views of former High Commissioner Antonio Guterres that when religion is used to undermine the rights of people it is very important to make the distinction between religious leaders, who normally do not take action in this line, and politicians who use religion for their purposes. In order to oppose religious intolerance, faith groups should be better integrated into conflict prevention and reconciliation strategies (Guterres, 2012).

In Europe, especially after the influx of refugees, which began in 2015, religion has been employed to call either for eliminating or for enforcing the walls around “Fortress Europe.” Religion is radically ambiguous, simultaneously causing social conflict and social cohesion in times of turmoil. For example, the growing sectarian trends of some French who are not really Catholics but claim Catholicism to be their “identity,” – judging immigrants to be “un-French.” French scholars call it “un christianisme de patrimoine” (Plunkett, 2018). This ideological “nativism” is based solely on the fear of loss of identity.

The solution comprises a response that is at once individual and institutional. Pope Francis refers explicitly to this new face of the Church in an interview with La Croix:

States must be secular. Confessional states end badly. That goes against the grain of History.... We are all equal as sons (and daughters) of God and with our personal dignity. However, everyone must have the freedom to externalize his or her own faith. If a Muslim woman wishes to wear a veil, she must be able to do so. Similarly, if a Catholic wishes to wear a cross. People must be free to profess their faith at the heart of their own culture not merely at its margins. (Pope Francis, 2016)

This external expression goes beyond the wearing of religious symbolism, to include the “right” and freedom of people to express their faith and religion publicly by works of mercy in the public space.

5. Religion and refugee protection from a humanitarian perspective

The creation of small Christian communities has helped to bring people from diverse areas together. They have a chance to get to know one another, pray the Bible together, and plan ways of helping each other, such as building shelters for the old and orphans. The sharing of our lives in praying and in group counselling helps to reduce emotional pain and bad thoughts, that have come to us as a result of war which took so many lives, including some of our relatives.

Kwizera Jean, a refugee from Burundi in Tanzania

As Antonio Guterres, former UNHCR High Commissioner and currently UN Secretary-General, once stated:

For the vast majority of uprooted people there are few things as powerful as their faiths in helping them cope with fear, loss, separation and destitution. Faith is also central to hope and resilience. Ignoring faith would be to ignore its potential for preserving dignity and for providing solutions to the people we care for (Guterres, 2012).

Western humanitarianism has largely been shaped by secular values, and tends to downplay the influence of faith outside the realm of private belief. It is well known that religion has declined in industrialized countries, but the vast majority of people affected by conflicts, disasters and displacement are people of faith, and for many, their religious beliefs and values play a major role in their lives. Faith helps them cope in times of crisis (Thomson, 2014).

In December 2016, I interviewed a refugee from a Catholic background, who explained: “Faith plays an important role for displaced persons as we seek answers to the many questions that we have regarding the pain and suffering that we have gone through. For most of us, our faith in God is what keeps us going in the midst of the many challenges that we face. Our faith is constantly tested. In his letter to the Hebrews (chapter 11, verse 1), Saint Paul defines faith as ‘the assurance of what we hope for and the certainty of what we do not see.’ This faith is what give us the hope for light at the end of the tunnel in which many displaced persons find themselves.”

Faith may encourage acts of compassion, tolerance and respect for human dignity, while inspiring social justice, reconciliation and conflict resolution. Religion and spirituality motivate and propel individuals, communities and organizations to help those in need and to save them from danger. There is unanimous recognition of the valuable contributions that faith organizations and communities make to the protection of refugees and the displaced (Guterres, 2012). Guterres further stresses:

To be a secular organization dealing with refugees does not mean UNHCR should ignore religion, but we must respect and value the faith of the people we care for. We must not discriminate among people based on their religious beliefs, but to ignore faith would be to ignore its potential for preserving dignity and for finding solutions for the people we care for. (Guterres, 2012)

The Catholic Church is practically everywhere. The scope and size of some faith based communities, along with their influence and connectedness, often gives them considerable leverage with State authorities and non-State actors. Not only can it welcome the refugee as he or she passes through a parish or diocese. Because of their local ties and widespread presence, the reach of local FBOs in crisis-affected and host communities often extends well beyond that of humanitarian actors and even State authorities, whose legitimacy in complex and insecure operating environments is often called into question (Thomson, 2014). The international Church network can help with protection, care, and the provision of a secure place of asylum. For this reason, the role of local churches must complement that of international organizations which do not have this same extensive reach, or are limited by a specificity of mandate, or are more sensitive to political obduracy. The long-term engagement of faith actors with local communities and government authorities also allows their protection initiatives to take root and sustain efforts to address the un causes, change patterns of behaviour or advocate for changes in law and policy (Thomson, 2014).

For example, UNHCR cannot enter Sri Lankan refugee camps in Tamil Nadu, or properly fulfil its protection mandate for the Burmese camps in Thailand. Wherever there is forced displacement, whether of a whole people, or only of one family or even of one individual, the Church is often the most immediate effective actor available to react to the situation.

The presence of FBOs before, during, and after disasters and conflicts, during the difficult journeys most refugees undertake, and in the country of asylum, means that they are well placed to provide protection. Their role as first responders and witness to refugees’ plights is often critical.

In May 2017, I interviewed a former Jesuit Refugee Service staff in Syria (anonymity requested), who explained:

When a family arrives to a village or a neighbourhood, the whole community asks itself: ‘What can we do for this particular family in need?’ Later on, local grassroots organizations, mosques, parishes, visit them and organize themselves to help them. This is how organizations make contact with displaced people, through families and local communities, including religious

communities. As in Northern Iraq, groups associated with the church and mosques have been on the frontlines, providing a practical response and extending their help beyond their primary beneficiaries – Christian or Muslim.

An example of good practice in this regard is the Interfaith Peace Platform in CAR, which brings together religious leaders of the three denominations (Catholic, Evangelical and Muslim) to promote inter-community dialogue. Created in 2014, it aims to set up over 20 community peace committees in the capital, Bangui, and in the prefectures, to promote dialogue between fractured communities, reconciliation initiatives and dialogue with the authorities (Conciliation Resources, 2014).

True partnership needs to be a two-way process, based on mutual respect, transparency, and fundamental humanitarian principles. If national faith actors are consulted already at the planning stage, full potential of their strengths will be brought to complement a purely humanitarian approach (Guterres 2012).

6. Conclusions: An Apostolic Exhortation is needed at this time

Forced migration has been an example of remarkable consistency in Catholic Social Teaching since it became an explicit theme during the pontificate of Pius XII. It shapes an understanding of the ethics of refugee policy. If we accept the mutual responsibility that all human beings have to one another, and especially to those in most need – responsibility that is demonstrated through much of Biblical scripture and multiple faith traditions – the *prima facie* conclusion will be that we are responsible for them.

The above discussion of the Catholic conceptualisation of rights reveals an inherent conflict that lies at the heart of most human rights discourse. This conflict is that the nation state cannot fully account for these rights due to simple reason that it, the nation state, exists solely to guarantee the human rights of its citizens and to privilege the moral claims of these citizens over the right of those outside its jurisdiction. We can thus see the moral and political dilemma in which most refugee receiving communities find themselves in relation to the welcoming of forced migrants within their borders.

In discussing asylum-seeker policy, we should always ask ourselves what respect for the human dignity of people who make a claim on us for protection from persecution entails. By making this question central to the discussion of policy, the Catholic approach differs sharply from other common approaches which begin with pragmatic and abstract questions, such as how to best protect land and sea borders. Real policy issues do not have to do with whether or not to receive refugees and asylum seekers – that is an ethical imperative. Policy has to do with how to receive them. The business of governments is how to establish the truth of the claims that people make on us, what in concrete detail protection will mean, how to respect the human dignity of those found not to be escaping persecution, how to act with other nations to heal the situations that lead people to flee, and how to share the burden of providing protection to refugees with other nations. These are the ‘how to’ questions of solidarity. The intuitions enshrined in the Catholic view of society suggest how governments should respond to refugees and asylum seekers. They also suggest questions about current government policies, particularly whether people are treated with respect for their human dignity. (Australian Catholic Bishop’s Conference, 2015)

As a way to conclude this chapter, I argue that an apostolic exhortation is greatly needed at this time, for the following reasons. To date, the Pope’s only encyclical, *Laudato Si*, concerns itself primarily with the environment and its destruction, while the one extraordinary synod he has called was to investigate the state of family life and related issues. But forced migration, partly because of its current extent and

form, as well as its currency as a political and social issue, has presented a peculiar set of challenges which illumines most clearly the existential challenges facing the Church today and how Pope Francis seeks to respond.

First, there are greater numbers on the move than at any other time since the aftermath of World War II, and, as Pope Francis has said, migration and forced migration have now become structurally part of the world economy (Pope Francis, 2016). There is every indication that in the globalized world, forced migration will continue to play a vital role.

Second, the issue, particularly in Europe, but also elsewhere, is in the forefront of people's minds, to the extent that it has become a significant political issue, one which could prove electorally decisive. As a result, there is also confusion surrounding the ethics of hospitality, and growing polarization between those who oppose what is seen as more liberal responses and those who support hard-line exclusionist policies based on a securitization agenda – irrespective of humanitarian need.

Third, Catholic Social Teaching has undoubtedly inspired and guided many Church and secular organizations and individuals towards a discerning, compassionate and just set of pastoral, practical and political responses. Despite this, and despite the apparently clear scriptural testimony, its solutions have remained stubbornly elusive, giving rise at times to division within the Church itself. As a result, it has sometimes looked to be powerless, unable to apply its spiritual resource to propose, embody or mount a consistent contribution to the issue. Thus, many of the faithful are not aware of the considerable depth of Church thinking about these issues and would benefit considerably from an accessible statement laying out a coherent framework by which believers can act.

For the Church, the problem is compounded by the fact that some xenophobic and isolationist responses it would see itself as opposing are being promoted by people acting in its name. Pope Francis, in an interview to the French journal, *La Croix*, in May of 2016, talked of people who seek to protect the “Christian roots” of Europe from migrants, many of whom are Muslim (Pope Francis, 2016). Overall there is a necessity to re-capture the Church's longstanding tradition and ethic of hospitality and its deep understanding of forced migration. Only this will empower people in their lived faith to contribute constructively to the national and international debate about the issue and to work effectively to meeting the challenge which it poses.

There are three parts to this process:

First, giving encouragement and strength to the faithful to respond in a generous but discerning manner, in line with the Church's thinking – in order to strengthen their faith.

Second, laying out clearly the ethical basis for humanitarian and other hospitality response based upon the Church's understanding of forced migration, and in so doing clarifying the ethical case for country's reception of different kinds of forced migrants in order to guide policy-makers and others in government in their reception of forced migrants.

Third, acting to exhort all people of good will concerning the absolute imperative to extend hospitality to all migrants in need.

What could a Papal exhortation look like? What questions should it cover?

I would argue that it should be solidly grounded on scriptural basis: The need to offer sanctuary to those seeking safety is as old as human history. Arguably, the foundational ethic of the Hebrew

scripture is Abraham's emblematic reception of the three mysterious strangers under the oak tree at Mamre. Scriptures provide guidance and inspiration in addressing the questions of who refugees are and how to approach their reception.

The Old Testament calls for the imperative to care for the widow, the orphan and the stranger, including those who do not share the Jewish faith, is established as an essential Jewish religious practice. However, there are also texts, helpful for current reflection, which reveal the struggle around identity issues when faced with the presence of the "foreigner" in the community's midst. What is God telling us Christians, and also Jews and Muslims about people on the move? Is there an interfaith ground for action?

In the New Testament, we see Jesus' early life experiencing exile in a "foreign land." His subsequent public life and mission are presented in the gospels as a process of gradual learning and integration of the foreigner in the community, with significant encounters such as that with the Canaanite woman in Matthew having a profound effect on shaping Jesus' mission and the consequent ecclesiology - the shape of the Church. This, with several parables (eg. Matthew 25), can contribute to the establishment of a basis to inform our contemporary conversation and, more importantly, of practical responses through hospitality.

The exhortation should also contain a short summary of key Church writings and tradition, including Catholic Social Teaching, as a guide to forming opinions and decision-making in response to current situations, namely *Pacem in Terris*. In this context, the definitional question – who are today's refugees? – could be considered and reframed according to Church thinking. As we have seen in earlier chapters, the UN definition concerns primarily the need for safety, which can be readily manipulated for political purposes, while contemporary Church thinking emphasizes more the God-given right of people to contribute positively to a community, as part of living a fulfilled life as a human being created in the image of God. This helpfully reframes the public conceptuality of refugees less as a victim than as a person capable of making a positive contribution to the host, which can guide responses to migration.

In this context, the causes of refugee and other forced migration could be considered: An analysis of the structural problems which cause forced migration movements, especially the disparity between rich and poor that marks our contemporary world, poverty, environmental degradation, poor governance, but as well as helping us understand this phenomenon can inform our faith more broadly.

The exhortation should include a discussion of realistic options to respond to refugees seeking safety. This could be taken at a personal-practical, as well as a political-policy, level. It could include a reference to refugee protection, pointing out in particular the existence of unprotected people not covered by any existing legal framework. It could further include proposals to the international community for legislative improvements able to provide the best means to protect people this century, based on the "Twenty Action Points" developed by the Migrants and Refugees Section of the Dicastery for Integral Human Development; along with guidance and practical suggestions to share more equitably the collective international responsibility to protect refugees.

Finally, and perhaps most controversially for some, the notion that the social teaching of the Church should lead us back to a willingness to suffer as a form of solidarity is an emerging hallmark of Pope Francis's pontificate. The contrast between a 'well-being' culture that seeks to protect the person from the suffering of others, and the Christian social ethic, which seeks ways to take on board and carry the suffering of others, is sharp and deliberate (Rowlands, 2018). In *Laudato Si* Pope Francis goes as far as to suggest that this defines the very task of Catholic social teaching itself: 'Our goal is not to amass information or to satisfy curiosity, but rather to become painfully aware, to dare to turn what is happening to the world into our own personal suffering and thus to discover what each of us can do about it.'



Maban Camp, Upper Nile District, South Sudan (JRS, 2002)

CHAPTER SEVEN - JUSTICE FOR REFUGEES: THE CHURCH'S RESPONSE TO REFUGEE PROTECTION UNDER THE VISION OF POPE FRANCIS

Immigrants dying at sea, in boats which were vehicles of hope and became vehicles of death. That is how the headlines put it. When I first heard of this tragedy a few weeks ago, and realised that it happens all too frequently, it has constantly come back to me like a painful thorn in my heart (...)

Has any one of us wept for these persons who were on the boat? For the young mothers carrying their babies? For these men who were looking for a means of supporting their families? We are a society which has forgotten how to weep, how to experience compassion – ‘suffering with’ others: the globalisation of indifference has taken from us the ability to weep! (Pope Francis, 2013)

Pope Francis's major contribution throughout his papacy has been to model and preach a God who is both justice and mercy. His great achievement has been to focus upon the most vulnerable and difficult of human situations. Defending migrant rights has particularly become a key theme of Pope Francis's papacy. He has made the hardships facing migrants worldwide a key focus, not only in words but also in action.

Through the implementing of this focus and reform, Pope Francis is in no way ignoring the work or theology of his immediate predecessors. As we have seen in the previous chapter, Popes Saint John Paul II and Benedict XVI made important and lasting contributions to the Church's theology during their pontificates, particularly in its social teaching. In fact, it can be argued that they laid much of the theological foundation for Pope Francis's subsequent mission.

A focus on the deterrence of refugees has closed the world's mind to the true picture of their hopes, fears, and aspirations. Pope Francis suggests we need to hear their story and appreciate the full picture of their journey. How do we as Christians respond to people who seek protection from violence and persecution? How can the Church create a counter-culture along the lines of the Gospel? What sign-value can the Church offer? Striving to answer the above questions, this chapter analyses the teaching of Pope Francis regarding how to better protect refugees and those seeking safety. More specifically, the chapter will analyse the content of the Twenty Action Points for the Global Compacts, published in 2017 with the aim of providing the Holy See's perspective on the Global Compacts on Migration and Refugees. For the purpose of this analysis, I will focus on only a few of Pope Francis's 20 Points, specifically on those that refer to refugee protection and offer practical ideas about how we can improve refugee protection worldwide. I will also offer an academic analysis to bolster such proposals, namely on access to protection.

The world needs a framework for refugee protection that is both rooted in Christian values and the doctrine of Pope Francis. Developing such a framework will require further research and consultation with Christian scholars, refugee populations, and states and communities which host refugees.

However, as a starting Point, this chapter seeks to outline a realistic response — based on the overarching principles and classical practices of refugee protection within Christian traditions — which may guide our practice today. It is my hope is that this set of proposals of *lex ferenda*, or what the law should be, will one day become *lex lata*.

1. A personal journey with refugees

Pope Francis's unique contribution to addressing the question of migration has been to insist on making personal journeys with migrants. He describes these journeys as 'gestures of closeness' (Pope Francis, 2013). He tends to use concrete human situations as a starting point from which to work outwards, gathering inputs from an often large range of sources. In summary, it is the Pope's open-ended meeting with lived experience from which his principles begin to emerge.

In his apostolic exhortation, *Evangelii Gaudium*, Pope Francis comments on this approach in detail, and bases it in incarnational and strongly Christological spirituality:

Realities are greater than ideas...The principle of a reality, of a word already made flesh and constantly striving to take flesh anew, is essential to evangelization.... this principle impels us to put the word into practice to perform works of justice and charity that make that word fruitful. Not to put the word into practice, not to make it reality is to build on sand, to remain in the world of pure ideas. (Pope Francis, 2013)

In July 2013 during the first journey of his pontificate, the Holy Father travelled by boat to the island of Lampedusa, off the southern coast of Sicily. This Italian island is a well-known landing place for mostly African "boat people" attempting the perilous journey across the Mediterranean from North Africa to Europe.

The context of his visit was significant. It was after the capture and eventual death of Libya's former Prime Minister, Muammar Gaddafi, in October of 2011 and a subsequent period of political instability. Poorer Africans attracted to the work available under Gaddafi's economic expansion were now looking elsewhere, and specifically across the Mediterranean.

While in Lampedusa Pope Francis delivered a now famous homily which began with a reflection on the first two questions that God asks humanity in Scripture: Adam, where are you? Cain, where is your brother? The narrative of Cain and Abel is a trope to which Francis has returned on numerous occasions, as can be read too in his treatment of integral ecology in the Encyclical Letter *Laudato Si'*. Pope Francis interprets these passages as stories of human disorientation, of the first signs of a tendency in humankind to lose our place within creation, to lose our orientation as creatures towards a creator. Thus, to fall is to be disorientated, or uprooted, to lose our bearings (Rowlands, 2018).

Pope Francis juxtaposes an account of the disorientation of the settled in relation to the orientation of the displaced. This forms the first key pillar of his approach to forced migration. In order to identify why the current response to displacement is failing, we must first see our own disorientation. Pope Francis roots this disorientation not only in a classic account of the fall, but also in aspects of contemporary society, drawing specific attention to the culture of wellbeing which breeds indifference towards others. In a way, our own transient cultural ways breed indifference towards truly transient people. Thus, in creating the transience of the settled, globalisation also produces as its by-product, the globalisation of indifference (Rowlands, 2018).

Pope Francis's pontificate coincides with the growth of global refugee and forcibly displaced numbers to their highest levels since the end of World War II, in what many have termed a refugee "crisis". The term "refugee crisis" is problematic. It implies firstly that refugees or would-be refugees are the cause of their own flight. This, as we have already explored, is simply not the case. Pope Francis has more accurately identified the crisis as a crisis of solidarity. In doing so, Pope Francis demonstrates that his approach and perspective is more comprehensive and global in vision. This crisis of solidarity begins

with us and consequentially we must work to construct a positive, humane response to the movements of people. It is this response that will counter global and personal indifference.



Visit of Pope Francis to a soup-kitchen run by the Jesuit Refugee Service in Italy, September 2013 (JRS)

2. A new Church body to respond to new forms of migration

Since the visit to Lampedusa in 2013, Pope Francis has done much to integrate this issue into the mainstream religious and cultural agenda for the reinvigoration of western culture. He sees the Church's contribution as one of many but has sought at the same time to infuse the political process with dignity and thus to make it accountable to a more universal set of ethical values, one that is consistent with the central principles of Catholic social teaching. Pope Francis has emboldened the Church to make a constructive and public contribution to these political processes. A call he gave at the regular Sunday Angelus reflection to people gathered in Saint Peter's square exemplifies this:

Faced with the tragedy of tens of thousands of refugees who flee death from war and hunger, and who have begun a journey moved by hope for survival, the Gospel calls us to be "neighbours" of the smallest and the abandoned, and to give them concrete hope.... Christian hope has a fighting spirit, with the tenacity of one who goes toward a sure goal. Therefore, as the Jubilee of Mercy approaches, I make an appeal to parishes, religious communities, monasteries and shrines throughout Europe, that they express the Gospel in a concrete way... (Pope Francis, 2015).

To ensure the continuation of this work at an institutional level, Pope Francis in August 2016 announced a restructure within the Vatican to create a new *Dicastery for Promoting Integral Human Development*, a dicastery that will be "competent particularly in issues regarding migrants, those in need, the sick, the

excluded and marginalized, the imprisoned and the unemployed, as well as victims of armed conflict, natural disasters, and all forms of slavery and torture” (Migrants and Refugees Section, 2017). In order to achieve this, he created a section within the dicastery dedicated to refugees and migrants which he himself leads. This section, the Migrants and Refugees Section (M&R), was created in January 2017. Its mission statement is clear in focus:

The M&R Section helps the Church worldwide to support those who are forcibly displaced by conflict, natural disaster, persecution or extreme poverty; those who are making their difficult way to safety or are stuck; and those who fall victim to human trafficking. (Migrants and Refugees Section, 2017)

Convinced that special attention and efforts are needed to ensure that those forced to flee are not shut out or left behind, the mission statement of M&R is also clear about its inspiration:

At Lampedusa and Lesbos, major transit points in Italy and Greece, Pope Francis wept with the migrants and refugees huddled there. On the plane back from Lesbos, he brought some Syrian refugee families to live in the Vatican. ‘When we heal the wounds of refugees, displaced persons, and victims of trafficking,’ he said, ‘we are practising the commandment of love that Jesus has left us ... Their flesh is that of Christ’ (24 May 2013). What the Pope teaches and does himself, he wants the M&R Section to help others say and do throughout the world. (Migrants and Refugees Section, 2017)

The very nature of forced displacement awakens the very nature of a Church which is not a territorial Church, but a Church which is pilgrim, made up of people who are on the move. The added value of this office, and its linkage to the worldwide work of the Church with forcibly displaced persons, is the fact that the so called “Global migration crisis” is understood not through a global response – I believe myself there is no such global response – but through a local one, through the peculiarity of each context, and the people who are part of the response. Consequently, the M&R Section’s mission is to assist the Church – the Bishops, the faithful, the clergy, Church organizations, and everyone else, too – to accompany those who are departing and fleeing, those in transit or waiting, those who are arriving and seek to integrate, and those who return. What does to accompany mean? To see, to listen, to welcome; to protect; to assist and integrate; to pursue long-term solutions. In Jesus’ own words, “Do to others as you would have them do to you” (Luke 6:31).

3. A protection framework for forced migrants: Pope Francis’s Twenty Action Points

[The two Global Compacts] need to be inspired by compassion, foresight and courage, so as to take advantage of every opportunity to advance the peace-building process. Only in this way can the realism required of international politics avoid surrendering to cynicism and to the globalization of indifference. Dialogue and coordination are a necessity and a specific duty for the international community. Beyond national borders, higher numbers of refugees may be welcomed – or better welcomed – also by less wealthy countries, if international cooperation guarantees them the necessary funding. The Migrants and Refugees Section of the Dicastery for Promoting Integral Human Development has published a set of twenty action points that provide concrete leads for implementing these four verbs in public policy and in the attitudes and activities of Christian communities. The aim of this and other contributions is to express the interest of the Catholic Church in the process leading to the adoption of the two U.N. Global Compacts. This interest is the sign of a more general pastoral concern that goes back to the very origins of the Church and has continued in her many works up to the present time. (Pope Francis, 2018)

In 2017, M&R drafted a set of Twenty Pastoral Action Points and Twenty Action Points for the Global Compacts on Migration and Refugees, providing concrete leads for implementing the four actions – to welcome, to protect, to promote, to integrate – in the attitudes and actions of Christian communities, others concerned, and in international and national policies. To do this, the Vatican’s Section consulted with various Bishops’ Conferences and Catholic NGOs working in the field.

The Section for Migrants and Refugees of the Dicastery for Promoting Integral Human Development has prepared Twenty Action Points that various local Churches can utilize, integrate, and develop in their pastoral outreach. The Points are based on the “best practices” that characterize the Church’s tangible response to the needs of migrants and refugees. These Points can also prove helpful for discussions that various ecclesial institutions can have with government authorities in view of these global agreements. I would encourage you to familiarize yourselves with these Points and to promote them through your episcopal conferences. Those action Points also make up a “paradigm” of the four verbs I mentioned above, a paradigm that can serve as a criterion and yardstick for the pastoral practices of the local Churches and an aid in updating and improving them. (Migrants and Refugees Section, 2017)

While the programme of the Twenty Points does not make reference to the causes or drivers of forced migration, Pope Francis continues to call on world leaders, the civil society, and people of good will to tackle the root causes. In his 2015 statement for World Day of Migrants and Refugees, Pope Francis pointed to this dimension of the refugee phenomenon, saying that “migration movements are now a structural reality.”

While the Global Compacts have responded to migration and refugees differently, the Twenty Points refer both to migrants and refugees. Taking into consideration that the Catholic church recognises migration not as a new phenomenon, but rather as a natural human response to crisis and to the innate desire of every human being for a better life, and based on the mixed nature of migration, the Catholic thinking argues that it is difficult to maintain a clear-cut distinction between migrants and refugees.

Pope Francis reflects four mileposts for action through four verbs in several teachings throughout the year 2018, based on Christian Sacred Scriptures:

Offering asylum seekers, refugees, migrants and victims of human trafficking an opportunity to find the peace they seek requires a strategy combining four actions: welcoming, protecting, promoting and integrating.

“Welcoming” calls for expanding legal pathways for entry and no longer pushing migrants and displaced people towards countries where they face persecution and violence. It also demands balancing our concerns about national security with concern for fundamental human rights. Scripture reminds us: “Do not forget to show hospitality to strangers, for by so doing some people have shown hospitality to angels without knowing it.”

“Protecting” has to do with our duty to recognize and defend the inviolable dignity of those who flee real dangers in search of asylum and security, and to prevent their being exploited. I think in particular of women and children who find themselves in situations that expose them to risks and abuses that can even amount to enslavement. God does not discriminate: “The Lord watches over the foreigner and sustains the orphan and the widow.”

“Promoting” entails supporting the integral human development of migrants and refugees. Among many possible means of doing so, I would stress the importance of ensuring access

to all levels of education for children and young people. This will enable them not only to cultivate and realize their potential, but also better equip them to encounter others and to foster a spirit of dialogue rather than rejection or confrontation. The Bible teaches that 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.”

“Integrating”, lastly, means allowing refugees and migrants to participate fully in the life of the society that welcomes them, as part of a process of mutual enrichment and fruitful cooperation in service of the integral human development of the local community. Saint Paul expresses it in these words: “You are no longer foreigners and strangers, but fellow citizens with God’s people.” (Pope Francis, 2018)

The Twenty Points which I will explain in more detail, are divided in these four verbs, each with a different perspective to improve a collective response to migrants and refugees.

3.1 To Welcome: Enhancing safe and legal channels towards protection

Welcoming means, above all, offering broader options for migrants and refugees to enter destination countries safely and legally. This calls for a concrete commitment to increase and simplify the process for granting humanitarian visas and for reunifying families. At the same time, I hope that a greater number of countries will adopt private and community sponsorship programmes, and open humanitarian corridors for particularly vulnerable refugees. Furthermore, special temporary visas should be granted to people fleeing conflicts in neighbouring countries. Collective and arbitrary expulsions of migrants and refugees are not suitable solutions, particularly where people are returned to countries which cannot guarantee respect for human dignity and fundamental rights. Once again, I want to emphasise the importance of offering migrants and refugees adequate and dignified initial accommodation. (Pope Francis, 2018)

Encourage States and all actors involved to expand the number and range of alternative legal pathways for safe and voluntary migration and resettlement, in full respect for the principle of *non-refoulement*.

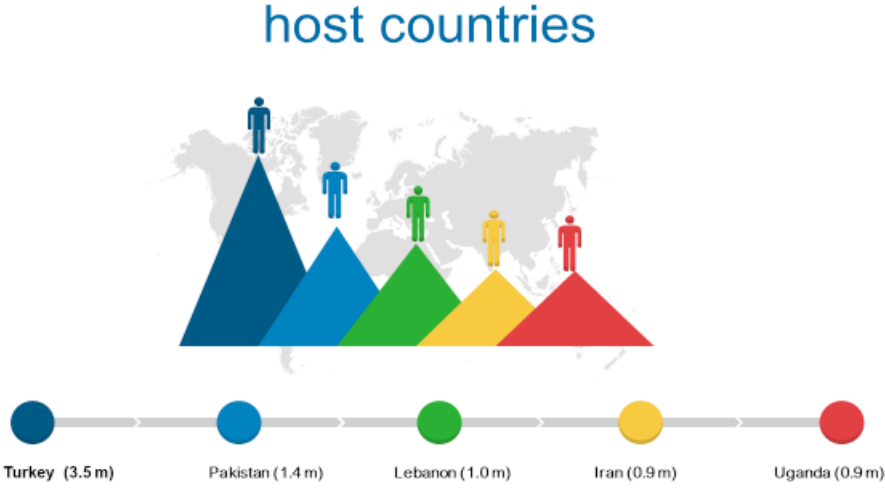
Point 2, Twenty Action Points

Following the tragedies of Lampedusa and Malta in October 2013, decision-makers and religious leaders joined Pope Francis in the call for opening accessible and secure humanitarian channels to those fleeing conflict and persecution, and often trapped in criminal organisations (Pope Francis, 2017).

Looking at the present migration scenario, welcoming means enhancing safe and legal channels for migrants and refugees (Baggio, 2017). The Holy Father translates such enhancement into “[...] offering broader options for migrants and refugees to enter destination countries safely and legally. This calls for a concrete commitment to increase and simplify the process for granting humanitarian visas and for reunifying families” (Pope Francis, 2018). Points 1 to 3 of the Twenty Points cover this aspect of the response to migration.

Under the status quo, whichever country a refugee reaches, is the one and only country that has protection obligations to that refugee. Accidents of geography, rather than any principled metric, determine which states are obliged to carry the burdens for implementing what is in theory a universal duty to protect refugees. That approach has led to 63per cent of the world’s refugees residing in just 10, mostly very poor, countries. Turkey is the world’s leading refugee hosting country in terms of absolute

numbers, with a population of 3.5 million refugees, mainly Syrians. Lebanon hosted the largest number of refugees relative to its national population.



Source: UNHCR, 2018

Other countries give some aid and offer to resettle about 1 per cent of the refugees. There is therefore a perverse incentive built into the system to turn refugees away as horrific events in the Mediterranean make clear (Hathaway, 2018). EU countries fight over which port should accept people who are fleeing their homes and the horrors in Libya and are stranded in the waters of the Mediterranean. Such unseemly squabbles are the inevitable result of the global failure to adopt binding laws on how the world should share responsibility for refugees. Those responsible for its failure are the EU, for failing to move beyond the manifestly wrong-headed “first country of arrival rule,” and the UN for failing to offer leadership to bring about a serious system to share refugee burdens and responsibilities.

The absence of ways for refugees to travel safely and legally has led to a boom in the smuggling of human beings and is exposing refugees and migrants to abuse, exploitation, and the danger of falling prey to traffickers and other criminals. Refugees risk their lives by embarking on unseaworthy boats on the Mediterranean, Indian and Pacific Oceans, or by climbing the fences at the external land borders of the European Union or in the risky Northern Triangle towards Mexico and then the US. For the large majority of people in need of protection, this is the only alternative way out of war and persecution. This is illustrated by the increasing number of migration-related deaths and disappearances at sea. The Central Mediterranean has become the primary entry Point to Europe for refugees and migrants since mid-2016. UNHCR estimates that in 2017, almost 120,000 refugees and migrants arrived in Italy by sea. Smuggling and human trafficking needs to be understood as part of a failed system where there are no alternative legal options. Because of the lack of legal and safe routes, people end up trapped in these groups. The increasing number of people in need of international protection who are perishing on their way to safety is a grim reminder of the limitations of the current international protection regime.

One of the most significant contributions of the doctrine of Pope Francis in the Twenty Points is the question of how to access protection through safe and legal channels, explained in Point 2 (a-g) of the

Twenty Action Points. In full respect for the principle of *non-refoulement*, Point 2 offers examples for how safe arrivals can be made possible. Amongst others, it points out to the extension humanitarian visas, or if already present, their expansion as a national policy priority; the wider use of student visas; the adoption of humanitarian corridor programs that grant legal entry with a humanitarian visa to people in particularly vulnerable situations; legislation which enables local integration through community and private sponsorship by citizens, communities and organizations; the adoption of resettlement policies for refugees or, if already present in the legal framework, the increase in the number of refugees resettled on a scale that would enable the annual resettlement needs identified by UNHCR to be met; the provision of family reunification visas or, if already available, the expansion of the number of such visas issued to extended family members, including grandparents, siblings and grandchildren; and the immediate granting of temporary protection status to persons forced to flee armed conflict, persecution or widespread violence. (Migrants and Refugees, 2017)

This theory is sustained with the praxis of organisations representing churches throughout the world, as well as Christian agencies particularly concerned with migrants, refugees, and asylum seekers. In the European Union, these agencies work under the conviction that the core values of the EU as an area of freedom and justice must be reflected in day-to-day politics. It is against this background that they have developed proposals for the development of policies, specifically in regard to safe and legal paths to protection. In November 2014, a set of Recommendations for the Development of Safe and Legal Paths to Protection in the European Union, was published by Caritas Europa, Churches Commission for Migrants in Europe, Commission of the Bishops' Conferences of the European Community, International Catholic Migration Commission, Eurodiaconia, Quaker Council for European Affairs, and Jesuit Refugee Service Europe. According to these organisations, the groups of persons who need protection in the EU have many diverse backgrounds. The following are some mechanisms that are recommended by Christian churches, which sustain the call of Pope Francis in Point 2 of the Twenty Points.



Northern Darfur, Sudan (JRS)

3.1.1 Humanitarian Visas

Adopt the practice of extending humanitarian visas, or if already present, expand their use as a national policy priority.

Point 2.a, Twenty Action Points

For some groups of forced migrants, the ability to obtain a humanitarian visa could be an effective path to protection, since in the case of individual cases, this mechanism would facilitate that a person travels in a legal and safe way to the country of destination, with the objective of making an application for international protection.

Regarding visas for the European Union, where persons can access an embassy or consulate of a Member State, be it in their countries of origin or in transit countries, they could be provided with a visa authorising them to travel to this Member State. Once the asylum seekers arrives in the country of destination, the process to seek asylum would start.

Starting as an amendment to broader package of visa reforms led by the European Commission, the humanitarian visa was withdrawn by Parliament after a year of negotiations following a European Court of Justice ruling, a case brought by Belgium, that EU countries could not be obliged to grant such visas. The case, *X and X v. État belge*, C638/16 PPU, involved a Syrian family's application for a Humanitarian Visa at the Belgian embassy in Lebanon, but fell outside the scope of the Visa Code, even if formally submitted on the basis of its Article 25(1)(a), because the purpose of the application (that is, to apply for asylum upon arrival to Belgium) differs from that of a short-term visa. In other words, Article 1 of Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code), as amended by Regulation (EU) No 610/2013 of the European Parliament and of the Council of 26 June 2013, must be interpreted as meaning that an application for a visa with limited territorial validity made on humanitarian grounds by a third-country national, on the basis of Article 25 of the code, to the representation of the Member State of destination that is within the territory of a third country, with a view to lodging, immediately upon his or her arrival in that Member State, an application for international protection and, thereafter, to staying in that Member State for more than 90 days in a 180-day period, does not fall within the scope of that code but, as European Union law currently stands, solely within that of national law (ECRE, 2017).

Currently, EU member countries can exercise discretion over whether they want to grant access to asylum seekers on humanitarian grounds. The Limited Territorial Visa (LTV) provisions contained in the Community Code on Visas (CCV) offer this possibility. The Regulation number 810/2009 of the European Parliament and of the Council of 13 July 2009 is referred to as Visa Code. Since 2009, Articles 19 (4) and 25 (1) of the Visa Code provide for the exceptional issuing of a visa with limited territorial validity when a Member State considers that, under humanitarian grounds or because of international obligations, a visa should be granted for reasons of urgency (Iben-Jensen, 2014). In fact, according to Article 25 of the CCV, '[a] visa with limited territorial validity shall be issued exceptionally... when the Member State concerned considers it necessary on humanitarian grounds, for reasons of national interest or because of international obligations to derogate from ... the entry conditions laid down in... the Schengen Borders Code.' Today, applying the Koushkaki judgment by analogy -- case 84/12 Koushkaki ECLI:EU:C:2013:862 -- when the conditions of Article 25 of the CCV are met, "the competent authorities of a Member State cannot refuse, following the examination of an application for a uniform visa, to issue such a visa to an applicant unless one of the grounds for refusal of a visa listed in those provisions can be applied to that applicant" (Case 84/12 Koushkaki ECLI:EU:C:2013:862).

In more recent times, and in the same line as what is suggested in Point 2.a of Pope Francis's Twenty Points of Action, the European Parliament has been trying to give asylum seekers the opportunity to legally secure their right to entry into Europe before they even set foot on the continent. Through the creation of a "European Humanitarian Visa," MEPs such as Juan Fernando López de Aguilar, through hearings at Parliament's Committee on Civil Liberties, Justice and Home Affairs have suggested this mechanism. The scheme would not only allow asylum seekers to legally apply for the visa at any EU member states' embassy or consulate in their home country, but it would take the form of a "visa waiver," allowing asylum seekers to enter the Schengen area without any additional legal documentation (López de Aguilar, 2018).

In July 2018, MEP López de Aguilar set the vision: "It's not about refugees. The so-called refugee crisis is actually a political crisis, which in so many ways questions the political will to respond with a European fashion to a shared and common challenge." (López de Aguilar, 2018). The logic is clear: 90 percent of migrants and refugees have to use irregular means to get to Europe, leading to 5,000 recorded deaths in 2016 alone. If we see it from a financial perspective, irregular entries have an immense cost for the EU, due to the maintenance of surveillance and border management, as well as different attempts to fight against human trafficking.

The visa scheme could provide not only safety for refugees –their mortality rate is almost 2 percent per year, and 79 percent of them have experience exploitative practices, including human trafficking- but could save the EU and its member states millions of euros. One search-and-rescue mission alone can cost the EU up to 216,000 euro (European Value-Added Assessment, 2018).

Member states resistance to such initiatives are inconsistent in their arguments. As an example, on the same hearing at the European Parliament held on 10th July 2018, Michel Dejaegher, head of the French visa department, raised concerns over the high costs for the EU in processing the visas, which could be, according to him, complicated by the applicant's potential difficulty travelling to consulates in times of conflict and presenting valid documents (Jack, 2018). Regarding the financial cost, I have explained above the cost that both maritime and border surveillance have on the EU and member states. Regarding the difficulties for the applicants, I argue, is it not more complicated to cross a desert, spend a period of time in Libya, and risk one's life taking a boat to Europe?

The only other Protected Entry Procedures (PEP) currently available are resettlement via the UNHCR or private schemes, as we will see below.

In other continents, a good example for the humanitarian visa model is the policy adopted by Brazil. Brazil's granting of humanitarian visas began in 2012 in favour of Haitians after the 2010 earthquake in Haiti. It was extended in 2013 to benefit people affected by the conflict in Syria. The Brazilian embassies in countries neighbouring Syria were responsible for issuing special humanitarian visa for Syrians and other nationals affected by the Syrian conflict who wanted to seek refuge in Brazil. Asylum seekers from the Syrian conflict who have been granted humanitarian visas are, for most part, recognised as refugees on a *prima facie* basis, without going through individual refugee status determination (Jubilut, Muiños de Andrade, and Lima Madureira, 2016).

3.1.2 Humanitarian corridors: An ecumenical good practice to be replicated by states

Adopt humanitarian corridor programs that grant legal entry with a humanitarian visa to people in particularly vulnerable situations, including those forced to flee conflict and natural disasters.

Point 2.c, Twenty Action Points

The ecumenical humanitarian corridor project launched by the Community of Sant’Egidio, the Federation of Evangelical Churches and the Waldensian and Methodist churches in 2016, offers a viable and practical model, especially for governments, as a pilot to show that safe and legal paths to protection are effectively possible. After lengthy negotiations, the above-mentioned church groups signed an agreement with the Italian government in December 2015. The first Syrian family arrived from Lebanon in Italy in February 2016. The program brought about 800 Syrian refugees from Lebanon and Morocco to Italy. The main purpose of the humanitarian corridors is to allow the safe arrival in Italy of vulnerable Syrian refugees from Lebanon, avoiding dangerous boat journeys across the Mediterranean and exploitation by human traffickers. The initiative doubled the number of refugees resettled in the country. From January 2015 to March 2017, 938 people – 838 of them Syrian – arrived in Italy via the official UNHCR resettlement program.

The humanitarian corridors programme is a valid one, and probably the only pragmatic response to thousands of people dying off Italy’s southern coast. Paolo Naso, a representative of the Federation of Protestant Churches in Italy and one of the architects of the initiative, has rightly said that “Europe is generous with asylum, but before getting the status you have to risk your life to cross the ocean to get in.” (Naso, 2017). They wanted to provide an alternative to “illegal, violent, risky migration” over the Mediterranean Sea. Humanitarian Corridors have proved to be a successful multi-stakeholder engagement to support safe and legal pathways to protection as well as durable solutions for third country nationals in need of protection. Pope Francis described this project as “a concrete sign of commitment for peace and life that unites solidarity with security.”

This program is completely self-financed by the organisations that launched it. Unlike the government-funded resettlement program, the costs of transporting, housing, and integrating refugees are paid by the church associations for around a year, primarily via tax funds that their members can divert to churches under Italian law. The groups divide responsibility for the refugees, with parishes and other community groups overseeing their housing, language classes and integration. All of the refugees’ asylum applications have been granted or are still pending. Their humanitarian visas allow them to work while they wait for refugee status, but many found it hard to secure jobs. Around 55 people have left the program, either to be reunited with family elsewhere in Europe, because they are self-sufficient or have violated the rules of the program.

Some European countries have emulated the Italian model. After the experience of Italy, Belgium, and France offered to develop humanitarian corridors. In March 2017, France signed a Memorandum of Understanding to open Humanitarian Corridors. The project has been promoted by five groups – The Community of Sant’Egidio, the Protestant Federation of France, the Conference of Bishops of France, l’Entraide Protestant, and Secours Catholique. Over the course of 18 months, France welcomed the safe arrival of 500 Syrian and Iraqi asylum seekers who were living in Lebanon. Also, in this case, the priority was given to the most vulnerable refugees. Beneficiaries of the program were hosted by communities, parishes, individuals, and received support in order to have a fast and effective integration, including learning the French language.

In 2018, Italy launched a program to bring Eritrean, Somali, and South Sudanese refugees from Ethiopia through another humanitarian corridor. On the 8th May, a Memorandum of Understanding was signed between the Home Secretary, the Foreign Ministry, and the Community of Sant’Egidio allowing the arrival of Syrian refugees from Lebanon. The Principality of Andorra then approved a specific law to authorize entry into the country for humanitarian reasons. For this purpose, Spain and France will guarantee the safe passage of refugees into their airports – as in the case of Italy welcoming a group of refugees hosted by the Republic of San Marino. The protocol agreed to welcome, for the first year, 20 refugees living in conditions of vulnerability. The Principality dealt with hospitality and basic services

while the Community of Sant’Egidio provided training for those in charge of the care network and, more generally, the inclusion of refugees into the local society.

The humanitarian corridors program promoted by the Community of Sant’Egidio, the Federation of Protestant Churches in Italy and the Waldensian and Methodist churches is a good practice to replicate, and an example of an ecumenical church acting together in a pragmatic way. It is a bottom-up program that meets asylum seekers’ needs and shows that an alternative and legal way to reach Europe is possible. As the Italian former Prime Minister, Paolo Gentiloni pointed out “Humanitarian corridors are a message to Europe to remind everyone that raising walls is not the solution” (Falchi and Gois, 2017). The replication of this program is a sign of its success. But the main goal of the humanitarian corridors, and ultimately its achievement, has been to give an input to politicians and be the starting point for a solidarity project that involves the entire international community. In the words of Maria Quinta and Cecilia Pani, Community of St. Egidio members: “That was our goal. It was not only to save 1,500 people but to send a message to Europe to say, this can be the way to avoid this terrible journey to death.” (Quinta, 2018)

3.1.3 Private sponsorship

Adopt legislation that enables local integration through community and private sponsorship by citizens, communities and organizations.

Point 2.d, Twenty Action Points

Private sponsorship is another option to consider for allowing people to reach a country of asylum safely. It enhances public confidence, contributes to a culture of encounter, and results in stronger sponsorships. It also offers a practical and effective alternative to smuggling and trafficking channels (Moreno-Lax, 2015). Private sponsorship can help take the financial and political pressure off governments, and signals to governments that there are communities that are prepared to welcome and pay for them. Some scholars caution though that, despite initial evidence that private sponsorship can lead to better integration, it is too early to assess the effectiveness of the model (Crisp, 2017). Canada in particular offers a particularly good example of how private sponsorship can work. (Citizen & Immigration Canada Information Bulletin, 2014)

The humanitarian corridor project is an example of a private sponsorship program and holds great potential as an innovative approach to the so-called ‘refugee crisis’ and to other migratory crises which are likely to happen in the future. A more durable radical solution for the current migration flows demands the opening of new channels of legal entry and the reinforcement of existing ones for refugees and asylum seekers. Sealing off and fortifying the borders of the EU and other Western countries of the world will not only mean the neglect of asylum seekers’ rights but will also favour the consolidation of smuggling and human trafficking networks.

In my opinion, this private sponsorship scheme, is part of a “tool-box” of measures which could alleviate the suffering of so many people in need of protection who risk their lives at sea on risky journeys. It needs to be combined with the granting of humanitarian visas, the expansion of humanitarian corridors between transit countries and Europe, the expansion of resettlement programmes, and the development of alternative legal routes for refugees – such as family reunification, university fellowships and scholarships, training programmes, and labour mobility. Coupled with thorough pre-departure and post-arrival accompaniment and information activities, and with a strong community engagement, these could make legal pathways to admission of people in need of international protection work. The involvement of ordinary people in welcoming refugees is key to the changing of perceptions towards migrants and refugees in our society.

3.1.4 Resettlement

Adopt resettlement policies for refugees or, if already present in the legal framework, increase the number of refugees resettled on a scale that would enable the annual resettlement needs identified by the Office of the United Nations High Commissioner for Refugees to be met.

Point 2.e, Twenty Action Points

As we saw in Chapter 5, refugee resettlement continues to be an important option of legal entry and protection for the most vulnerable refugees. It is a mechanism of solidarity with countries hosting large numbers of refugees. According to UNHCR refugee doctrine, it is also one of the three durable solution for refugees. However, due to a drop in the number of resettlement places on offer, the number of resettled refugees was down by over 40 per cent at around 100,000 people in 2018, which seems to be the trend in years to come (UNHCR, 2018).

So long as the long-run benefits of resettling a refugee outweigh any short-run costs then with the right structure, private investment can be attracted to cover the short-term costs. The increase in national tax revenue can be harnessed to address the increase in services used locally. And a well-designed instrument can give investors the incentive to find out what works best for resettlement, by linking returns to outcomes.

An instrument is needed for refugee resettlement – one that links the speed and success of integration, and extra value generated, with the return that investors obtain. This would provide an incentive to find out how to enable refugees to integrate quickly and move from needing support to making a contribution to their new country.

Resettlement is often seen by inter-governmental institutions and governments as an exceptional mechanism, but what if more and more states were engaged in resettlement or humanitarian admission? I believe that, in particular, EU institutions could contribute to achieving more ambitious targets. Refugee resettlement requires a whole-of-society approach and the state's role should be to facilitate this work, involving different actors of the society. To the extent that resettlement is viewed as a government function, it loses community engagement and support (Bhatia, 2017). I also argue that resettlement has its own limitations, deriving mainly of the fact that in practice, only referred cases by UNHCR are considered for resettlement.

3.1.5 Family Reunification

Provide family reunification visas or, if already available, expand the number of such visas issued, particularly for the reunification of all family members (including grandparents, siblings and grandchildren).

Point 2.f, Twenty Action Points

Family life is of utmost importance also for the wellbeing of refugees and crucial for their successful integration. According to Pope Francis: “Concerning those who arrive and who are duty bound not to close themselves off from the culture and traditions of the receiving country, respecting above all its laws, the family dimension of the process of integration must not be overlooked: for this reason I feel the need to reiterate the necessity, often presented by the Magisterium (cf. John Paul II, Message for World Migration Day, 15 August 1986), of policies directed at favouring and benefiting the reunion of families.”

This aspect is fundamental for the well-being and mental-health of the refugee, but the argument is that a wider use of family reunification should be promoted, using an extended interpretation of the concept of ‘family’ to include not only the nuclear family but other relatives as well, especially where relatives find themselves in emergency situations.

In the EU, the right to family reunification is laid down in the EU Family Reunification Directive 2003/86/EC of 22 September 2003, on the right to family reunification (OJ L 251, 3.10.2003, p. 12). The EU Court of Justice has underlined in its jurisprudence that the aim of the directive is to promote the right to family life (*Soufiane El Hassani v. Minister Spraw Zagranicznych*, 2017). This directive must be interpreted and applied in this light, refraining from unjustified restrictions. This mechanism would facilitate not only a safe and legal pathway to protection, but also the integration of new relatives by those already living in European member states who can provide assistance to begin new lives.

3.1.6 Lifting or abolishing visa requirements collectively for refugee-producing countries

In addition to the mechanisms mentioned earlier on, more innovative solutions should be envisaged regarding visas for refugees, including the abolition or suspension of visa requirements for refugee-producing countries and the use of Limited Territorial Validity (LTV) visas to facilitate access to asylum, as we have seen above, according to Article 2(4), Community Code on Visas 810/2009, [2009] OJ L 243/1.

I refer to both the abolition and, as an alternative, the suspension, even on a temporary basis, of visa requirements. The mechanism of abolishing visa requirements for refugee-producing countries is supported by some scholars as the best way of ensuring unobstructed access to international protection to those fleeing countries at war (Moreno-Lax, 2015). By doing this, a person fleeing war in Syria, for example, could travel safely through ordinary means, eg. Paying a 23 euro ferry boat from Turkey to Greece, instead of paying a smuggler.

The abolition of visas would avoid potential violations of *non-refoulement* (Moreno-Lax, Maes, Foblets, De Bruycker, 2011), and suspension of visa requirements could be applied for a period of time until the conflict or human rights violations – or other push factors of forced displacement – have been addressed. Either the temporary suspension or total abolition of visa requirements for refugee-producing countries would also avoid additional practical obstacles, such as the absence of consulates in certain war-torn ‘black listed’ countries, where there is no physical possibility to apply for a visa (Moreno-Lax, 2015).

Inaccessibility in practice, not only in law, further compounds the situation. Concerned with avoiding sanctions, carriers have *de facto* been delegated to carry out travel document checks, most of the times during check-in or before leaving the aircraft –which in no way is an international border, putting into question the necessary training to undertake refugee status determination (Carrier Sanctions Directive 2001/51, [2001] OJ L 187/45). As a result, carriers simply refuse to transport anyone who does not have a passport and a visa, pushing asylum seekers from ‘black listed’ countries into irregular migration channels (Moreno-Lax, 2012). If visa requirements are not lifted or suspended, carrier sanctions impede travel through normal commercial means (Scholten, 2015), but if visa requirements are indeed retained for refugee-producing countries, lifting, or suspending carrier sanctions would transform the possibility of safe arrival for those in need of international protection and also end the smuggling business at the same time (Moreno-Lax, 2015).

If applied in the European context, it is foreseeable that a high number of people would seek asylum in EU Member States. The Temporary Protection Directive could be then applied (Council Directive

2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof, OJ L 212, p. 12).

This should not lead to reverse assumptions that asylum seekers from other countries are not genuinely in need of international protection, and in no event this should undermine the right of ‘everyone’ to seek asylum and to have their claims individually assessed (Moreno-Lax, 2015).

3.1.7 Human security over national security

Encourage States to adopt a national security perspective that fully takes into account the security and human rights of all migrants, asylum seekers and refugees entering its territory. For example:

- a. Provide training in international human rights law and international refugee law to public officials and law enforcement officers who work in border areas.
- b. Adopt national policies which respond first to the needs and vulnerabilities of those seeking admission, including access to basic services, before addressing an applicant’s legal status.
- c. Adopt national security policies that prioritize the safety and protection of refugees and asylum seekers fleeing armed conflict, persecution or widespread violence to find safety quickly by ensuring an expeditious screening and admission process.
- d. Adopt national policies which prefer alternatives to the detention of those seeking access to the territory.

Point 3, Twenty Action Points

Forced migration – and migration in general – strongly relates to notions of security at a national level, the whole purpose of the nation state under the Westphalian system being to protect those citizens within its borders from external security threat. In the second half of the twentieth century, the notion of security has increasingly expanded to include the safety, and social and economic well-being of a state’s citizens, over and against the claims of others, no matter how legitimate (Bretherton, 2009). Consequently, the fear that “refugees are over-running our country...” is a pervasive one in today’s world. An example of this narrative:

All citizens have the right to live free from fear. Security is crucial to ensure that all Europeans live a life rooted in democracy and freedom. We are determined to continue to thrive on openness and to fight those who oppose liberties and civil rights. Europeans must take greater responsibility for their security and do more to fight terrorism. The defence of European countries matters for the protection of EU citizens and the credibility of the European Union as a whole. European action shall be aimed at addressing regional and global challenges with a special focus on the Mediterranean, EU’s immediate Eastern neighbourhood, and Africa: a democratic, stable, and prosperous neighbourhood is a strategic priority and in the fundamental interest of the EU.

Summit of the Southern European Union Countries, 2018

In response to refugee flows, some countries have imposed restrictive border controls or visa requirements, which — while often justified in the name of security — do little to achieve this. Legislation is being changed expressly to restrict access to asylum procedures and to reinforce detention regimes. Far from making host countries safer, such approaches could aggravate security risks by driving refugees into the arms of smugglers and traffickers and creating a situation that terrorist groups can exploit. Furthermore, branding refugees as security threats risks opening the door to xenophobic and racist rhetoric and can even lead to physical attacks directed against refugees (Turk, 2017).

However, refugee protection and national security should be viewed as complementary, not conflicting state goals. Refugee protection can further the security of refugees, affected states, and the international community. Refugees and international migrants can also advance national security by contributing to a state's economic vitality, military strength, diplomatic standing, and civic values. I argue, with UNHCR Assistant High Commissioner for Protection Volker Turk: "What protection are we talking about? Is it border protection or is it protection of people? We are led to believe that these are incompatible goals" (Turk, 2017). But national security and refugee protection express the aspiration for human safety and well-being from different perspectives and with different emphases. From a practical perspective, strategies to advance these dual priorities — conflict prevention, peacebuilding, reconstruction, reconciliation, safe return, humanitarian and development assistance, and integration — largely align and can re-enforce each other (Kerwin, 2016).

A "national security framework" cannot be sustained without addressing the other conditions that "create human insecurity" and displacement (Vietti and Scribner, 2014). Nor can safe, voluntary return, the preferred option for most refugees, be brought to scale as a durable solution without systematically addressing refugee-producing conditions (Kerwin, 2016). For example, and going back to Chapter 2, finding durable resolutions for armed conflicts (UNGA 2016 § 100[e]), and reducing conflict, political terror, and human rights violations can contribute to the reduction of forced migration, and avoid the escalating series of negative consequences and costs for host countries, the international community, and refugees themselves (Papademetriou, 2015).

Based on the paradigm described by Susan Ginsburg as "securing human mobility" (Ginsburg 2010), I argue for the need for refugee and migration-related security measures that go beyond default border control and immigration enforcement strategies. This framework recognizes the need to replace large-scale irregular flight with orderly, legal migration; to secure migration channels and infrastructure; to safeguard migrants in transit; to maximize the benefits of migration to all stakeholders in this process; and to foil terrorists, traffickers, and members of organized criminal groups (Kerwin, 2016).

On the other side, the legitimate right of NGOs to conduct rescues at sea should be defended. In the Mediterranean, the involvement of commercial ships should be reduced to the minimum not only to relieve them from the heavy financial burden, but also because merchant ships are not equipped, and their crews are not trained: therefore, their rescue interventions can easily result in tragedies. Italy, with the support and active cooperation of the EU, has gradually and radically transformed the seascape of interceptions and rescue operations between Sicily and Libya in recent years. While several NGOs keep patrolling the Southern Central Mediterranean despite the growing challenges, and the Ragusa court decided to lift the seizure of the *Open Arms* on 16 April 2018, the governmental humanitarian turn of 2013 has clearly come to an end. For Italian authorities, NGOs have turned from partners to competitors, and Libyan authorities are carrying out push-backs on behalf of Italy. While Italy could be held legally responsible, the EU and its member states clearly bear a heavy political responsibility, too (Cuttitta, 2018).

Pope Francis's message on the Greek island of Lesbos in 2014 to predominantly Syrian refugees, resolves a logical incoherence between the concept of universal human rights proclaimed by mostly Western liberal democracies and the already-mentioned purpose of those same states to ensure the security of the people living within their boundaries (Bretherton, 2009). This incoherence has been heightened as the role of government has begun to give way to more complex forms of political power (Faggioli, 2017). Pope Francis places human solidarity and the resultant responsibilities above the rights of individual sovereign states, narrowly understood. He indeed offers a perspective:

Protecting these brothers and sisters is a moral imperative which translates into adopting juridical instruments, both international and national, that must be clear and relevant; implementing just and far reaching political choices; prioritizing constructive processes, which perhaps are slower, over immediate results of consensus; implementing timely and humane programs in the fight against ‘the trafficking of human flesh’; which profits off others’ misfortune; coordinating the efforts of all actors, among which, you may be assured will always be the Church. (Pope Francis, 2017)

Pope Francis has given the word responsibility a theological dimension and, in appealing for discerned response, is positioning the church in the space opened by notions of universal human rights and nations’ practice (Holdcroft, 2018).



“Patera” in Punta de Gracia, Bolonia, Southern Spain. (Valcárcel, 2019)

3.2 To Protect: Ensuring rights and dignity

The “Protection” section of The Twenty Action Points for the Global Compacts covers Points 4 to 11. This section highlights the importance of taking a holistic and integrated approach, with a focus on the centrality of the human person (Baggio, 2017). A holistic approach remains the best way to detect and overcome harmful stereotypes, and to avoid stigmatising anyone and instead, to take into account every dimension of the person as a whole.

As Pope Francis stated, “Protecting involves offering trustworthy and verified information to migrants and refugees prior to their departure, defending their basic rights independent of their legal status, and watching over the most vulnerable, the young children.” (Pope Francis, 2017) The Holy Father’s special concern for the latter led him to dedicate to migrant and refugee children the 2017 Message for the World Day of Migrants and Refugees.

Points 6 to 9 make special reference to refugee education as a way to better protect refugee children and adolescents. This reflects Pope Francis’s thought and concern for refugee and migrant children. I will focus here on education as the best way to protect refugees, both at young and adult ages, since this includes the children themselves, but also their parents and communities. In the context of children and young refugees, to protect is to ensure that unaccompanied and separated children are housed and fostered appropriately, and to ensure that they have access to primary and secondary education at the same standard as the citizens of the receiving country. The Twenty Points also Point out the need to ensure that they have access to welfare benefits that include healthcare and financial support, and to guarantee that children are registered at birth and have papers to ensure that they do not become illegal residents, or stateless. It also implies ensuring that children are never held in immigration detention.

Children under 18 make up 51per cent of all refugees. Most refugees are displaced for an average of 10 years. Refugees who have been displaced for more than five years spend an average of 21 years in displacement. Some refugee children therefore have their entire education period in a refugee situation, either in a camp or an urban refugee situation. 3.5 million school-age refugee children had zero days of school in 2016. 91per cent of all the world’s children attend primary school while only 61per cent of refugee children attend primary school. 84per cent of all the world’s adolescent children attend secondary school, as compared to 23per cent of adolescent refugees attend secondary school. 36per cent of all the world’s young people are in post-secondary education. Less than 1per cent of young refugees are in post-secondary education (UNHCR, 2017.)

What do these statistics tell us? Education is important for the development of the individual person as well as for societies, and access to education is a fundamental human right. In the words of Filippo Grandi, UN High Commissioner for Refugees, “The education of refugees is crucial for the peaceful and sustainable development of the countries that host them, and to their homes when they return.” (reference) Not only does education offer an important form of protection for children, it also engenders hope as it prepares refugees to meet future challenges. Education provides stability and a sense of normalcy, and acts as a form of vital psychosocial support for children whose lives have been affected by crisis (Jesuit Refugee Service, 2018). Yet, in many countries around the world migrant and refugee children are still excluded by state policies or social practices from access to schools. The major areas of concern in terms of refugee education are access to education of those most in need, particularly girls and the disabled; training of teachers; and access to quality post-secondary education.

For forcibly displaced persons, education has a critical role in sustaining and even saving their lives during a crisis. It is one of the four fundamental pillars of humanitarian assistance, along with food, health care and shelter, and has a preventive dimension, or a future dividend, which stems from its power to support the development of reasoning, decision-making, self-esteem, and self-awareness. Education assists forcibly displaced persons to develop a daily routine that helps them regain a sense of normalcy and stability. The monotony of daily life is often unbearable for refugees. Education is a way in which they can meaningfully use their time during exile. For refugee children in particular, it also provides a mechanism whereby the safety of children can be monitored and fostered, and it offers a means to build a better future for the individual and for his/her participation in whichever community a durable solution will eventually lead him/her.

Nevertheless, in many countries around the world migrant and refugee children are still excluded by state policies or social practices from access to schools. Often there is a gap between law and reality. In other countries forcibly displaced children and adolescents might have access to some form of education, e.g. within the refugee camps, but too often schools are badly equipped and teachers inadequately paid and trained.

The 2018 Global Compact on Refugees specifically relates to the need of stakeholders to contribute with resources and sets a clear call for integration:

In line with national education laws, policies and planning, and in support of host countries, States and relevant stakeholders will contribute resources and expertise to expand and enhance the quality and inclusiveness of national education systems to facilitate access by refugee and host community children (both boys and girls), adolescents and youth to primary, secondary and tertiary education. More direct financial support and special efforts will be mobilized to minimize the time refugee boys and girls spend out of education, ideally a maximum of three months after arrival. (The Global Compact on Refugees, 2018, point 68, p. 13)

3.2.1 A change is needed to increase protection of children and their communities: To prioritize education of refugees

The situation described above is in sharp contrast to the states' obligations under international law. Under the International Covenant on Economic, Social and Cultural Rights (ICESCR), which takes up the principle enshrined in Art. 26 of the Universal Declaration of Human Rights, State Parties must ensure that exercise of the right to education will be without discrimination "of any kind" such as, inter alia, national origin "or other status." The right includes primary education, which "shall be compulsory and available free to all" (Art. 13(2a) ICESCR). However, what constitutes "primary education" is not well defined in any legal instrument.

The International Convention on the Rights of the Child establishes in Art. 3(1) the duty of every state to give priority to the best interests of a child in the context of any action a child – being a person under the age of 18 years – is subjected to. This is expressively true for the right of the child to education (Art. 28-29). Additionally, Art. 22 of the 1951 Refugee Convention gives all recognised refugees the right to access the elementary education system under the same conditions as nationals of the hosting country. With regard to further education, especially at university, refugees must have access under the same conditions as other foreigners. It is also worth noting that the United Nations Education 2030 Agenda espouses the global commitment of the Education for All movement to ensure access to basic education for all. This is an essential part of the 2030 Agenda for Sustainable Development. The roadmap to achieve the Agenda is the Education 2030 Incheon Declaration and Framework for Action, which outlines how countries, working with UNESCO and global partners, can translate commitments into action.

From these and other international as well as regional human rights law instruments derive the obligation for governments to ensure that schools are made available to all children irrespective of their ethnic origin, nationality, legal or migration status. Schools must be non-violent places of learning and greater support to teachers is needed, through adequate pay and training, especially in rural areas. Educational strategies should be developed and disseminated, such as accelerated learning, training for teaching in a multicultural context, and gender equitable learning environments. In this context, it is vital to pay attention to the local context: how what is available to the local children compares with what is being provided to refugees and, in the case of urban refugees, how their presence in the schools impacts the local resources.

All actors – states and civil society including NGOs – must take up the challenge of ensuring greater access, not only to primary education, but also to secondary, tertiary and vocational training.

Yet, the global response to this tremendous need has not kept pace. In 2016, only 2.7 percent of all humanitarian aid dollars were spent on education (UNESCO, 2017). While new and existing multilateral partnerships like Education Cannot Wait and the Global Partnership for Education are helping to place a focus on the need for investing in education in crisis and conflict settings, much more needs to be done. Donors should pay attention particularly to the education needs of forcibly displaced children and adolescents when shaping and developing their assistance programs and projects. To avoid negative sentiments against displaced persons, hosting societies should be included and be able to benefit from education facilities as well.

Education can be an important tool in helping refugees to see beyond their displacement. For displaced children, access to education can also lessen vulnerabilities to child labour, sexual violence, recruitment into armed groups, or early marriage. However, all too often, education is not seen as a priority and is overlooked, especially at the onset of an emergency. Early investment and ensuring that children are quickly provided with a safe educational setting can prove critical (UNHCR, 2018).

Education is particularly important for vulnerable groups, like girls or children with disabilities. Challenges faced by girls include cultural norms such as help at home and prioritization of enrolling boys over girls in school, lack of appropriate toilet facilities and menstrual hygiene supplies, dangerous travel conditions where they may face harassment or sexual assault on the way to school. Secondary-age refugee girls are only half as likely to enrol in school as their male peers, even though girls make up half of the school-age refugee population (UNHCR, 2018).

Providing access to education for refugees, and those caught in crisis and conflict settings presents a number of challenges. In conflict zones, schools are often destroyed, or the threat of violence makes it dangerous for children to go to school. A refugee child faces a long list of obstacles in gaining access to school in their host country. This can include a lack of infrastructure and materials, language barriers, inability to pay fees, psychosocial challenges due to trauma experienced, discrimination and lack of security, and learning gaps. Many refugee children have missed out on months or years of education – on average, a refugee is out of school for three to four years (UNHCR, 2016). It is one of the fundamental elements in international law of war, that the unarmed civilian population must not be targeted. Hence, schools and other education facilities must remain safe places, where children must not be harmed. Those controlling a certain territory must assure that there is no recruitment of child soldiers in schools. Also, the way to school and back home must be safe. Education in general, and peace education in particular, should be recognized as a powerful tool in peace-building to transform current conflicts and prevent future conflicts.

This requires creative programming that meets the needs of children and adolescents who are facing significant educational gaps and have suffered the effects of war and conflict. As a result, accelerated education programs, language training programs, ongoing tutoring and learning support, and psychosocial services are important ways to ensure a child's success (Jesuit Refugee Service, 2018).

At governmental level, states should ensure at least access to elementary education for all children and adolescents irrespective of origin and status. In this context, “elementary education” is understood to include, and yet be broader than, the fundamental levels of basic numeracy, arithmetic, and literacy. The goal must be to give an orientation to society so that after leaving school the person can establish herself as a valuable member of that society. Hence “elementary education” should comprise primary education as well as the first years of what usually is referred to as “secondary education” (middle and/

or junior high school). Furthermore, as migrant adolescents must be given the possibility of attending school and subsequently of being integrated into the world of work, governments should consider giving access to further education (including university) under the same conditions as their own nationals, especially to recognised refugees and other long-term displaced persons. This would allow them to develop their skills for the benefit of the host societies.

In all cases, greater engagement must be made in ensuring that gender disparity is reduced. Traditions or practices which primarily inhibit girls from accessing primary and secondary education are to be highlighted and resisted. The same goes for traditions or practices which inhibit children with disabilities from receiving appropriate education. Governments should also ensure that there is no use of corporal punishment of children in either primary or secondary schools. Schools should be accredited by a governing body such as the Ministry of Education of the host country. This will enable children to receive certificates or some document indicating their achievement as they complete each level of schooling. The certificates should be recognized by school authorities in other countries, including their home countries.

Special attention should be given to the proper training and payment of teachers and the adequate equipment of schools. Teaching and Administrative staffs in schools must achieve gender balance — a protection mechanism for female students. In complex emergencies, schools are to be begun as soon as possible in order to assist parents and children in dealing with the shock of forced migration.

The 2018 Global Compact on Refugees states the protection role of education and calls for inclusiveness and recognition of academic qualifications:

Depending on the context, additional support could be contributed to expand educational facilities (including for early childhood development, and technical or vocational training) and teaching capacities (including support for, as appropriate, refugees and members of host communities who are or could be engaged as teachers, in line with national laws and policies). Additional areas for support include efforts to meet the specific education needs of refugees (including through “safe schools” and innovative methods such as online education) and overcome obstacles to their enrolment and attendance, including through flexible certified learning programmes, especially for girls, as well persons with disabilities and psychosocial trauma. Support will be provided for the development and implementation of national education sector plans that include refugees. Support will also be provided where needed to facilitate recognition of equivalency of academic, professional and vocational qualifications. (See also section 3.3, complementary pathways for admission to third countries). (The Global Compact on Refugees, 2018, point 69, p. 13)



Girls in Herat, Afghanistan who study English in a programme run by the Jesuit Refugee Service (JRS)

3.2.2 The case of Lebanon: Education where local integration is not possible

Lebanon offers refuge to over one million Syrians, whilst continuing to host significant numbers of people displaced from many other countries. In June 2017, UNHCR figures showed a total of 1,001,051 Syrian refugees registered in Lebanon — though as of May 2015, the UNHCR temporarily suspended new registration as per the Government of Lebanon’s instructions (UNHCR, June 2016, “Syria Regional Refugee Response: Inter-agency Information Sharing Portal”). Lebanese authorities estimate the number of unregistered Syrian refugees to be as high as 500,000. There is considerable uncertainty regarding accurate statistics, but the numbers confirm observations on the street and that the refugees are heavily concentrated in and around the coastal cities of Lebanon and in the Bekaa region.

For a refugee to live in Lebanon legally, she would need to pay \$200 US per year per person, with the support of a Lebanese sponsor. This is very difficult for most of the refugees, so the consequence is that most refugees in Lebanon are living undocumented. The work they can have access to is normally hard manual labour in agriculture.

Since the beginning of the war in Syria in March of 2011, Lebanon has been struggling to cope with the huge influx of refugees. The Government of Lebanon has attempted to maintain a principle of non-intervention in Syrian affairs in order to avoid a possible spill-over to Lebanon and the consequent dangers of conflict.

The security situation, simmering sectarian tensions, and the economic burden caused by the refugee influx, as well as Syria and Lebanon’s complicated historical relations, have resulted in increasingly hostile attitudes towards Syrian refugees in some Lebanese communities. Both Lebanese and Syrians

have reported witnessing harsh treatment of refugees. For example, in 2016, the Jesuit Refugee Service (JRS) faced varying levels of hostility towards its projects from host communities in all locations – more so in socio-economically deprived and densely populated areas (Bourj Hammoud), and much less so in relatively affluent areas (Jbeil). Through practical measures, JRS has made concentrated efforts to reduce tensions by positively engaging neighbours and local communities, but there is a level of resentment of the refugees and the programmes dedicated to serving them. (Jesuit Refugee Service, 2018)

Human rights violations including verbal and physical attacks, discrimination, evictions, and locally imposed curfews make life difficult for many Syrian refugees in Lebanon. For a country like Lebanon with refugees comprising almost a fourth of its population, the pressures are evident. There is a sense of fatigue setting in. The country's economic situation coupled with growing unemployment generates a feeling of negativity towards the 'outsiders' (the Syrian refugees). Clear indicators have been the public announcements from some of the key political and religious leaders of the country.

3.2.2.1 Registration and living conditions, causes of lack of access to education

Unlike in Jordan and Turkey, there are no official refugee camps in Lebanon. More than one million individuals are distributed across the country where they reside in rented apartments, either within informal tented settlements or with relatives. Interviews with a number of refugees show that the general refugee population suffers from low income or none at all; food insecurity, especially for refugees living in informal tented settlements; discrimination with regard to employment; poor water, sanitation, and hygiene standards; poor housing and personal space standards; poor or no space for socializing; limitations on freedom of movement; fear of the instability of their status within Lebanon; lack of prospects for their future.

Within the climate of discrimination and stereotyping of Syrians in Lebanon, the Government of Lebanon published a decision to stop welcoming Syrian refugees in October 2014. Since January 2015, the government has imposed new policies regulating entry and residency of Syrians in Lebanon, claiming that these measures are necessary to preserve peace and stability in Lebanon, as the conflict shows no signs of abating and host communities have reached their capacity for absorbing incoming refugees. These policies have resulted in a nearly 75 percent drop in monthly refugee registration with UNHCR compared to the same period in 2014. In 2016, the Government of Lebanon announced to lift the "pledge not to work" requirement and to revoke the prohibitive fee for some categories of Syrian refugees when renewing their residency permits. However, this last measure has not yet been applied.

Families fear that they may be expelled out of the country at any time by an administrative decision, and that if they visit Syria – for any reason – they might be forbidden from future access to Lebanon. Refugees are having a very difficult time meeting official regulations requiring them to renew their residency at the cost of \$200 US per person – for a family of six with only one (unreliable) income of \$400 US per month and a monthly rent of \$300 US, in addition to food expenses, this leaves little room to pay the \$1200 US in residency fees. Refugees must also present a rental agreement from their landlord and a notarized pledge not to work when they renew their residency, which puts them either at the mercy of humanitarian organisations to meet their needs or at risk of abuse and exploitation if they do manage to find work.

Many refugee families rely heavily on continued food and non-food items support from non-government agencies – especially in areas of Lebanon where rental rates, even for very poor-quality housing, are extremely high. There is also more pressure on refugee families, due to the difficulties and expense of obtaining the official Lebanese residency permit. The need for psycho-social support

and accompaniment for children as well as adults remains significant, with many struggling with the constant uncertainties and difficulties of displacement, trauma of past experiences, dislocation from family and familiarity, and loss of hope because of no clear end to hostilities in Syria and with it a chance to return.

Displaced populations living in informal tented settlements, and sub-standard shelters are most at risk. 24 percent of Syrian refugees live in deficient buildings and 17 percent in informal settlements. There is also the expectation of increased evictions as refugees' cash reserves for rent dry-up. The impact of an inadequate shelter response includes an increase in avoidable morbidity and mortality, due to respiratory infections as well as protection issues.

High vulnerability levels, low assistance coverage, and increased prices of necessary items such as fuel have hurt the coping mechanisms of refugees who are also facing increasing exploitation, debt, and depletion of assets to compensate for the lack of livelihoods and unmet needs. In comparison to 50 percent in 2014, 70 percent of refugee households in 2017 are below the poverty line in Lebanon (US\$3.84 per person per day).

Regarding mental health, the trauma of war, coupled with the challenging living conditions in Lebanon has been taking a toll on the mental and physical strength of refugee families, noticeable also in children. According to the Jesuit Refugee Service social workers in Lebanon, who conduct home visits teams and work in social centers providing social and psychiatric assistance to children and adults, high levels of stress at home are contributing to a rise in domestic violence, as well as early marriage, which have an impact on children's well-being and access to education (Jesuit Refugee Service, 2018).

These negative coping strategies range from reducing the size and frequency of meals and increasing debts, to withdrawing children from school and placing them in employment. The priority for refugee families is to survive. This means to earn enough money to pay the rent of the tent and the electricity. In the informal tented settlements, refugees are obliged to pay a monthly rent of \$100 US to the owner of the land, plus the cost of the electricity and water, which is around \$33 US. So, every family needs at least to earn an average of \$133 US per month. These stressful living conditions often result in children being sent by their fathers to earn a living, to do little jobs which will enable them to bring home an average of \$3 US a day (Jesuit Refugee Service, 2018). For this reason, access to livelihoods of Syrian refugees is key in order to increase access to education of refugee children.

The public opinion in Lebanon considers that the situation in Syria is stable enough for the refugees to return to their country of origin. However, UNHCR has declared that the conditions for a safe and dignified return have not yet been met. This situation increases the tension between the local population and the refugees. Notably, if funding decreases still further due to donor fatigue, it will be difficult to ensure a dignified protection environment for refugees which could increase the possibilities for them to return.



Informal tented settlement, Bar Elias, Bekaa Valley, Lebanon. May 2018 (Amaya Valcárcel)

At the time this dissertation is being written, the situation for Syrian refugees in Lebanon is extremely delicate. The security situation in Syria has not improved and their living conditions in Lebanon have deteriorated, especially because humanitarian assistance is decreasing or disappearing due to NGO and UN presence in the country. This is partly due to donor fatigue and lack of sufficient funding, which in turn results in greater lack of protection and increased vulnerability. There are cases of “forced” repatriations in the sense that people find it extremely hard to survive as refugees and decide to go back to Syria due to the impossibility of educating their children or earning a living. I argue that, unless a political solution is found in Syria, the vulnerability of Syrian refugees in Lebanon will continue to increase.

Return to Syria is indeed not possible unless the conditions for a voluntary, safe, secure and dignified return to Syria are met, once a political solution is found. Given that no repatriation is foreseeable in the near future, it is a major challenge to create the necessary environment for the protection of Syrian refugees in Lebanon.

3.2.2.2 Education protects Syrian children in Lebanon

Even if the Government has made many efforts in relation to education, around 250,000 refugee children out of a total of 500,000 displaced registered children, are not attending school. It is important to note that 78 per cent of Syrian children in the Bekaa are out of school.

Based on the above, refugees who are not documented in Lebanon cannot register legally their children. The UNHCR pays to get legal registrations, but not all refugees benefit from this possibility, since some are in remote areas. The result is that many parents postpone the registration of their children, and consequently when Syrian children join Lebanese public schools, they need to do so in a lesser grade than their age. “You can see children of 10 years old attending classes with 5-year-old kids,” explains a JRS social worker.



*Pre-fabricated school in an informal tented settlement, Bar Elias, Bekaa Valley, Lebanon. May 2018
(Amaya Valcárcel)*

When Syrian refugees began entering Lebanon in 2011 and 2012, no specific policies were in place for educating Syrian refugees and non-governmental organizations were primarily responsible for filling the gap. Starting in 2013, the Lebanese Ministry of Education and Higher Education (MEHE) took the lead role in coordinating educational services for refugees, launching an initiative called Reaching All Children with Education (RACE), with the goal of targeting both Lebanese and refugee school-aged children and adolescents. Despite the efforts made by the Lebanese government and by donors, a majority of refugee children are still not being reached. According to UNHCR, 59 percent of school-aged refugees in Lebanon are still out of formal education (UNHCR, 2017).

In 2017, some started to consider the return of refugees to Syria due to a relative reduction in violence in some areas (Norwegian Refugee Council, 2017). Yet, for every Syrian who returned home in 2017, three were newly displaced. Early 2018 saw a dramatic upturn in violence in the suburbs of Damascus. In 2016 and 2017, donors came together in London and Brussels to discuss how to support Syrian refugees and the countries hosting them. These donors made commitments on jobs, education, and protection for Syrian refugees, including a commitment to ensure that all refugee and vulnerable children in host communities would have access to quality education by the end of the 2016/17 school year (Supporting Syria & The Region Conference, 2016).

According to UNHCR, only 25 percent of the funding required to meet the educational needs of refugees in Lebanon has been received (UNHCR, 2017). Further, the Lebanese Ministry of Education and Higher Education noted that only 47 percent of its 2018 work plan had been funded (UNHCR, 2017).

To offer an example of how the lack of funds impacts education access, transportation is a great obstacle to access secondary schools since many families cannot afford these costs. During my visit to Lebanon in May 2018, JRS social workers reported that young children from Jbeil who had their grade 9 brevet (the national exam) could not continue their secondary education because they had no means to cover transportation expenses.

3.2.3 Further research needed on the impact of education

In both emergency and protracted refugee settings, the value of education is clear. First, in its most basic sense, education gives the child or young adult the requisite skills and knowledge to advance in her personal development, prepare for career or employment, and offer a positive contribution to the community where she will eventually live. Second, from a psychological Point of view, educational institutions provide structure which positively effects recovery from past or present trauma and which gives students feelings of safety and routine to begin to envisage their lives as having a future beyond basic survival. Third, from a social-community angle, education can involve parents and the community in an activity outside the context of their refugee situation which can build skills and enable people to learn to work together across different social and ethnic groupings at the same time as ensuring continuance of their important and valued aspects of their cultural inheritance.

A good education program which protects refugees should follow a set of criteria:

First, refugee education needs to be more contextual. Besides a few resettlement cases, the vast majority of refugees will remain in their present host countries which are mostly the poorest of earth, fighting numerous barriers to get decent employment and living conditions and to get out of camps. Thus, the education delivered must be relevant and able to be used on site, ideally to gain an income and set a platform for ongoing skills development. A thorough needs assessments must also identify the short, medium, and long-term needs of the refugee populations concerned. This needs assessment must evaluate the context in which they live, and in the case of post-secondary education, the potential contribution of the project to income generation and employability of its participants, including an employment and market assessment which identifies key opportunities for employment and income generation outcomes.

Second, an educational response needs to be adaptable, open to change continuously. The refugee state is inherently fluid. Refugees move, and their circumstances change, often at very short notice. Post-secondary and tertiary education is normally offered in permanent institutions. But, in refugee contexts in the global south, generally this does not happen, and it is a key challenge to offer flexible and responsive education to people who have great potential but whose situations are dynamic and changing.

Third, sustainability is an ongoing issue and part of the solution. Refugee areas by their nature are not well resourced. The humanitarian community needs to take into account countries' interests and long-term outlook. It is key that countries become invested in refugee futures. It is easy to start off an educational project but very difficult to keep it going over time. The best way to go about this is through logical models that have concrete objectives and can be achieved in three to five years. An ideal example of this is a three-way partnership with an international university, a local university, and an on the ground partner, whereby they can demonstrate cost-effectivity and be funded sustainably, and incorporated plans for partial or full future self-funding.

Overall, education is about imparting technical expertise while at the same time enabling the development and growth of the whole person along with skills for that person better to apprehend the reality around them and to integrate their experience in an outwardly-focused manner. It is important that this expertise demonstrate flexibility and responsiveness to the forced migration experience and specific needs arising as a result (Holdcroft, 2018).

My argument is that there is a need for research into aspects of the lives of the refugees so those responsible for the delivery of educational services, including governments, might better understand

the process of transformation that each refugee needs to negotiate in moving to a new life. The need for research extends to a better understanding of the forces that lead to migration, as I have analysed in Chapter 2, and the effects it has on all people touched by it – the refugee, the country of origin, and the host country which eventually receives the refugee, Lebanon in this case. An area to look at is the crisis in secondary education for refugees. If well thought through and researched, it would be a win-win if future secondary teachers are well trained and help design accelerated learning courses and innovative solutions for learners with interrupted schooling.

The following is a success story of such win-win model.

3.2.4 A success story: An agent of change through education in the remote areas of Cambodia

Without allowing ourselves to be drowned under the weight of the human tragedy that refugee statistics convey, I argue that there is a need to imagine those who are 18 years of age to 28, roughly 10 per cent or 6 million young men and women. What would the world be like if every one of those people had a vision and road map for their lives, and the educational resources with which to fulfil that vision? I would like to offer some reflection through the story of Srey Puth, a Cambodian woman who was born in the late eighties in a refugee camp at the Thai-Cambodia border. I interviewed Srey Puth in 2016 (Jesuit Refugee Service, 2016).

During the late eighties, war ravaged the region. Armed groups planted the earth with landmines and cluster bombs fell all over Cambodia. Srey Puth recalls when she went to school in the Site Two camp: “When I was a child, my memories of the camp school were of a tiny hut made from bamboo and full of students sitting on the floor studying, singing and dancing. Sometimes there were bombs dropped close to our school, and my mother came running to look for us. I started classes from kindergarten until I finished primary school, in the camp.”



*Srey Puth, on the right, with her sister Bopha. Site Two camp, Thai-Cambodia border, 1990.
(Kike Figaredo SJ)*

In the early nineties, refugees from the camp at the border started going back to Cambodia. Srey Puth went back to her country when she was 9 years-old. Cambodia was very poor due to the long war and had to be rebuilt from scratch. “I remember feeling both excitement and sadness at the same time about going back. My mother used to tell us how beautiful our country was before the war but when we returned to Cambodia it did not look like the way she described it.”

After finishing her studies in 2008 at the University of Phnom Penh, Srey Puth spent some time in Italy. She then went back to Battambang, in northwest Cambodia where her dream was to contribute to the rebuilding of her country through education. “I believe education is a powerful tool to rebuild societies, especially after times of war, where so many values of trust and love have been destroyed.”



In a remote school in Prey Thom region. Srey Puth is sitting on the left. (Kike Figaredo SJ)

Srey Puth now coordinates an education program run by the Catholic Church, in the Diocese of Battambang, northwest of Cambodia. She develops schools and teacher training in remote villages where the government is not present. In these isolated areas, the Church has been creating relationships of trust and developing many educational and agricultural projects throughout the years. “Our role is to support and motivate teachers and students, building relationships with the community through teacher training programs. We also build schools and provide educational materials.”



Srey Puth, on the left and Kouich, in a wheel-chair, with other members of the education team of the Diocese of Battambang, 2016 (Kike Figaredo SJ)

“Encouragement and support to families is vital in order to keep education as a priority for their children. With so many difficulties and barriers in Cambodia, both economic and social, families focus on their short-term needs. Education is not a priority when serious socio-economic challenges exist. The growth in the economy is very fast but education is not moving as quickly, so the challenge is how to create structures which can support education. Another need is to re-shape the role of the teacher, not as a state servant or a volunteer but as an actor towards positive change in the society and as a leader of the community. There is a need to bring dignity to the teacher in order to put the school in the right place. There not only needs to be changes to the content and curriculum but also new innovative ways of teaching. Children here are very smart and eager to learn, but they need to be taught in creative ways so that they can reach their highest potential.”

When asked about what education means to her, Srey Puth explains: “This is the most valuable and useful job I could ever imagine. Every time I visit schools I meet those little students and they remind me of myself when I was just like one of them in the camp. I am learning a lot from them and understand how important our presence is to them.”

When asked about current conflicts in places like Syria, Srey Puth reflects: “When I see the images of Syrian parents and kids trying to look for a safe place facing every risk to get to somewhere safe, it reminds me of how my family fled to the border during the civil war, 30 years ago. When I see destruction in Syria and elsewhere, I think of the legacy of war, which is poverty of many kinds. Leaders should be thinking of the impact war has on generations. Education will be lost for many years, landmines and cluster munitions will still maim adults and children even after war ends. Wars leave a huge scar and sometimes this scar cannot be even cured. I invite those leaders to visit the refugees dwelling in camps and cities and see the consequences of their decisions.”

Srey Puth believes that education is a chance to escape poverty, to improve health and enhance opportunities. “There are a lot of things to improve in my country and I believe education can transform lives and change societies. I hope that all the children and youth in Cambodia have access to school; that teachers feel dignity in the course of their work and that they feel they are supported by the communities and by the Government. My dream is that poverty and pressing social needs do not suffocate the need and importance of education.”



Opening of a new school, 2017 (Kike Figaredo SJ)

3.3 To Promote: Advancing integral human development

The third action, ‘to promote,’ has to do with integral human development, the fulfilment of every person’s natural aspirations in all dimensions of human life. There are many possibilities for promoting migrants, refugees, and host communities (Baggio, 2017). As the Holy Father states, “Development [...] is an undeniable right of every human being. As such, it must be guaranteed by ensuring the necessary conditions for its exercise, both in the individual and social context, providing fair access to fundamental goods for all people and offering the possibility of choice and growth.” (Pope Francis, 2017). The points covering this section are Points 12 to 17 and highlight the duration of time spent in exile for those who are forced migrants, an average of 17 years. It calls for hosting states to go beyond basic and emergency assistance and to assure structures which allow those staying long-term to develop as human beings and to contribute to the development of the host country.

Protecting is not enough. There is an urgent need to overcome the negative narratives and fearful perception of migrants and refugees in the media and among local populations, and highlight the opportunities that migration can bring about (Baggio, 2017). The promotion of integral human

development refers to the 2030 Sustainable Development Goals and its principle to “leave no one behind”, calling the international community to include refugees, asylum seekers and labour migrants in their development plans.

Drawn to this enterprise are “all the parties involved: from the political community to civil society, from international organisations to religious institutions,” In the task of promoting the “integral development of migrants, exiles and refugees...” A community ensures not only their basic human rights but their right to integral human development by providing “fair access to fundamental goods for all people and offering the possibility of choice and growth” (Pope Francis, 2017).

In the context of refugees, especially children and the youth, the Twenty Points of Action state that to promote is to value and develop their competencies by guaranteeing equal access to higher education, specialisation courses, apprenticeships, and internships, (Point 12a and b) and by validating qualifications obtained elsewhere (Point 12c); to work for separated children to be reunited with their family members (Point 14 a,b,c); to combat the exploitation of minors, and to ensure that, if they work, their health is not adversely affected and their right to education is not compromised (Point 14d); to guarantee that unaccompanied and separated minors with special needs have access to special education programmes (Point 15); to ensure that they are free to practise their own religion (Point 17). In this sense, I agree with some scholars in that “migrant workers must be protected from exploitation and abuse. This is only possible if these workers are admitted to the formal market. Such admission is economically beneficial for the economies of the states of destination.” (Gortázar, 2019, p. 47)

Refugees often arrive destitute to their countries of destination, with little knowledge of the local language or culture. Many times they are shocked by what they have seen in their homeland. They can be in need of counseling and go through a deep psychosocial process. But many arrive with professional qualifications, and in general, refugees are young. According to UNHCR, only four percent of refugees in asylum countries are over 60 years old (UNHCR, 2017). With all due respect for the elderly population, I argue that the youth of the refugee population is an advantage: an increase in the number of workers spreads the cost of caring for the elderly, which alleviates the costs caused by an aging sector of the population on the public finances (Barder and Ritchie, 2018).

As an example, refugees relocated to the U.S. before age 14 graduate high school and enter college at the same rate as natives. Refugees that enter as older teenagers have lower attainment with much of the difference attributable to language barriers and because many in this group are not accompanied by a parent to the U.S. Among refugees that entered the U.S. at ages 18-45, refugees have much lower levels of education and poorer language skills than natives and outcomes are initially poor with low employment, high welfare use and low earnings. Outcomes improve considerably as refugees age. After six years in the country, these refugees work at higher rates than natives but they never attain the earning levels of U.S.-born respondents. Refugees pay \$21,000 more in taxes than they receive in benefits over their first 20 years in the U.S. (Evans and Fitzgerald, 2017).

Promotion of refugees is a question of mindset. I defend that if governments treat refugees as an investment rather than a burden, innovative finance instruments can begin a virtuous circle. Refugees will be able to contribute more to their new communities, and those communities will increasingly recognize the value to them of refugees, broadening the political space for mechanisms to welcome and protect refugees (Barder and Ritchie, 2018).



Initiative in Tarifa, Southern Spain, to integrate African migrant as guards in car parkings close to the beach. (Valcárcel/2019)

In order to promote refugees and migrants, the task most urgently demanded is that of working to bring about a change of attitude, abandoning the dominant culture of waste and rejection. A balanced and positive perception of migration is needed today, more than ever (Parolin, 2018). Pope Francis reminds us that “a change of attitude towards migrants and refugees is needed on the part of everyone, moving away from attitudes of defensiveness and fear, indifference and marginalization – all typical of a throwaway culture – towards attitudes based on a culture of encounter, the only culture capable of building a better, more just and fraternal world.” (Pope Francis, 2014)



Promotion of Eritrean cultural traditions. Refugees perform at a talent show in Mai Aini refugee camp, Ethiopia (JRS)

3.4 To Integrate: Enriching communities through wider participation

The fourth element, integration (Points 18-20), ensures the lasting nature of the process: it “is neither assimilation nor incorporation, but is a two-way process, which is essentially rooted in the joint recognition of the other’s cultural richness...” (Point 18). Indeed, both sides are mutually enriched by their interaction, and the community as a whole is enhanced by a greater participation of all its members, both resident and migrants. The acceptance of migrants and refugees is an opportunity for new understanding and broader horizons, both on the part of those accepted, who have the responsibility to respect the values, traditions and laws of the community which takes them in, and on the part of the latter, who are called to acknowledge the beneficial contribution which each immigrant can make to the whole community (Baggio, 2017).

The 2018 Global Compact on Refugees reflects this same vision of two-way integration process and as one of the durable solutions for refugees:

Local integration is a dynamic and two-way process, which requires efforts by all parties, including a preparedness on the part of refugees to adapt to the host society, and a corresponding readiness on the part of host communities and public institutions to welcome refugees and to meet the needs of a diverse population. In low- and middle-income countries, additional financial and technical support from the international community is required to ensure successful local integration in a manner that takes into account the needs of both refugees and host communities. (The Global Compact on Refugees, 2018, point 98, p. 19)

In the context of refugees, the Twenty Points state that to integrate is to grant citizenship to children at birth or the application of *jus soli* (Point 18a), rapidly extend nationality to all refugees (Point 18b) and promote family reunification (Point 18e).

Migrants and refugees have always constituted a real resource and enriching force in receiving societies. On this ground, should the encounter with the “other” be understood as a threat or opportunity? The decision is up to both of the meeting partners. The real encounter is grounded on the conviction that one has always something to offer and something to receive (Baggio, 2017). In his message for the 2018 World Day of Migrants and Refugees, the Holy Father reiterates “the need to foster a culture of encounter in every way possible – by increasing opportunities for intercultural exchange, documenting and disseminating best practices of integration, and developing programmes to prepare local communities for integration processes.”

Point 19 encourages States to adopt policies and programmes that promote a positive narrative on migrants and refugees, such as subsidies to municipalities to host events, or engaging in public campaigns. Educating local children and youth in the value of hospitality is a key to a better integration of migrants in our societies. As Fr. Peter-Hans Kolvenbach SJ suggested:

Students, in the course of their formation, must let the gritty reality of this world into their lives, so they can learn to feel it, think about it critically, respond to its suffering and engage it constructively. They should learn to perceive, think, judge, choose and act for the rights of others, especially the disadvantaged and the oppressed. (Kolvenbach, 2000)

The 2018 Global Compact on Refugees states the importance of access to labor as a means to effective integration. In this sense, it specifically calls for the following:

Depending on the context, resources and expertise could be contributed to support: labour market analysis to identify gaps and opportunities for employment creation and income generation; mapping and recognition of skills and qualifications among refugees and host communities; and strengthening of these skills and qualifications through specific training programmes, including language and vocational training, linked to market opportunities, in particular for women, persons with disabilities, and youth. Particular attention will be paid to closing the technology gap and building capacities (particularly of developing and least-developed refugee host countries), including to facilitate online livelihood opportunities. Efforts will be made to support access to affordable financial products and services for women and men in host and refugee communities, including by reducing associated risks and enabling low-cost mobile and internet access to these services where possible; as well as to support the transfer of remittances. In some contexts, where appropriate, preferential trade arrangements could be explored in line with relevant international obligations, especially for goods and sectors with high refugee participation in the labour force; as could instruments to attract private sector and infrastructure investment and support the capacity of local businesses. (The Global Compact on Refugees, 2018, point 71, p.14)

Real integration means a radical vision for the creation of a new kind of society that is enduring, and which rises above positions determined by often unspoken assumptions around the hegemony of one or other racial or cultural group. It is radical, person-focused and itself integrates different strands of the Church's social teaching in the service of solving a human issue. It is rooted existentially and recognises that God can be found in all people and situations, no matter how unjust. Pope Francis used strong words when addressing the European Parliament on 25 November 2014: "Europe will be able to confront the problems associated with immigration only if it is capable of clearly asserting its own cultural identity and enacting adequate legislation to protect the rights of European citizens and to ensure the acceptance of immigrants".



Vocational training in Dzaleka camp, Malawi (JRS)

4. Conclusions and Recommendations: The Global Compact on Refugees vis-à-vis the Twenty Points of Action

Throughout his pontificate, Pope Francis has time and again spoke about migration as a major ethical issue. He has repeatedly called for building bridges, appealed against walls to keep people out, and he has consistently shown a profound concern for refugees and migrants. Pope Francis has been criticised in some circles for being “naïve” about the risks of mass migration. In his 2018 apostolic exhortation *Gaudete et Exsultate*, the Holy Father again emphasizes migration as a major ethical issue in our contemporary world, making the Point that the plight of migrants is not a ‘secondary’ or lesser ethical issue for Christians than “grave” bioethical issues such as abortion. He says that the call to welcome the stranger “is not a notion invented by some Pope, or a momentary fad.” (Pope Francis, 2018). To welcome refugees and migrants is to welcome Christ himself; to turn away from the stranger is to turn away from the call to holiness.

We often hear it said that, with respect to relativism and the flaws of our present world, the situation of migrants, for example, is a lesser issue. Some Catholics consider it a secondary issue compared to the “grave” bioethical questions. That a politician looking for votes might say such a thing is understandable, but not a Christian, for whom the only proper attitude is to stand in the shoes of those brothers and sisters of ours who risk their lives to offer a future to their children. (Pope Francis, 2018)

Recalling the passages in Exodus and Leviticus, Pope Francis reminds us that this call to welcome the stranger lies deep in the roots of our faith and remains central to our faith: “You shall not wrong a stranger or oppress him, for you yourselves were strangers in the land of Egypt” (Exodus 22:21).

A major question is precisely the one which I ask in this research: what agency – and under what normative framework – will take responsibility for migrants who are forced to leave their homes for reasons beyond their control but who do not qualify as refugees? Some scholars think all forced migrants should be brought under the mandate of the UNHCR, but others think a new framework is needed for victims of criminal violence, extreme poverty, environmental degradation or natural disasters.

The danger is that forcibly displaced people will fall between the cracks of “convention” refugees and economic migrants. The UN’s Global Compact process was supposed to end this prisoner’s dilemma. This is the failure, I agree with some scholars, of the Global Compacts on Refugees and Migrants, which have not provided a sound alternative to an outmoded system of implementing protection obligations under the UN’s Refugee Convention. UNHCR suggests that states agree to attempt to hash out possible voluntary relief to frontline states on a case-by-case basis – leaving those states confronted with the arrival of refugees in the truly horrible bind of choosing between waiting and hoping for solidarity (that may or may not come) and turning refugees away. For the UN to have failed to put forward a plan for binding and immediate sharing of financial burdens and human responsibilities is ethically inexcusable (Hathaway, 2018).

According to other scholars, the most realistic way for the compact to move from abstract to concrete commitments would be through a process of building coalitions of interested parties, including not only governments but also international organizations, migrant organizations, the private sector and civil society, to take joint action on specific issues like creating new legal pathways for migrant workers, ensuring access to education for migrant students or achieving the long-standing goal of lowering remittance costs (Newland, 2018).

Yet other scholars continue to observe whether the rhetoric around the Global Compact on Refugees can be transformed into actions that tangibly improve the protection, assistance and solutions available to refugees. While the compact seems certain to present a set of noble goals and to attract fulsome support from the international community, there is no guarantee that states will respect the principles on which it is based (Crisp, 2018).

The problem remains whether the international community is willing to address the plight of people who fall outside the refugee definition, especially internally displaced people, those uprooted by climate change and natural disasters, and migrants who are moving for primarily economic reasons but who become stranded or are subjected to abuse in the course of their journeys. The outcome of the Global Compacts and its implementation is of limited value if other people who are on the move are left unprotected.

However, the process of the Compact on Refugees have seen some improvement. The zero draft began with a statement on the international nature of refugee issues, and why those issues therefore necessitate a concerted response on the international stage: first of all to ease pressures on host countries. In contrast, the final draft began with a statement laying out the reasons why refugees have to flee their countries, and then makes it clear that refugees require “protection, assistance and solutions to their plight” (no. 1). This is an important shift, placing the needs of refugees as the starting point of the Global Compact, rather than the needs of states; the first draft begins with people, and not with issues.

It is of paramount importance the explicit focus on the international refugee protection regime and the foundational documents that underpin it, and the clear statement that “*non-refoulement*” is the cardinal principle of that protection regime. This leaves the states in no doubt that, the non-binding nature of the Global Compact notwithstanding, the rights of refugees are protected by international law.

I have five expectations in pursuit of more effective outcomes for refugees, for their protection and for solutions to their plight.

First, the perspective taken by the Global Compact remains focused on large-scale refugee movements, with the inevitable result that host countries are characterised as having “limited resources”, as being in need of UNHCR support for registration and other reception arrangements, etc. While this is understandable, given the locations of large-scale movements, this perspective reinforces the current unwillingness of Global North countries to host refugees, or to regard themselves as valid destinations for those seeking asylum. There is a danger here that Global North countries will not recognise themselves as included in the areas of action being urged upon all host countries. Global North countries with small-scale movements into their territories engage in practices such as detention, confinement to collective centres, and barriers to durable legal status and permanent residence. The first draft continues to preserve the distinction between Global South countries that host the vast majority of refugees, and Global North countries that are happy to preserve the status quo by making financial contributions to countries that host large populations, provided those refugees remain in those territories; and by providing small resettlement quotas that have no significant impact on the numbers of refugees needing durable solutions, but can be trumpeted as signs of “easing the pressures” on host countries, or as contributions to responsibility-sharing. The insidious policy of the externalisation of borders is yet another consequence of this false dichotomy.

Second, while I welcome the growing focus on children at risk by the humanitarian community and states as a whole, it is urgent to develop alternatives to detention, particularly for children. No state explicitly calls to desist from the practice of detaining refugees and asylum seekers as a principle, as

the church does. Alternatives to detention need to be considered for all unauthorised entrants into a territory.

Third, the area of access to employment and livelihoods by refugees and asylum seekers appears to be an area of fierce contestation in state policy. Restrictions on the right to work are part of national policies. I argue that the integral human development of refugees and asylum seekers, the fostering of their dignity, and their social inclusion in host communities, mandate that they have access to jobs and livelihoods.

Fourth, psycho-social support is a key intervention to well protect refugees. The mental health needs of refugees were a glaring omission in the zero-draft, and I was pleased to note the mention of the psycho-social needs of survivors of torture and trauma included in the Health section of the last draft. However, this inclusion is only in the context of the provision and training of healthcare workers. I would like to see greater emphasis placed on the mental health of refugees, and how preventive measures, such as social inclusion, full access to protection, alternatives to detention, access to dignified labour and quality education, and family reunion, are far more effective than remedial measures for mental health vulnerabilities caused by lack of access to these and other key elements of integral human development. Lastly, given the demographics of refugee populations, the protection component of refugee education, and the available statistics on access to education, it is of particular importance that education is taken more seriously, with clear benchmarks and targets. Only 1 in 100 young refugees has access to post-secondary education or training. It is well known and researched that there are obstacles to enrolment and attendance, but I want to emphasize the need for quality education; the acquisition of appropriate skills for the job market; accreditation that will accommodate continued education or employment on return or resettlement, as three desired outcomes. There also needs to be explicit recognition of the role of education, and of learning spaces, as a means to protection for children at risk. For young girls in particular, access to education has been shown to provide protection from abuse, trafficking, child labour, early marriage, and other forms of exploitation.

The doctrine of Pope Francis is one which could be promoted with governments, specifically in the area of safe and legal pathways to protection. I believe the Church can give a qualitative contribution to the political debate, a contribution that can be summarized into five main areas.

The first area would be focusing on the right to remain, a vision and proposals that the Church has for decades. In placing emphasis on the root causes of forced migration, you can also focus on the best solutions for refugees. Repatriation is especially central to this area, but it cannot occur until the root causes of displacement have been addressed (Czerny, 2017).

The second significant area is the responsibility sharing of refugees and the need to expand alternative legal pathways to migration, reflected in Point 2 of the Twenty Action Points. The present trend by countries of asylum is to “sub-contract” neighbouring countries to host refugees, ie. A pattern by which Western developed countries use funding (much of it coming from the development aid budget) to pay developing countries to contain refugee populations. Examples I have explained in Chapter Four are the EU-Turkey agreement and other cases of clear containment policies like agreements between Italy and Libya or between Spain and Morocco. While the Church argues that refugees should be hosted close to their countries of origin and to their own culture, developed countries are called to respond to the growing numbers of refugees, at least the most vulnerable, through a series of mechanisms, such as through wider resettlement programs; family reunification understood in a wider way; or the lifting of visa requirements during exceptional situations of conflict.

The 2018 Global Compact on Refugees reflects this same vision of the need to develop safe and legal pathways to protection and states many of the mechanisms proposed in the Twenty Points of Action:

As a complement to resettlement, other pathways for the admission of persons with international protection needs can facilitate access to protection and/or solutions. There is a need to ensure that such pathways are made available on a more systematic, organized, sustainable and gender-responsive basis, that they contain appropriate protection safeguards, and that the number of countries offering these opportunities is expanded overall. (...) The three-year strategy on resettlement will also include complementary pathways for admission, with a view to increasing significantly their availability and predictability. Contributions will be sought from States, with the support of relevant stakeholders, to facilitate effective procedures and clear referral pathways for family reunification, or to establish private or community sponsorship programmes that are additional to regular resettlement, including community-based programmes promoted through the Global Refugee Sponsorship Initiative (GRSI). Other contributions in terms of complementary pathways could include humanitarian visas, humanitarian corridors and other humanitarian admission programmes; educational opportunities for refugees (including women and girls) through grant of scholarships and student visas, including through partnerships between governments and academic institutions; and labour mobility opportunities for refugees, including through the identification of refugees with skills that are needed in third countries. Contributions will be sought to support the sharing of good practices, lessons learned and capacity development for new States considering such schemes. (The Global Compact on Refugees, 2018, points 94-96, p. 18-19)

By responsibility-sharing the Church does not understand a market logic by which developed countries provide funding — even if solid funding is needed — to neighbouring countries hosting refugees. These countries — namely Lebanon, Chad, and Ethiopia — struggle to bear the burden of thousands, even millions, of refugees. The result is that, for example in Lebanon, the government and regular citizens are officially stating that “Syrians should go back to Syria”. The Church in Lebanon is also very concerned about the situation. Besides funding, the EU and Western countries should open alternatives to decrease the pressure from the number of refugees hosted by Lebanon.

While I believe that civil society should be involved in hosting refugees, I argue as well that this concrete mechanism should be promoted and facilitated by States and by the UNHCR in order to widen the numbers of people reaching safely the country of asylum. Experience of the humanitarian corridors show several positive outcomes. First, the most vulnerable people, identified on the spot by humanitarian organizations, are offered an alternative. Second, they avoid dangerous journeys, since they are provided with a humanitarian visa to reach safely a third country. Third, security of the new arrivals is not a concern, since all are screened in the country of asylum by the diplomatic missions of the state of destination. And lastly, the civil society, through associations, families, or religious communities, are involved in hosting them. The Church can offer the model, but the states need to replicate this model benefitting a much wider number of refugees. Experience shows that this is a possible pathway to admission.

The third area where the Church can bring a significant change is by highlighting the need to protect those forced migrants who are not covered by the refugee status according to the 1951 Convention, but who are still people forced to flee from their homes and cannot go back to their countries of origin. This is one of the most pressing issues of our times. To offer a solution to those who flee generalised conflict, but not individualized persecution: Those who flee natural disasters; or general human rights violations but cannot prove themselves to be persecuted, eg. The Montagnards of Vietnam in Cambodia. All these

people remain in a country of asylum without being granted refugee status, sometimes with a protection status, but too often with no status at all. Consequentially, many of them end up in destitution.

The fourth area where the Church can offer useful praxis is that of refugee education. The model of integrating refugees into the workforce and education is the only sustainable path for refugee protection and for solutions to their plight in the long term. I agree that keeping refugees idle, out of education and out of the labour market, is the greatest waste of human resources one can imagine (Newland, 2011). In Points 6 to 9 of the Twenty Points, the Church puts in place concrete proposals. I argue that education, both in emergency settings and in protracted situations, is the best way to protect children and their communities, normalize the life of refugee families, be it in the context of a refugee camp or an urban setting.

The fifth area relates to the narrative on refugees and migrants (Point 19 of the Twenty Points) which could lead to better integration (Points 12-18). States have the responsibility to promote and implement the social inclusion of refugees, and to use all means to avoid xenophobia and prejudice, growingly fed by the media and by some politicians. It is key for our societies to understand that migrants and refugees do contribute to sustainable development, both culturally and economically. The Church, through countless calls from Pope Francis, promotes the culture of encounter as a way to counter prejudice.

Pope Francis offers a vision for the management of today's forced migration. I argue that this vision needs to be part of the global dialogue which follows from the Global Compacts for Migration and Refugees.



Syrian woman in Zaatari refugee camp, Jordan (JRS)

CHAPTER EIGHT - SMALL AND SMART: GOOD PRACTICES OF COMMUNITY PROTECTION

In order for evil to grow, it is not enough the actions of a few; the immense majority needs to remain indifferent as well, and this is something which we are all quite able to do.

Todorov

As I analysed in Chapter 6, Christian tradition has immense material for thinking theoretically about migration; this material is reinforced and updated by the teachings of Pope Francis, who has put immense attention throughout his pontificate on migration as a primary ethical issue of our times. As I have argued, reviving an awareness of such teachings amongst both host and migrant communities could play a powerful role in improving the conditions of forced migrants globally, setting moral standards and facilitating good relations between host and migrant communities. It could also act as a useful motivating factor for host communities.

Based on its values, principles, and teaching, Christian tradition also has a wealth of praxis regarding forced migration. The global church serves people on the move in all the corners of the planet, and is a witness to their needs and aspirations. Chief in this area is the history of offering sanctuary and asylum, which I will analyse later in the chapter. These “whole of community” responses to welcoming, integrating, and protecting refugees, offer concrete examples of how the twenty proposals of Pope Francis that improve the lives of refugees can be lived in reality through more just policies. This chapter lifts up models and best practices, and provides opportunities for further community-focused collaborations. My hope is that it will also help the reader identify and bolster support, research, and capacity needs in addressing these issues.

Following the refugee doctrine on protection from a Catholic Social Thought perspective explained in chapter 6, the purpose of this chapter is to show how these communities have responded to the challenges and opportunities refugees bring, and have found the “treasure” to which the Holy Father often refers to (Pope Francis, 2018).

The chapter will end by offering some recommendations on ways forward.

Regarding the methodology, the testimonies of refugees and projects highlighted come from different organizations working in Europe, as well as from individuals. My own organization - the Jesuit Refugee Service (JRS) - works in 14 countries in Europe and more than 50 worldwide. Over the course of two years (2015-2017), JRS mapped 315 projects in Europe that highlight both individual and group best community practices in regard to refugees. By mapping their projects, JRS aimed to identify community building initiatives for local citizens and refugees and ultimately show how these initiatives build understanding and how they counter racism and xenophobia.

The present study will compare some of these initiatives across Europe, focusing particularly on five European countries, namely Portugal, France, Belgium, Italy, and Germany.

Highlighted in these pages are initiatives such as Duo for a Job in Belgium or the response of individual municipalities in Portugal. Other sources that have been analysed are Caritas Europa’s Welcome report that identifies barriers that block successful integration. The present chapter includes testimonies of both refugees and people working with refugees or accompanying them in their processes of integration. Ethical considerations were considered throughout the interview process, and all names have been changed for security reasons.

By demonstrating successful examples of integration through the testimonies of those involved in the initiatives good practices can be spread to counter racism and xenophobia. Integration is the precondition for an inclusive and prosperous society in the long run. According to research, the costs of non-integration will be higher than the cost of investment in integration policies. The key areas identified to facilitate integration are: language learning, education and training, labour market access, skills and qualifications acquisition and recognition, and access to basic services such as housing and medical care (European Commission, 2016).

These community building initiatives answer a crucial question that we have today as individuals, communities and countries: Do we choose isolation or inclusion? I argue that, if people feel welcomed and supported, they will reach their potential.

1. Responsibility of providing protection: A communal or an individual obligation?

Solidarity is learned through contact rather than through concepts. When the heart is touched by direct experience, the mind may be challenged to change. Personal involvement with innocent suffering, with the injustice others suffer, is the catalyst for solidarity which then gives rise to intellectual inquiry and moral reflection.

Peter-Hans Kolvenbach SJ

Who is responsible for protecting refugees? Is it a communal obligation or an individual obligation? This conclusion presupposes that societies and governments have the same obligations to strangers in need as do individuals. In the Catholic understanding, the State is an expression of the solidarity of citizens with one another. It is responsible for organizing society so that it cares for the flourishing of all citizens, particularly the most marginalized, when other groups are incapable of doing so (Australian Catholic Bishop's Conference, 2015).

I argue that there is a need for sustained research on the intersections of religion and migration, both as a problem and as a promise in Europe from the angles of all three Abrahamic faiths. This sort of sustained research could open up innovative approaches to the sociological, philosophical, and theological study of migration.

Although modern protection frameworks tend to place government as the primary guardian of such rights, Christian tradition emphasises responsibility at all levels of society, from individuals and families to communities and wider civil society. Thus, while the government must be the ultimate guarantor of protection and justice, it is also the duty of the host community to ensure that a refugee is not denied these rights.

But this assumption is slowly changing: asylum is not only provided by the state based on legal provisions, it is also provided when by receiving communities who play a central role in transforming the right to enjoy asylum into a reality. Faith leaders and communities, with the moral influence they wield and the large networks they enjoy, can make a powerful contribution to creating and maintaining positive attitudes towards foreigners and refugees in their communities (Guterres, 2012).

Biblical faith calls us to treat refugees much differently than the way States are treating them. The question of how we should respond to strangers is the same as the one posed by the lawyer when he asks Jesus: 'Who is my neighbour?' Jesus answers with a story of a man his hearers despised – a Samaritan.

A man was going down from Jerusalem to Jericho, and fell into the hands of robbers, who stripped him, beat him, and went away, leaving him half dead. Now by chance a priest was going down that road; and when he saw him, he passed by on the other side. So likewise a Levite, when he came to the place and saw him, passed by on the other side. But a Samaritan while travelling came near him; and when he saw him, he was moved with pity. He went to him and bandaged his wounds, having poured oil and wine on them.

Luke 10:30-34

Jesus asks, 'Who proved himself a neighbour to the man?' and the lawyer replies, unwilling to even name the Samaritan, 'The one who took pity on him.' The one who is neighbour is the one who acted because he was moved by compassion.

In *Laudato Si'*, Pope Francis connects the failure of law to a deep failure in civil society. Indifference to migrant suffering in the Northern Hemisphere suggests not just the failure of government or the individual, but the loss of that sense of responsibility for our fellow men and women upon which all civil society is founded.

There has been a tragic rise in the number of migrants seeking to flee from the growing poverty caused by environmental degradation. They are not recognized by international conventions as refugees; they bear the loss of the lives they have left behind, without enjoying any legal protection whatsoever. Sadly, there is widespread indifference to such suffering, which is even now taking place throughout our world. Our lack of response to these tragedies involving our brothers and sisters, points to the loss of that sense of responsibility for our fellow men and women upon which all civil society is founded. (Pope Francis, 2015)

Civil society is the context in which compassion must be generated and kept alive: for Pope Francis, a failure of compassion in the case of welcoming migrants indicates a failure of civil society with regards to its responsibility towards the other, as much as a failure in political state leadership.

Fear too often drives state responses to refugees and migrants. However, fear cannot be the basis of how states, religious communities, and individuals care for refugees. The best way to dispel fear is through human encounter. This fear can also be found in religious communities.

Migration presents Christian communities with new opportunities for inter-religious dialogue. In advocating openness and dialogue between followers of different religions, Pope John Paul II suggested that:

To reach this goal, initiatives that attract the attention of the major means of social communications are not enough. What are needed are rather everyday gestures, done with simplicity and constancy, that are capable of producing an authentic change in interpersonal relationships. (Pope John Paul II)

While seemingly insurmountable walls of division have fallen in our times, the Christian community and others of good will must continue to work to overcome the fear, suspicion and selfishness which could rebuild such walls of division and exclusion in another form. We are called to give ever more effective witness to the human solidarity that gives all people hope that it is possible to live together in peace and harmony. (Pontifical Council for Justice and Peace and Cor Unum, 1992)

Interestingly, in Islamic tradition, individuals (*fard'ayn*) played a central role in providing protection to forced migrants, with some academics even claiming that “refugee law in Islam is not an area in which the Muslim state and the non-Muslim state have much to do” – rather it is citizens who are involved in this area of law (Munir 2011: 2). Elmadmad argues that providing asylum is a duty upon any person living in an Islamic country (Elmadmad, 2008: 54). Such protection can be provided to a small group of men, women and children, according to the means of the individual providing protection, and is not dependent on the political, civil, social cultural religious or economic characteristics of the person fleeing persecution (Zaat 2007: 20).

Whilst these practices may not always be possible to implement in the modern context, they underline the individual obligation to protect and provide for forced migrants within Islamic teachings. According to the leading Maliki jurist, Ibn Juzayy, once granted this protection, whether given to a Muslim or non-Muslim, would become binding on the Imam and other citizens of the state, provided there was no harm in it (Munir 2011: 7). Examples of this “individual” refuge are often cited. The Prophet Muhammad (PBUH) himself was granted protection first by his uncle Abu Talib, and later by al-Mot’am ibn ‘Udayy, which prevented the Qur’aysh from attacking him as they had attacked his unprotected followers (Abou-ElWafa 2009: 95) (Kidwai, 2014).

In the context of the flight of Makkan migrants (the Muhajirun) and hospitality towards them shown by their hosts in Madinah (the Ansar) brothers, Prophet Muhammad (PBUH) established a unique system of protection wherein each Ansar family would take responsibility for one Muhajir family, sharing with them their wealth, food, home and tribal protection. Such a system facilitated the integration of the Muhajirs into the society around them, providing them with a sense of belonging, as well as a source of spiritual assistance (Ramadan 2008: 92). Conversely the Prophet (PBUH) also encouraged the Makkan emigrants to utilise their experience in trade and commerce to build their own wealth, so as not to burden their hosts – demonstrating that it is also incumbent on the migrants to seek financial self-sufficiency, and ensure they are not the perpetual recipients of charity (Agha 2008: 38). Engendering an environment of genuine self-reliance, where forced migrants are provided with long-term support to utilise their own skills and experience, is a critical aspect of re-affirming a refugee’s sense of dignity (Kidwai, 2014).

The right to grant more general protection, e.g. for large groups of forced migrants, or protection agreements between states, would lie only with the Imam or relevant state representative (Munir 2011: 7).

The following pages offer a review of some community building networks, and analyzes findings on best practices of community initiatives. By facilitating individuals to see the world through another’s eyes, we analyze how these initiatives build understanding and how they counter racism and xenophobia. The initiatives studied are faith-based, particularly of Christian denomination, and facilitate interactions and encounters between local people and forced migrants.

2. Community Building Initiatives: A comparative study

Community protection led by small and medium size organizations, either faith-based or led by a humanitarian spirit, are taking the lead in protecting refugees and asylum-seekers, especially in countries where governments are decreasing its protection responsibilities.

Across Europe, good practices for campaigns and initiatives have improved the culture of welcome and integration in Europe, creating inclusive communities where everyone is valued. This has been often overlooked by the media. Different civil society refugee protection programs have developed; local citizens have opened their doors to people in search of safety – migrants and refugees – sharing meals, learning languages and simply being together.

Grounded in their faith or in the respect of human rights, faith-based and humanitarian communities have indeed assumed a leading role in championing protection, education, employment, and legal migration opportunities for refugees. Some have been existing for decades while others have been created after refugees started arriving in Europe in larger numbers in 2015.

One of the findings and experiences of these initiatives is how interaction and encounter deconstructs stereotypes. Community protection initiatives reflect counter-narratives to fears that are growing in Europe: fear of losing one's identity, fear of losing access to employment, and fear of a growing insecurity. We have seen how the influx of more than one million migrants into Germany in 2015 and 2016, mainly Muslims fleeing countries such as Syria, Iraq and Afghanistan, has hardened public views on migration, weakened support for Chancellor Angela Merkel and fueled xenophobia. Fifty-nine attacks on refugee shelters were recorded in Berlin in 2015 and 48 in 2016. After the truck attack on a crowded Berlin Christmas market in December 2016, refugees in Germany pleaded their host nation to avoid placing migrants under a blanket of suspicion, after police commandos raided their shelter (Nasr, 2016). "My message to the Germans is: 'Don't suspect everybody, don't generalise.' We have nothing to do with this crime," said Ammar Wazzaz, a 45-year-old refugee from the Syrian city of Idlib. Yaser, a 32-year-old refugee from Syria, said he became dejected when he read about the attack on Facebook: "We fled this kind of terrorism and it is following us here."

The main findings of community building initiatives analyzed have shown that most of them are small in scale and size – they have budgets less than 25,000 Euros - but have an impact in communities among the individuals that participate in them. The findings also reflect that on average community building initiatives focus on a small number of participants, between 20 and 300. They are normally financed through grassroots methods ie. Big sales, fundraisers, Church communities.

The participants involved, both forced migrants and local citizens, are working age adults, between 26 and 60 years old. Their volunteers are mostly European citizens but there is also a significant percentage of third-country nationals. Refugees involved differ from country to country. For example, in Italy most of the refugees involved in these community activities are young single men whereas in France there are many refugee families. One of the best practices found is the model of "duos", or mentors in the community who become friends, trainers, godfathers. Duo for a Job, in Belgium matches young job seekers from diverse backgrounds with people older than 50 who have a professional experience in related fields and who can accompany and support them in their search for a job. The young person (mentee) and his/her mentor meet for a minimum of two hours a week over a period of six months.

Regarding activities provided in local communities, they cover a variety of services for people such as housing with families, local communities, or religious communities; centers where people can go to have lunch or dinner and where both local people and migrants collaborate in the preparation of meals which are then distributed; skills training; leisure activities; and intercultural activities. Cooking is an easy way to involve illiterate people, since it is an activity that does not demand too many words and allows participants to learn culinary vocabulary, so people can more easily go shopping or exchange recipes.

An informal way of learning the language and identifying needs, is through the creation of "conversation tables." Individual accompaniment often starts there, through language and culture exchange. Shared hobbies, such as sports, the arts, and other activities, is another way to foster encounter and exchange. We have found that mentors, such as friends or trainers for these hobbies have had the largest impact. Interestingly, the creation of spaces where meetings can take place is one particularity of these initiatives. They have both set physical locations for activities - offices, community centres, outdoor spaces such as a park or a garden – as well as various locations, through outreach in the community or changing

from one space to another. Some 52 per cent of community building initiatives happen in a physical space and 48 per cent do not have a physical space.

According to Pope Francis “the problem of refugees, of migrants today is the greatest tragedy since that of World War II” (General Audience, Vatican, March 22, 2017). The Pope encourages organizations working with migrants and refugees “to continue in their commitment to the reception and hospitality of the displaced and of refugees, fostering their integration, taking account of the mutual rights and duties of the one who receives and the one who is received.”

2.1 Portugal: The experience of being a host

Portugal is a good model of community-based hospitality, not only by the civil society, but by the country itself, as it is quite open in general to refugees.

The way hospitality works is through a municipality-based system called Platform of Support to Refugees (PAR, in its Portuguese acronyms). PAR is formed by over 40 civil society organisations mobilised to provide support to refugees. JRS in Portugal is the secretary of the platform and coordinates the welcoming of families. PAR is present in each municipality across the Portuguese territory and works through a wide range of service providers, such as associations, local municipalities, religious congregations, and families. Its aim is to welcome families who have been accepted in Portugal from Greece through a relocation scheme. PAR has a strong awareness-raising component, a network of volunteers, and institutional support. The platform organizes and sets up access to education, accommodation, and transport for refugees, amongst other services.

In September 2015, following the call of Pope Francis, the Confraternity of Our Lady of Nazaré, charitable institution of the Nazaré municipality decided to join the recently created PAR. Susana Zarro, responsible for the Brotherhood Community Center, oversaw the hospitality project. She shares the following experience as a host:

In March 7, 2016, we received a Syrian family of nine, a couple with seven children. They were living initially in our community center, and now live in a house that we have prepared for them. At the moment, we are working to safeguard their independence by helping them with food, accessing healthcare and education, and dealing with bureaucracy.

The Nazaré community mobilized to receive the family. They arranged their furniture, bedding, and toys for the children. We have felt from the beginning that the reception has been very good. Nazaré is a land of tourists. We are used to being open to many different cultures and people from other countries. There was some initial uncertainty about hosting refugees to Portugal, but the experience has proven to be very enriching.

To receive this family and to live with them is to realize that they are a family like ours. The only difference is religion and culture, but the love that they give us is the same that we give them. The family said it was God who guided them, since they did not know where they were going. Now they say that they were lucky to come here and to get to know us. We can say the same.

“Speak” is another initiative with the main objective of offering solutions to the problem of social and cultural exclusion by tackling the language barrier and promoting interaction between people of different cultural backgrounds. This project has a teacher training component with volunteer teachers whose aim is to mitigate the effects of low levels of self-esteem or the impact of unemployment on the refugee community.

2.2 France: Being hosted and wanting to return the favour

Since 2009, the Jesuit Refugee Service in France has developed the Welcome Network, a program for individuals, families, and religious communities to welcome refugees into their homes for a period of one to two months. Refugees are accompanied by mentors in their journey towards integration into French culture and the learning of the French language. JRS Europe is now developing this project throughout the continent, inviting European citizens to open their homes (Jesuit Refugee Service, 2016).

In offering hospitality, much of the success depends on efforts to involve others. The Welcome Network underscores this reality. What started as a small seed of hospitality has grown rapidly, spreading to 34 French cities. In Ile de France, JRS coordinates 150 families hosting asylum seekers. At the end of 2016, 1,200 families hosted 600 asylum seekers. JRS France works with 200 supervisors. “I am discovering the joy of receiving, of knowing that, for a while, my guest will not be hungry or cold,” said volunteer Bernadette. “I am discovering the grace of smiling when they welcome me every evening”, explains the refugee hosted by Bernadette.

As a person being hosted, Abbas, an Iranian refugee living in Paris, shares:

Before, I said I couldn't find humanity in this country, but every day now hope grows in my heart. When I have a house someday I will save one room for the Welcome Project, so I can take someone in and give him food and take him to get his papers.

Another reality in France is the ecumenical monastic community of Taizé, who shelters refugees coming from Calais refugee camps. Villagers in and around the village of Taizé have also been involved in hospitality initiatives, organizing themselves semi-spontaneously to offer French classes, bike rides, and community meals. The first group, after going through Calais, were welcomed in Taizé in November 2015, and now live in the region. All except one was granted refugee status. Most of them are now working or receiving life-skills trainings. I will use Taizé as a model of protection in Chapter 9.

One of the refugees, named Safi, shares his experience:

My name is Safi. I am Sudanese from Darfur and I am 26 years old. I spent my childhood in a small village in Darfur. I lived with my parents and my five brothers and sisters. Our family was a large one and we had lots of goats and sheep. Life was good.

In 2003, the war broke out and life became very difficult. In 2011, my village was bombed and my mother and one of my brothers were killed. The army arrested me, they wrongly accused me of belonging to a movement opposed by the government. When I was released, my uncle suggested that I flee. I feared for my life and I left for Libya. After four terrible months there, I took a boat to Europe. I arrived with nothing and I was looking for protection, accommodation, and food. I have been lucky to find this in Taizé, where I have found a new family. I had never met Christians, I only knew them through what the Quran says. In the Quran we read that there are different paths to God and that we must live together in peace with people of other religions. In Taizé I can see this in a very concrete and easy way. Today there are people who use Islam as a pretext for war. But in fact, they distort our religion. Like Christianity, Islam is a religion of peace.

2.3 Belgium: Access to employment facilitated by mentors

A particularly strong model of community building is the one run by JRS through its project “Up Together”, which serves a vulnerable group of forced migrants who, after living several months in a detention center, have had their residence denied but are left to remain in the country. They are

thus “unreturnable” migrants - normally single adults - people who have not been granted asylum but still cannot go back to their countries of origin. Up Together has witnessed that administrative detention has an extremely negative and traumatic impact on individuals. They are deprived of any status and forced to live clandestinely; they are left stateless or at risk of statelessness or destitution. “Up Together” invites families, individuals and communities to welcome them, accompany them, and helps them get on track. By doing this, a local solidarity network is created.

Another initiative in Belgium includes “Duo for a Job”, which promotes the exchange of experiences between different generations and cultures, facilitating the future employment of young refugees, and recognising the value and experience of local elderly people. Its volunteers include adults coming from 57 professional sectors in Brussels, Liège and Antwerp.

It is a network of 386 mentors, with 25 new mentors joining every month and 94 per cent of mentors becoming re-enrolled. Being a mentor means engaging concretely in a societal project. Once trained by the association, the mentor will coach a young person for two hours a week over a period of six months. They will help define his/her professional project, look for job offers, train him/her for interviews, and discuss the codes that are specific to the sector or to the local culture. By sharing the mentor’s experience gained throughout his/her career, the mentor will really offer a young person the chance to build her own project. It is proved to bring new meaning to the mentor’s own project. To take part, the mentor must be over 50 years old; have professional experience to share (whether retired or still working); and be available for a few hours each week.

Chantal, a mentor, explains “‘Duo for a Job’ started from the desire of young people in Brussels to combat social and geographic fault lines in their city by breaking walls between neighbors, and assigning value and tasks to those whose skills or experiences are not enough acknowledged in Western societies. ‘Duo for a Job’ trains and links young people and those who want to assist refugees in their integration in Belgium through the training of mentors and the full engagement of the community.” On the other side, Mamadou, says “Duo helps people acquire confidence and better organize our professional skills. The mentors help us think carefully about our job search, but also the possibility to continue studies or get training. They help me build my life.”

2.4 Italy: Hospitality and the promotion of autonomy by religious communities and families

Pope Francis spoke of the responsibility to welcome in the summer of 2015, when he invited parishes and faith communities to sponsor one or two refugee families: not all 60 million forcibly displaced people – one or two families. Pope Francis’ visit to Lesbos was remarkable not only as a sign to European leaders to honour their international obligations, but also by bringing three Syrian families back to Rome with him: he modelled protection in deeds, not words.

Organizations with national offices that have roots in the community, and religious institutions behind them, may be well positioned to what seems to be a protection priority: to identify the most vulnerable, who often fall through the cracks of bigger international programmes likely to become more and more confined to capacity-building, research, monitoring and evaluation, rather than direct service.

The project “Communities of Hospitality” in Italy is run by JRS’s Centro Astalli, in collaboration with religious communities and families in Rome willing to welcome those who arrive in the city fleeing war and persecution. Centro Astalli has two staff members and four volunteers involved in this project.

Its aim is to promote the integration of refugees into Italian society during the delicate transition period when their cycle of government assistance ends. It focuses particularly on helping them reach

autonomy and find housing since it is quite challenging for refugees to find a room or an apartment to rent with the unstable and low salaries they often receive.

During the semi-autonomous period where refugees stay in the free spaces offered by religious communities, Centro Astalli follows them closely and helps them on an individual basis towards independence for a period of no more than one year. Individual refugees and refugee families have the possibility of continuing their path towards social integration and gaining access to employment and other personal needs.

“In order to acquire independence, it is vital to become self-reliant and also to regain the dimension of family life, as well as build new relationships, and gradually integrate into the local community,” explains a JRS worker.

Refugees, religious communities, and volunteers are constantly accompanied and supported by Centro Astalli staff, which represent for all the focal point and the experts to whom to reach out to in case of doubt or need.

My family’s experience in the project explains how important educating my children on the value of hospitality by welcoming refugees at home is. This is what I wrote back in 2016:

My family and I have been hosting Marie, a refugee woman from Mali, who has been living with us for one month. My two daughters, ages 7 and 8, are curious about her and every morning before going to school they check if she is awake to say to her ‘good bye, have a nice day’. Educating my children in openness to others and hospitality is for me essential for their future lives. I do not need to explain this with words to my children but they see and feel the importance of sharing with those who are going through difficult times. Marie is a Muslim, her father was a Christian. She often joins us in our evening prayers – “We trust the same God,” she says.

We also go to Centro Astalli with our questions. For example, we are aware that Marie needs money for her 10-year-old son to join her in Italy. Centro Astalli is always willing to give us good advice.

Marie, the refugee hosted in our house, shared this experience:

I was born as a Muslim, my father was a Christian, my mother a Muslim. So I understand both religions. I am hosted by a Christian family. I feel at ease. My mother used to host people in her house, people who were in trouble in different ways. Now I am the one being hosted, and I often say to my host family that they will surely find refuge in the future, if something goes wrong, because they were good with me. God pays back. I love children. I do not understand people who do not love them. They are the salt of this world, the image of God. I think people who do not love them are evil. Back home I was a teacher. I also took care of my house, my children. While in Mauritania, two of my children were burnt by bad people. One died, she was only five years old. The other is alive, he is 10 years old now. His face looks normal but his whole body is burnt. There are very bad people in my country. I will never go back there. I need to work hard to pay the education of my 20-year-old daughter, who is now in Senegal. I earn my living by selling clothes in the beaches near Rome.

My life has been hard, I suffered much. But it is faith which kept me looking forward, to the next step. I trust in God.

The humanitarian corridor project launched by the Community of Sant'Egidio, the Federation of Evangelical Churches and the Waldensian Table offers a practical model to European governments. I analysed this in Chapter Seven. Humanitarian corridors allow the safe arrival in Italy of vulnerable Syrian refugees from Lebanon, avoiding the dangerous boat journeys across the Mediterranean and exploitation by human traffickers. Thanks to an agreement with the Italian government, about a thousand vulnerable people (victims of persecution, torture and violence, families with children, elderly, sick and disabled people) have arrived in Italy via these corridors. Pope Francis described this project as “a concrete sign of commitment for peace and life that unites solidarity with security”. This ecumenical pilot project – which is self-financed by the organisations that launched it – could become an EU-led project, with governments replicating and scaling up resettlement of the most vulnerable refugees throughout Europe and beyond (Riccardi, 2017).

We learn about hospitality from other faiths too, collaborating on concrete projects. In Kafar Zabad, a village in Lebanon's Bekaa Valley bordering Syria, the local Mufti offered the Jesuit Refugee Service (JRS) the use of a small school near the mosque for Syrian refugee children. JRS is running a programme to equip the children with the language skills and other knowledge needed to join Lebanese schools. JRS has created communities of hospitality in Italy through a network of parishes and religious communities offering shelter to refugees who are in a semi-autonomous situation. In 2016, 28 religious communities hosted 95 refugees.

2.5 Church asylum: The Christian tradition of sanctuary in Germany

Our current national and international asylum laws relate to a history of offering refuge that has its roots in the biblical Jewish cities of sanctuary and Christian practices of offering territorial sanctuary in Churches and monasteries. Beforehand, “in the ancient Greece asylum was granted not only to innocent people (...) but to all, even to criminals, given that asylum is understood as the only protection against fatality.” (Reale, 1938, p. 481).

The right to asylum in the cities of sanctuary or asylum, as expressed in the legislation of the Pentateuch (especially in the books of Numbers and Deuteronomy), was developed in connection with the local immunity of the temples (De Veaux as cited in Gortázar, 1997), but “it shows a clear evolution; in the fundamental legislation of these cities, a certain case-law related to the right to asylum and to those who can enjoy it is even developed.” (Gortázar, 1997, p. 42).

In Christian understanding, hospitality is how we see the world and others as who they actually are, as marked by the image of God. Hospitality enables recognition, and this recognition affords the dignity that can be so easily hidden within those in need of hospitality. By being hospitable, barriers of class, ethnicity, and credentials are overcome as we seek to build a welcoming community together (Pohl, 1999).

Giving church asylum, or sanctuary, is a specific form of benevolence that has a centuries-long tradition. The early Christian church adopted the principle of a religious right of asylum, protecting those accused of crime from legal action and from exile. Various rules were developed for what the person had to do to qualify for protection. But the rich Christian tradition of hospitality has, over the centuries, gradually been eroded by other social and economic discourses and dynamics.

Early Christianity was a social movement known for its care of the sick and poor and its attention to the needs of the stranger. However, with the development of commercial inns during the 16th century, the growing secularization of civic institutions such as hospitals and “poor relief houses” – originally established by the Church in Europe in the 17th and 18th century – along with the State taking on welfare in the twentieth century, the practice of hospitality has largely been forgotten by the Church

(Pohl, 1999). In the ancient Near East, the practice of hospitality was considered a moral category with foundations in Hebrew, Greek, and Roman tradition. Hospitality was not to be treated as merely an abstract category, but as God who is at work within the human being, and God as being welcomed by us and by whom we have been changed (Oden, 2001).

In the V and VI centuries in Europe, there was an unprecedented wave of migration, in many ways much greater than what we see in contemporary Europe. In Italy, the disciples of Benedetto da Norcia (St. Benedict) built a network of civilization in a very difficult period of history. The Roman empire was being dissolved, and millions of Barbarians penetrated the continent, amongst which Unns, Vandals, Visigoths, Longobards, Slavics and Ungarians. Through their monasteries, the Benedictines built a strong sign of civilization throughout the 400 and 500, just by their example. Those men were stronger than those of today and those monks tell us that Europe was first and foremost a millenary space of migration (Rumiz, 2019).

When welcoming those who are persecuted in its temples, “the Church does not try to oppose herself to civil authorities but rather to avoid the punishment, in many ways disproportionate; in an early stage it is about a voluntary intercession which derives from Christian charity, but soon it becomes compulsory for the clergy.” (Le Bras as cited in Gortázar, 1997, p. 45). Only from the 16th century onwards did the state begin to take over this practice and formalise asylum laws. Gradually this became something the state did and not the Church. While no-one suggests reversing this process, this history has been the inspiration for a global movement of cities of sanctuary who have been reinventing the tradition of offering sanctuary as a form of local and often faith-based humanitarianism (Rowlands, 2018).

What is known in Germany as ‘church asylum’ has been inspired by the American Sanctuary Movement and by movements in other European countries, leading to the Charter of Groningen in 1987 (Neufert, 2014). More recently, in 2010, a common Charter of the New Sanctuary Movement in Europe has been developed. Excerpts from the Charter read:

As members of churches, parishes, cloisters, communities and solidarity groups we are called to accept responsibility and to take sides, not only with the refugees and asylum seekers living among us, but also with those stranded on Europe’s outer borders, whom we do not get to see. The right to asylum is worthless, if those seeking protection are denied entry. Therefore, we pledge:

- to use every opportunity to help refugees in need;
- where deportation looms and human dignity and lives are threatened, to grant refugees sanctuary in our churches until an acceptable solution is found for them. Not to shrink back, should open confrontation with civil authorities become necessary;
- to publicize persistently in order to raise social consciousness of the scandalous practices by which refugees are repulsed at Europe’s outer borders and harassed within, such as deportation detention and discrimination in almost all areas of life;
- to strive for policies of asylum and immigration which are oriented on human dignity and human rights, and this at all levels, from the local to the European level;
- to help make refugees feel welcome and be able to participate with equal rights in our society;
- to promote this self-commitment and its goals in our churches and among our fellow Christians;
- to seek cooperation with like-minded people, whatever faith community or world view they adhere to;
- to form European and worldwide networks and work together in solidarity to fulfil these commitments.

In 1983 a Berlin parish granted church asylum to three Palestinian families threatened with deportation to Lebanon during the civil war there, and since then church asylum has been established all over Germany and is practised in the Protestant as well as the Catholic Church. Both churches have taken a stand for refugees and their rights in numerous public statements and have used church asylum as an instrument to protect refugees and support them in claiming their rights (Neufert, 2014).

Fr Peter Brummer, parish priest in Tutzing, an affluent town just outside Munich, has experienced church asylum for 20 years, when he welcomed a Kurdish family that Germany wanted to deport to Turkey. Fr Peter recalls that the state prosecutor invited him for a meeting back then and asked him why he was doing this. Fr. Peter opened the Bible and told him to read inside for his answer. In 2015, some 600 refugees sought protection in churches across Germany, invoking the Christian tradition of sanctuary. That same year, Fr. Peter granted sanctuary to 10 refugees facing deportation during 2015. Amongst them three Yazidis from Iraq asked for sanctuary in the parish of St Joseph. They stayed on the parish premises until their deportation order to Bulgaria expired, up to six months (Jesuit Refugee Service, 2016).

Rethinking forms of Christian sanctuary for a very different age is something that the Churches are now beginning to do in quite important ways. There is an important space of imagination here.

2.6 Inter-faith advocacy on behalf of forced migrants

Growing islamophobia and its linked to terrorism creates a murky perception of the “other”. But the reality, when we look closely at the facts, is very different, and sometimes hidden for the regular citizen. A showcase: After the September 11th attacks, research done by a forensic psychiatrist in Guantanamo showed that, after interviewing the inmates, only 20 per cent of them had a Muslim education. The rest were converts – some autodidacts – or were not practicing Islam until their conversion to radicalism. This does not respond to the image we have of the fundamentalist.

Another research was done by Gallup in 35 Muslim countries of Muslim majority during five years. People interviewed were asked if they justified the 9/11 killings. The result was that 93 per cent said no and the reasons were totally religious, quoting the Kuran. What is interesting is that for the 7 per cent which did justify the killings, the reasons were not religious, but political. But this research has hardly been published.

A counter-culture is though developing. During 2016, the year of the Jubilee of Mercy, in conjunction with the Islamic pilgrimage to Mecca, and on the occasion of the UN International Day of Peace, Catholic and Muslim leaders united voices calling upon governments, religious institutions, and people of good-will to work together in tackling the root causes of forced migration. As an example, members of JRS and the Religious Islamic Community of Italy (COREIS) called for responsibility-sharing to provide protection for those fleeing from their homes, and to ensure good reception conditions and access, on arrival, to adequate and affordable services. Robust policies, they said, were needed to counter racist and xenophobic tendencies – diversity must be recognized as an opportunity and a gift, not a threat.

In their statement for International Day of Peace, 2016, both faith-based organisations expressed: “The Muslim tradition of protection and hospitality towards the wayfarer, the widow and the orphan is reinforced by the fact that the Prophet Muhammad, peace be upon him, was himself a refugee who fled his home city for safety. Christians are told in their scriptures that every time they welcome a stranger, they make Christ welcome, and the story of the birth of Christ is one of persecution and flight for refuge in a foreign land.” (Jesuit Refugee Service, 2016).

Muslims and Christians strive for a peace that is “beyond all understanding”, an experience of intimacy with the mystery of God, and for fraternal harmony with their neighbours. Peace then is neither a vague abstraction nor an unrealistic ideal. It can be achieved when we all recognize that we share a common home, and that we are invited by God to work together for the common good. The pilgrim, the refugee, and the migrant are all searching, beyond hearth and home, for a place where they may encounter peace, be free of distress, and enjoy hospitality. Initiatives such as this one, bringing together Muslim and Christian perspectives on behalf of welcoming refugees, are believed to be seeds for further protection and welcome.

3. Culture of encounter: A test of Christian faith

In a climate of divisive rhetoric and xenophobic populism from political leaders in Europe, new research shows overwhelming that numbers of Europeans actively welcome and include forced migrants in our societies. These findings show that politicians are lagging ordinary citizens when it comes to the social inclusion of forced migrants.

Governments around Europe should observe, support, invest in and learn from civil society initiatives that pave the way for successful and dynamic communities, where all members, new and old have space to contribute.

Assistance, care, and solidarity towards forced migrants by many individuals across Europe have been filling the gap between formal declarations of refugee protection and European policies and responses. But what motivates people to reach out to refugees in need? What moves young people to act?

The following words of Pope Francis summarize the values which motivate people to be involved in refugee assistance and, at the same time, set the way forward: “A change of attitude, to overcome indifference and to counter fears with a generous approach of welcoming those who knock at our doors.” Interaction and encounter is vital to building understanding between people. On a social and grass-roots level, we see that community building initiatives promote encounter and social inclusion. This hypothesis has been proven by practices such as those explained above, but social responsibility to protect refugees needs to be shared widely through different layers of our society, including those that are more macro and policy based.

In his address to participants in a conference on migration in February 2017, Pope Francis stressed the need for “person-centered,” not politically-driven, policies and responses to migrants and refugees. “Today more than ever,” he said, “it is necessary to affirm the centrality of the human person.” He characterized international migration not as a problem, but as “an expression of that inherent desire for the happiness proper to every human being, a happiness that is to be sought and pursued.” Many religious traditions revere migrants, recognise the hand of God in this timeless phenomenon, and in the words of the Holy Father, view “all human life” as “an itinerant journey towards our heavenly homeland.”

Addressing the Diplomatic Corps in 2015, Pope Francis underscored the need for a “coordinated and effective response” to forced migration by welcoming, protecting, promoting and integrating. He contrasts this response to the “rejection” of refugees and migrants, which he describes as a shared attitude “rooted ultimately in self-centredness and amplified by populist rhetoric” that “makes us see our neighbour not as a brother or sister to be accepted, but as unworthy of our attention, a rival, or someone to be bent to our will” (Pope Francis, 2015). “The antidote to rejection,” he said, “is a change of attitude.”

What if every refugee was accompanied by an individual or a family in their host community? Through friendship and the accompaniment of one or two refugees, our perspective of the “global refugee crisis” would change dramatically. Social transformation comes from individual and community responses that value personal interaction. This is a very practical way of protecting refugees.

The following testimony by a German woman living in a small village in the Black Forest is an example of how accompaniment of refugees breaks the culture of fear:

This year, I will spend Christmas at my parent’s place, together with my boyfriend and our friend Henry, an asylum seeker from the Gambia. In the isolated small town where we normally live, Henry has become our closest friend, so we had originally decided to stay in town with him for the feast days. As my parents, living in another city, very much wanted to have us over for Christmas, they invited Henry, too. Then they asked if he was trustworthy to have around the house, something they have never asked about any of my friends before. They were worried that he might misbehave, or steal. Although generally liberal-minded, my parents do not know a single refugee personally – and so they are afraid. My mother once said that she found the young African men shopping at the local supermarket looked a little frightening. It is true that their unfamiliar features can sometimes make their facial expressions harder to read for Europeans. Our friend Henry sometimes wears an expression that could be interpreted as sullen – but because I have got to know him well over the months, I know that this is just what his face sometimes looks like and that he might be laughing the next second. I am not afraid because I know him. I am not suspicious of a group of young black men in the park because they might be just as nice as Henry is.

The region of Germany where I studied is the region currently behaving most aggressively towards immigrants. It is also one of the regions with the lowest percentage of foreigners living there, compared to the national standard. People are afraid of who they do not know.

My mother has called to ask what they could get Henry for Christmas and what he would like to eat, so I guess in her case, fear is already being transformed.” (Scharfenstein, 2016)

4. From a refugee’s perspective: The personal experience of Antony Mukui

One of the refugees hosted by a religious community in Italy (see point 8.1d above) is Antony Mukui, a refugee who kindly agreed to share his experience:

My family and I fled Kenya in January 2014 due to persecution that left my cousin dead and one of my friends in hospital. So, we made the decision to leave the country that we had called home for all our lives.

When we arrived in Italy on 21st January 2014, the Franciscans hosted us in their college San Lorenzo da Brindisi where they house foreign students who study in Rome. We have been living with them since then. They helped us not only by offering us a roof but also a place to heal our inner wounds by providing us with spiritual counselling and by allowing us to be part of their family. We eat meals together, share discussions, play football, or watch a game together. They are always ready to offer a special mass for us whenever we need it.

The Church, through its various congregations, has been called to help in what Pope Francis has called a conversion of attitudes. In his message on the 2014 World Day of Migrants and Refugees, Pope Francis said:

Infrequently, the arrival of migrants, displaced persons, asylum-seekers, and refugees gives rise to suspicion and hostility. There is a fear that society will become less secure, that identity and culture will be lost, that competition for jobs will become stiffer and even that criminal activity will increase. (Pope Francis, 2014)

With the rise of far-right parties all over Europe, the Church is called on to take a proactive role in shaping this debate. Opening religious houses for refugees will build credibility and can go a long way in fighting some of the prejudices against migrants. We believe that if religious houses open their doors other Christians will in turn courageously follow this example. As Pope Francis reminds us, the Church must first be able to see and then help others to see that migrants do not represent a problem to be solved but that they are brothers and sisters who need help and should therefore be welcomed and loved. Displaced persons have many needs such as housing, food or education. However, in my experience as a refugee, what refugees need most is love and compassion, which enables them to restore the dignity that has been taken away from them by conflict and sudden displacement. They need to feel that they are human beings so that they can heal their wounds and rebuild their lives again, and hopefully heal others that are likewise wounded.

Is it enough to offer us refugees a place to sleep and a dinner? It is likewise important to listen to us and share our aspirations. Faith plays an important role for displaced persons as we seek answers to the many questions that we have regarding the pain and suffering that we have gone through. For most of us, our faith in God is what keeps us going, in the midst of the many challenges that we face our faith is constantly tested, and therefore welcoming refugees into your religious homes will help them strengthen this important part of their life. This love and compassion is what I believe all refugees deserve. It is not an easy decision to take someone into your home and make them part of your family, to let them into your “private space”, but like my family has proved, it is possible to overcome the challenges. In the 10 months that we have lived with the Franciscans I have seen the attitudes of the brothers change from one of fear and suspicion to one of love, affection and brotherhood. I now feel part of that fraternity of brothers.

I encourage all of you to look at your brothers and sisters in need and take a leap of faith just like the Franciscans took a chance with us and show love and compassion to your fellow man. (Mukui, 2014)



Local communities: first and last providers of protection (JRS)

5. Conclusions

In politics, irrational feelings of fear and alert seem to have taken the space. The desire to demonize a particular group of people follows the idea of building a wall around us and isolate us. We witness people seeing refugees in dire conditions and their response is not: “come, I will give you some food,” but rather “you come to steal us, we hate you.” We would like to erase them.

Some scholars talk about gentrification of the mind, understood as, not only the movement in some cities of cool shops and bars being developed in modest neighbourhoods. It is about living in bubbles where one does not have to confront poverty or suffering. There might be a gentrification too in the emotional sphere: One wants to always have happy and agreeable experiences, as if suffering, as the refugees, could be put out of sight (Schulman, 2013). Personal interaction, the physical presence and contact, involve a risk. Many of the technological tools of today are ways to avoid such physical or real – versus virtual – interaction. Communications and its use and abuse may involve an underground anxiety.

The case studies in this chapter are indicative of the opposite: increasing trends of hospitality, high levels of generosity from host communities, and an outpouring of volunteerism. What is the role of communities, including faith-based communities, in protecting forcibly displaced persons? This chapter has provided an analysis of refugee protection from a community perspective, including models of both humanitarian and faith-based communities that by hosting and accompanying refugees, are building safety nets, protecting refugees, and contributing to their integration. Grounded in this experience, and in a truly authentic respect of the dignity and human rights of those who seek safety, how can Christians contribute to a new narrative on migration and how can the Church be a sign of our times and an active agent of change?

When governments and other authorities treat people harshly, as is now happening to refugees and asylum seekers in many parts of the world, it is fair to ask whether what they are doing is right. Complex questions do arise after the ethical questions are answered. The point is how to deal in an ethically principled way with the many factors that need to be addressed in good policy. We ought to engage with these complexities, and should expect from time to time to be confused by them. But our confusion at this complexity does not extend to the judgment of what is right and wrong in the way people are treated. We can face complex questions about how we are to act. Generally if we come to the judgment that our government is treating people wrongly, our judgment should flow into action. The examples of community protection offered in this chapter could be the basis for an ethical understanding of the problem. In fact, action towards the refugee, closeness to her life, her aspirations and challenges, simplifies the understanding of the phenomena as a whole (Hamilton, 2014).

However closed attitudes may seem to be towards refugees and migrants, I still see a positive approach to welcoming migrants by many people. This is especially true for young people who consider migration to be a normal dimension of a society that is characterised by interdependence in the form of fast connections, communications, and the need, and natural development, of relationships on a global scale. These are dimensions of society in which we can certainly see a reflection of our times – a factor that should prompt solidarity on a global scale.

In fact, while migration is one of humanity’s oldest traditions, communication technology has evolved so radically in the last couple decades that platforms like WhatsApp, Facebook and Viber are now guiding the journeys of almost every migrant on the planet. Having access to information empowers them to make their own decisions again. Smartphones provide migrants with all the tools they need

to ensure a safe journey. Besides the fundamental Google Maps service, they provide up-to-date news and security alerts. Yet these same platforms are also being used to lure migrants into all kinds of traps, from human trafficking to detention.

Technology is actively transforming the nature of migration networks. According to some scholars social media are not only new communication channels in migration networks, but also that they actively transform the nature of these networks and thereby facilitate migration. Despite some limitations, which stem from the ‘digital divide’ and the lower trustworthiness of virtual ties, qualitative data reveal four relevant ways in which social media facilitate international migration. First, they enhance the possibilities of maintaining strong ties with family and friends. Second, they address weak ties that are relevant to organizing the process of migration and integration. Third, they establish a new infrastructure consisting of latent ties. Fourth, they offer a rich source of insider knowledge on migration that is discrete and unofficial. Based on these empirical findings, scholars conclude that social media are transforming migration networks and thereby lowering the threshold for migration (Decker and Engbersen, 2013). Access to the internet can not only boost migrants’ emotional well-being but also give them a much-needed sense of control (Secorun Palet, 2017).



Refugees use mobile phones to take pictures of a map upon their arrival on Eftalou beach, west of the port of Mytilene, on the Greek island of Lesbos on Sept. 21, 2015. (Iakovos Hatzistavrou/Getty)

Often individual aid workers and members of small communities are the first and only people whom a refugee can trust after the trauma of flight or a dangerous journey. From their field experience, these small but strong communities join campaigns, research projects, and public education initiatives, encouraging others to join in on advocating on behalf of refugees. They highlight the decline of protection for refugees in camps, such as in cases when camps are militarised or their civilian nature is not properly controlled; when women are at risk; or when children cannot access schools. They offer critical challenges to UNHCR policy and practice regarding concerns like urban asylum seekers, detention of asylum seekers, and procedures for refugee status determination.

Small communities in particular are especially able to listen to refugees and discern what they say, so that their message can be better heard, and voices more clearly expressed.

A refugee worker in East Timor wrote:

There is a value of people telling their story, so someone knows and understands. This relates partly to documentation of human rights. It also relates to having a companion who can be with them in the process of recovery. Testimony also relates to discussions about truth and reconciliation ideas, as it happened in Guatemala or Argentina. This enabled the story of victims, survivors and perpetrators to be told.

Great faith traditions, such as the three monotheistic religions of Judaism, Christianity and Muslims, have focused on the life of the exile, the refugee, the foreigner, and hospitality to strangers as a cornerstone of religious faith. In this same way, Pope Francis calls us to do something very basic: to see their faces, to listen to their stories and to do unto others as you would have them do unto you:

Our world is facing a refugee crisis of a magnitude not seen since the Second World War. This presents us with great challenges and many hard decisions. On this continent, too, thousands of persons are led to travel north in search of a better life for themselves and for their loved ones, in search of greater opportunities. Is this not what we want for our own children? We must not be taken aback by their numbers, but rather view them as persons, seeing their faces and listening to their stories, trying to respond as best we can to their situation. To respond in a way which is always humane, just and fraternal. We need to avoid a common temptation nowadays: to discard whatever proves troublesome. Let us remember the Golden Rule: Do unto others as you would have them do unto you (Mt 7:12). This Rule points us in a clear direction. Let us treat others with the same passion and compassion with which we want to be treated. Let us seek for others the same possibilities which we seek for ourselves. Let us help others to grow, as we would like to be helped ourselves. In a word, if we want security, let us give security; if we want life, let us give life; if we want opportunities, let us provide opportunities. (Pope Francis, 2015)

Community based protection is an act of enrichment for both guest and host. The welcome offered to a guest is the model for ideal encounters with refugees, and indeed the criteria for the authenticity of service. Refugees are everywhere today, so to welcome them is a challenge for all.

In order to survive a difficult situation, refugees need to see light at the end of the tunnel: they must have a contact with the outside world and someone who cares, understanding that their confined situation is not the whole world, and some project to complete as part of an identification with a greater purpose. The risk in a refugee situation is that crime, drugs, or armed struggle will provide that sense of purpose; urban refugee settings and camps are classic recruiting grounds for radical movements.

For Christians, the mystery of Christ offers a larger picture, a meaningful story of suffering, sacrifice and hope in which to situate one's life, and a person with whom to identify. This is not to help escape reality, but rather to enable us to engage in it more profoundly, in service of others.

Because Christ chose to express his love for us by walking the road into exile and, later in his life, making the journey to Jerusalem to suffer torture and death (Luke 9:51-19:28), our service and presence in the midst of refugees, if rooted in fellowship with Christ, can be a prophetic

witness to God's love for us and make that love visible and tangible to those refugees who have not heard the Good News. This witness is the pastoral dimension of our work with refugees.

Peter-Hans Kolvenbach SJ

Today, more than ever, it is important to engage in the task of renewing a truly Christian anthropology, one which respects and promotes the dignity of the human person, rather than considering it a means to an end. From this perspective, the work of the Church does not consist only in external activities that might be described as more or less philanthropic, which only look to satisfy material needs. Its work has a further dimension, which is often not sufficiently emphasized by the projects carried out. What makes the added value of a Christian who acts in the "periphery" of international politics, is the active presence and living witness to accomplish a mission that is outside of one's own interests, that seeks the good of the other (Gallagher, 2017).

CHAPTER NINE - A MODEL OF REFUGEE PROTECTION: THE ECUMENICAL COMMUNITY OF TAIZÉ



Brother Roger with early refugees welcomed in Taizé (Ateliers de Presse de Taizé)

This last chapter of my thesis offers the lived experience of journeying with refugees that is seen in the ecumenical community of Taizé in France. I believe that the actual hospitality afforded by the community of Taizé, in the footsteps of Brother Roger, and the experiences of the refugees hosted by this monastic community, offers a fresh interpretation of the biblical tradition of hospitality, for it is in the works of love and compassion where the interpretation of the text reaches its full meaning. I also argue that the experience of this community is a model of refugee protection today.

I will offer analysis on the early writings of Christian author and the founder of this community, Roger Schütz, popularly known as Brother Roger. For a long time, Brother Roger's writings were not taken seriously by academic theologians. But Taizé had an impact on contemporary religious and philosophical thinking, such as in the French philosopher Paul Ricoeur, who I will refer to later in the chapter.

Not having known Brother Roger personally, these reflections are based on his writings, as well as on the reflections of those who knew Brother Roger well, particularly Brother Alois, Prior of the community of Taizé today. During different stays in Taizé in the summers of 2017 and 2018, I interviewed several brothers and lay people who have been closely involved in welcoming and integrating refugees in Taizé. I also had the privilege to get to know some of the refugees and speak with them.

Throughout this last part of my thesis, I will offer testimonies of refugees who have been hosted by Taizé, particularly those who arrived to the community between 2015 and 2018, giving through the eyes of the refugees themselves a credible reading of the biblical tradition of hospitality and protection, which shows how this ecumenical monastic community understands and works for refugee protection. The story of the community of Taizé and the refugees it has welcomed is not about numbers or statistics: It is about movement and time. Movement, because something stops for the person who has been on the move, and something also stops for the person in Taizé whose life has changed by contact with

that refugee. It is about time, because it is about spending time with the refugee person. It is also about deadlines – the asylum process, job opportunities that require an interview, training courses. Most importantly, the story of Taizé and its refugees guests is a story of stopping and listening. Sometimes, it is about weeping and being moved to act.

In this chapter I will explain the unique way of refugee hosting that is particular to Taizé, and what fruit this interaction bears. How does this contact and closeness affect the protection of the refugees, and their claim to refugee status? How has this contact changed the perspectives and lives of those who have stood by them? By ‘community’, I will refer to the brothers of Taizé, the people who are involved in the life of the community, and also locals from this corner of Burgundy who have shown commitment towards the refugees.

As the community often explains, there are no ready-made answers. Forced migration is a complex phenomenon. But what is clear in Taizé is the importance of one single human being. This is reflected in the Bible time and again. Throughout his writings, the prophet Isaiah makes it clear who God is and what his vision of humanity is: “‘To whom will you compare me, or who is my equal?’ says the Holy One (...) He who brings out their host and numbers them, calling them by their name; because he is great in strength, mighty in power, not one is missing’ (Isaiah 40, 25-26).

Unveiling the human face of the migrant, the refugee: is this not the mission of the Church worldwide? In Taizé, like in the parable of the Samaritan, the community has stopped for one single person. This movement or non-movement of stopping is, I argue, what really makes the difference. In the 13th century, Meister Eckhart already understood: “We make progress by stopping”. Welcoming and protecting refugees in Taizé does not mean giving practical responses to big numbers of people, rather it demonstrates a different way of relating to human beings who have suffered gross human rights violations, forced displacement, and mistreatment on their route to safety.

Christians and people of good will are invited to return to our roots to better understand the commandment to love, protect and show respect to the stranger. Like the Good Samaritan, Christians are charged to “go and do likewise” (Lk. 10:37), to “see and have compassion” (Lk. 10:33) in anamnestic solidarity with the stranger.

1. History of refugee protection in Taizé

It is Christ himself whom we receive in a guest. So, let us learn to be welcoming and be ready to offer our free time; our hospitality should be generous and discerning.

The Rule of Taizé, 1953

The ecumenical community of Taizé was founded in 1940 by Brother Roger in the small village of Taizé, in Bourgogne, eastern France. Today the community is comprised of 100 brothers from more than 25 different countries. Through their life together, the brothers pursue the unity of Christians. Part of this work towards unity is welcoming young people into the community throughout the year and during international meetings. These young people are called to be witnesses of peace wherever they live, in their local communities, cities and Churches. Brother Roger served as the first prior until his murder in 2005. He was followed by Brother Alois.

Hospitality to migrants and refugees was always a fundamental thing for Brother Roger. This fundamental element of the community, renowned in particular for welcoming young people, might be less known to the world. But in reality, this fairly unknown model of welcome is extremely important

because of how it has been done, and is still being done: by a very close accompaniment of the individual refugee or migrant.

1.1 Protection of Jewish refugees fleeing persecution during the Second World War (1939-1940)

When the Second World War began, Brother Roger had the conviction that he should assist people. The small village of Taizé, where he settled, was quite close to the demarcation line dividing France in two. It was well situated for sheltering refugees fleeing the war (Taizé, 2008).

In its first years, around 1939-1940, Brother Roger offered his house in Taizé as a place where Jewish refugees were given a simple shelter and some food on their way to a safer place. Friends from Lyon started giving the address of Taizé to people in need of protection. There was a network helping refugees in the Saône-et-Loire department, in the region of Bourgogne, since Switzerland was not so far. Refugees were passing with the help of a priest in Saint-Gengoux-le-National, then through Taizé, to Cluny, and from there to Switzerland.

Out of discretion towards those he was sheltering, Brother Roger prayed alone; he often went to sing far from the house, in the woods, so that none of the refugees, Jews or agnostics, would feel uncomfortable. Material resources were limited, food was simple, and there was no running water.

From the beginning, I had the desire to welcome the poor. At that time, it was refugees. Taizé was located in the free zone, but very close to the demarcation line with the occupied zone. In 1940, I was young, and welcoming these refugees, men often caught in a whirlwind of anguish, was at odds with my inexperience. It was not always simple, and those times were not easy.

However, I lived like that for two years. I was convinced that I was placing myself on solid ground by beginning with the most disadvantaged people of the time. It was supposed to help me ground my faith in realism, as you can't really go wrong when you first tend to the poorest. This was the internal leitmotiv that accompanied me throughout that time, when, alone at the heart of human distress, I prepared the departure of the community. From 1940, I would pray, alone, three times a day, among refugees. I did not really want them to join me in prayer, as I feared they would feel obliged to do so for me, in gratitude for the hospitality I offered them. And I remember almost feeling a certain reluctance when one or the other asked if they could come and pray with me. I did not want to pressure anyone. (Brother Roger, 1965)

At that time, Brother Roger lived with his younger sister, Genevieve. Orsi Hardi, a Hungarian woman living in Taizé since 1999 with her family at the request of Brother Roger, remembers what Geneviève shared with her while she lived:

Brother Roger didn't like to speak too much about this period, because I think he saw terrible things. He saw heroic people and people who did a lot of harm. Brother Roger and his sister Geneviève never spoke about Jews but about refugees. What I heard from his sister Geneviève is that the arrival and welcome of the refugees simply happened with a knock on the door, and they did not hesitate to help. They did what they could, they opened the house and let them in, just as we do now with the people coming from Sudan or Eritrea. When those refugees came they were fleeing deportation to the concentration camps. The 'passeurs,' including Brother Roger, helped them to escape to Switzerland and heard that in Taizé no questions were asked. Brother Roger and his sister never asked where people were coming from or their names, they simply responded to a need. People didn't stay for a long time, just two or three days, since the Gestapo was around. When Brother Roger and Geneviève knew that the Gestapo would

come to patrol, they told the people to go to the nearby wood. They hid there, and Brother Roger used one of the shutters of the house as a sign. When the control was over, he opened the shutter and the refugees understood they could come back. Opening and closing the shutters became very symbolic. When we see that window now, one can very well imagine the scene. (Hardi, 2018)



The window below (bottom, far left without shutters) is the one Brother Roger and his sister Geneviève used in order to alert refugees about the presence of Gestapo. The shutters have been sent to the Museum of the Shoa, in Washington D.C. (Valcárcel, 2018)

Brother Roger was denounced by local people for helping Jews flee to Switzerland. He was told he had to leave Taizé immediately:

Geneviève often said she was much more afraid of the French collaborators, the ‘gendarmes’ and the local French collaborators than of the Gestapo. Denunciations were very strong, and yes, I felt they both had bad memories. People denounced Brother Roger for hiding refugees and helping them flee. There are documents attesting this in the archives in Saint Gengoux. This is the reason he fled Taizé. Geneviève stayed in Taizé and she somehow maintained a presence in the house. She played the role of a simple lady but she was doing great things for the safety of people. One day, when she was alone in the house, the police knocked at the door, she opened it and they asked many questions, but she pretended not to be aware of anything. (Hardi, 2018)

Orsi Hardi reflects on the parallels with the present welcome of refugees in Taizé:

The parallel I see with the present situation is that at that time there were people who helped them hide their actions of protecting the refugees, but they were not the people who they were expecting to help. On the contrary, they expected certain persons to be helpful but they revealed themselves as not helpful. I think there was a wound in how some people turned out to be, as it happens here today. As during those times, this is a historical moment where people knock at the door and suddenly it becomes clear what you have to do, without hesitation. I wouldn't say without fear. (Hardi, 2018)

1.2 Protection of people fleeing revenge after the Second World War: German prisoners and orphan children (1944-1945)

The Resistance was particularly strong in this area of France. But the collaboration with Germany, under the government of Pétain, was also widespread. Crimes were committed on both sides, even after the war, when people pretended to take sides with the Resistance to avoid revenge. There were many acts of vengeance and a strong climate of suspicion. As Orsi Hardi explains:

At that time two women were killed in front of the Romanesque church of Taizé, they were accused of collaboration. It was the Resistance who killed them, but Brother Roger and Geneviève were convinced that they were not guilty. It was a sort of revenge. Geneviève was very traumatized by this event.

Brother Roger and an initial group of brothers welcomed German prisoners of war interned in a camp nearby. This was something very unusual, since at that time those who fought for the Resistance were considered almost like heroes in France. Orsi Hardi continues:

What Brother Roger could see of those people was that they were simple young men, who happened to be involved in the war, and who needed help. That was the reason why he entered into contact with them. He was simply convinced that it was the right thing to do at that particular moment. Brother Roger acted and thought very much 'outside the box,' and this is a very clear example. Even later, with the creation of the community, whenever something got too institutionalized or rigid, he would go ahead and change or bring something new. (Hardi, 2018)

In 1945, children who had lost their parents in the Second World War were also welcomed in Taizé. Brother Roger asked his sister Geneviève to take care of them and she became like their mother:

After those two years of solitude, we were under complete occupation, with the very difficult events we all know about. On the 11th of November, I was on the other side of the border, and I was prevented from returning to Taizé for two years.

But in 1944, when I came back, I was not alone anymore. We were four brothers, leading a very simple common life around prayer. And we asked ourselves: "Where are the poor?". We decided to welcome twenty boys in an old village house, and the only one of my sisters who was not married came to help us, as adoptive mother of those children, who are now all fully integrated in life. (Brother Roger, 1965)

When Brother Roger was killed in 2005, some of these children, now grown men, came to Taizé and carried his coffin from the Church of Taizé to the cemetery.

Up until the 1960s or 1970s Germans were not welcomed in the region where Taizé is situated due to a climate of suspicion and mistrust towards them. Neighbours of the village said that at the end of the 1960s people from Germany who wanted to come to Taizé tried to rent a room, but the owners refused to rent it to them because they were German. In the 1970s some German pilgrims began to come to Taizé. They were the ones who helped build the Church of the Reconciliation in Taizé. It was indeed a sort of act of reconciliation.

1.3 Widening protection: Portuguese, Spanish, Vietnamese, Bosnian and Rwandan refugees

From these humble beginnings sprang an extraordinary Christian revival, placing at the heart of the community an openness to the 'other', be it young people, initially pilgrims in the Romanesque church, or refugees fleeing from wars. Today, more than 100,000 people visit Taizé each year. The order itself has one hundred brothers, some in the monastery and some, as Brother Roger always wanted, living with the poor around the world, in the slums of Dakar, Kolkata or New York.

In 1959, a guest house was built in Cormatin, 4 km from Taizé, with the idea of hosting those seeking silence in Taizé. Later on, in 1962, the Church of the Reconciliation was inaugurated. More space for accommodation was built closer to the church – the one in Cormatin being too far – in Ameugny, and later in Taizé. Brother Roger always insisted on the simplicity of the hospitality offered in Taizé: to give everyone something to eat, even if it was only a 'bowl of rice.'

From the 1960s, young people started arriving in Taizé in bigger numbers. In 1971, in order to welcome everyone, the façade of the church was demolished to build a big tent.

When young people started coming to Taizé in larger numbers, around 1957, we did not think it would last, and we lodged them three kilometers away. But we soon understood that hospitality according to the Gospel called us to welcome them much closer to us. Now young people come every single week of the year. It is essential to welcome them with great selflessness. We have always refused to create a youth movement linked to Taizé. We would like young people to discover Christ in his communion, that unique communion that is the Church. If they wish to go further, they can create small communities of five or six people back home. But in order to avoid age segregation, we suggest they remain linked to the local communities, parishes, where all ages mix, from the elderly to children. (Brother Roger, 1992)

In parallel to the growing numbers of young pilgrims, refugee and poor migrant families were hosted in the village. In 1958, two families from the south of Spain in economic difficulty were hosted in Taizé. Between 1970 and 1971, two Portuguese families fleeing the dictatorship arrived in Taizé. Orsi Hardi comments: "When you see all these families that found protection in Taizé, you get a chronological line of the history of migration in France." (Hardi, 2018)

Later on, in 1978, two Vietnamese widows and their children were welcomed. One of them had lost her husband at sea, trying to reach safety. They were 'boat-people' fleeing the war in Vietnam.

4 December 1977 – Back from Hong Kong, we visited a Vietnamese refugee camp in Thailand. We were greeted at a field hospital by an elderly French nun, only to discover that she was born not far from Taizé. She is so humane that we tell ourselves: "She is a real sister of John XXIII". Although we were not thinking about this when we entered the camp, it soon became obvious that we had to prepare to welcome Indochinese widows and their children. I remember that in Taizé everything started with the hosting of political refugees. From the outset I was convinced

about it: the more we progress in prayer, the more it leads us to integrate humanity's serious situations. (Brother Roger, 1982)

Brother Charles-Eugène, who accompanied Brother Roger during this trip to Thailand and Hong Kong, remembers:

I remember that Brother Roger was very moved to see all these refugees in the camp. He wanted to welcome many of them. But this was his heart speaking. He often spoke with the heart. (Brother Charles-Eugene, 2018)

“Enlarge the place of your tent, stretch your tent curtains wide, do not hold back; lengthen your cords, strengthen your stakes,” says Isaiah 54:2.

After the Balkan war, between 1992 and 1993, two families from Sarajevo were hosted in Taizé. In 1995, in the aftermath of the genocide, a Rwandan family found refuge in Taizé. Many of its members had been victims of the 1994 massacre.

So little is necessary to live, to welcome. When you open your home, an abundance of goods does more to bind human communion than to make it flourish. To strive to bring abundance to one's family could place them in a situation of dependence. Do not worry if you have very little to share: very little faith, very few goods. In the sharing of this little, God offers an inexhaustible superabundance. (Brother Roger, 1979)

1.4 Refugees from the Middle East and Africa

In 2010, with the intensification of wars in the Middle East, the community started to host an Iraqi Christian family who was persecuted because of their loyalty to Saddam Hussein's regime.



Refugee family from Egypt (father) and Iraq (mother) with their little daughter, and two young hosts. (Valcárcel, 2018)

A Syrian Christian couple who fled the conflict arrived in Taizé in 2015 with their two sons, and a year later a Syrian Muslim family from Homs who survived the war came with their four children. The mother of the Christian family, comments on their arrival to Taizé:

The brothers took care of getting us permission to come to France and in June 2015 we received a visa for France and airline tickets. We arrived in France on 12 June 2015. The brothers have helped us to obtain refugee status and with all administrative procedures. Now we live in peace in Ameugny; my husband works and the children go to school. We learn French with villagers who help us. We are grateful to the brothers and to the villagers who welcomed and helped us. (Taizé, 2018)

As I will explain later in the chapter, at the end of 2015, a group of young refugees from Sudan (Darfur) and Afghanistan, arrived in Taizé from the refugee camps of Calais. Refugees also arrived in the community during 2016 and 2017. They were a group of young refugee men from Sudan, Afghanistan and Eritrea, many of whom still live in Taizé today.

The more we share what we have, in a spirit of great simplicity, the more life becomes friendly for those entrusted to us. Simplifying our daily lives allows us to welcome even when we have very little. (Brother Roger, 1993)

The openness to Muslim refugees is another sign of the expanding welcome and heart of the Community. During a meditation in Taizé in July 2018, Brother Alois shared what it means for a Christian community to be open to today's new challenges:

For us brothers, it is in the name of our Christian faith itself that we wish to welcome you and enter into dialogue. Indeed, we see in the Gospel how Jesus went beyond all the cultural, social and religious barriers of his time to enter into relationships with very different people (...) Here in Taizé, for several years now, we have been welcoming refugees from various countries of the Middle East, as well as from Sudan, Eritrea and Afghanistan. Many of these exiles are Muslims. Over time, a deep friendship has developed between us. And our view of the world changes when we come into contact, very concretely, with people from elsewhere. (Brother Alois, 2018)

Jesus's teachings are demanding – hospitality is demanding – but Jesus himself said that these teachings were not a 'burden', so as to say they are not heavy: 'My yoke is easy, and my burden light.' There is in these words a criterion to test any teaching of faith, any theology: teachings and theology that burden or paralyze cannot lay claim to come from Jesus. How come the demanding teaching of Jesus is not a burden? Jesus replies: "Because I am meek and humble of heart." Not imposing, he accepts not to be above others, but the servant of all (Brother Richard, 2015).

What is found in Taizé is love in deeds not in words, and the life-giving experience of what a culture of encounter, as Pope Francis continuously repeats, can bring in terms of surprise to our lives. Brother Alois remembers the heritage of Brother Roger:

Right up to the end, and with exceptional energy and courage, he led us on the way of openness to others. No distress, physical or spiritual, was so fearful that he turned away from it. On the contrary, he ran towards it. And more than once, he became so wrapped up in a concrete situation of suffering that he seemed to have forgotten about other things that were equally important. In this he was like the shepherd in the parable of Jesus, who forgets ninety-nine sheep in order to take care of one who is getting lost. (Brother Alois, 2006)

2. The sources of hospitality in Taizé's spirituality

Brother Roger's thinking is steeped in biblical themes and in the learnings from the Fathers of the Church, who inspired his own writings. He often invited young people to listen to the witnesses of the first centuries. He called on Christians to embark on the ecumenical journey, beyond a confrontation of visions, assuming and loving each other's thinking.

For Brother Roger it was essential that no one is excluded from trust in faith, that it is accessible to all. He often referred to the text in Matthew 11:25-30, "I thank you Father, Lord of heaven and earth, because you have hidden these things from the wise and the intelligent, and have revealed them to the infants." The disciples of Jesus were not the wise and intelligent. This shows that God is at work in the hearts that listen to Him, and a profound and paradoxical transformation can happen to the wise and intelligent: they may be able to become infants.

Throughout his life, Brother Roger recalled the centrality of Christ, and that the fact that we know God through Christ. In the early 1970s he wrote: "Too brilliant to be seen, God is a God who blinds the sight. Christ captures this consuming fire and, without dazzling us, lets God shine through." God must be presented in Christ alone, he reminded over and over again.

Brother Roger stayed away from theological disputes. Moral and political reform, he believed, would come only when bitterness and resentment vanished from human hearts. Taizé was, and always had been, resolutely ecumenical, taking brothers from all Christian denominations and basing itself on love, reconciliation, and forgiveness. There is much space for searching there, but none for dogmatism. Hence its attraction for the souls of the modern age.

One of the brothers of the Community of Taizé writes about the character of Br. Roger in this line:

Brother Roger was an innocent. It was not that he had no flaws. But an innocent is someone for whom things are self-evident in a way in which they are not for others. For innocent people, the truth is obvious. It does not depend on reasoning. They "see" it, in a certain sense, and it is hard for them to realize that other people have a more painstaking approach. What they say is simple and clear for them, and they are surprised that others do not react to it in the same way. It is easy to understand why such people often feel at a loss, or vulnerable. And yet, in general their innocence is not naïve. For them, reality is simply not as opaque as it is for others. They "see through it." (Brother Francois, 2016)

Hospitality and openness of hearts were at the core of the community, not only towards young people and those in search for a meaning but also towards those who had lost everything. If Brother Roger continued to live today, the arguments brought to bear against hospitality would have struck him as artificial. Hospitality is a step that every Christian can take, in different but concrete ways, he might have suggested. For those who knew him, his innocence gave him a force of conviction that was powerful, a sort of gentleness that never admitted defeat.

Hospitality and openness to the other spring from the goodness of heart, and it is in this centrality of the goodness of heart that the intellectual encounter between Brother Roger and French philosopher Paul Ricœur essentially happened. Ricœur, who regularly visited Taizé, was struck by that emphasis on goodness.

If religions have a meaning, it is to liberate that core of goodness in human beings, to go looking for it where it has been completely buried. Now here in Taizé I see goodness breaking through, in the community life of the brothers, in their calm and discreet hospitality, and in prayer. I see thousands of young people who do not express a conceptual articulation of good and evil, of God, of grace, of Jesus Christ, but who have a fundamental tropism towards goodness. (Ricoeur, 2000)

Brother Roger insisted on the profound goodness of human beings, but he had no illusions about evil. All true forgiveness awakens the depths of the human heart, those depths that are made for goodness.

The most precious thing Brother Roger left us is perhaps found there: that sense of love and forgiveness, two realities that were self-evident for him and that he grasped with a directness that often escapes us. In that area he was truly innocent – always simple, unguarded, reading the hearts of other people, capable of deep trust. (Brother François, 2006)

Paul Ricoeur based his reflections on the philosophy of religion in Kant, who made a distinction between the basic predisposition of human beings to the good and their always threatening inclination to evil. This makes humans slaves, unfree to do good. What really makes the person a human being with an identity, and the capacity to do good, is to liberate this fundamental predisposition to goodness. This is what connects the person to a part of herself which is given to her, but which requires her inner recognition.

We are overwhelmed by a flood of words, by polemics, by the assault of the virtual, which today create a kind of opaque zone. But goodness is deeper than the deepest evil. We have to liberate that certainty, give it a language. And the language given here in Taizé is not the language of philosophy, not even of theology, but the language of the liturgy. And for me, the liturgy is not simply action; it is a form of thought. There is a hidden, discreet theology in the liturgy that can be summed up in the idea that “the law of prayer is the law of faith.” (Ricoeur, 2000)

Is this opportunity of encountering the other, the refugee in this case, the way to grow and liberate this core of goodness? The encounter with the refugee, in the experience of Taizé, provides a new meaning to life. This meaning, revealed to us by the God of surprises opening up new doors to us through encounter with refugees, is something that is constantly evoked in the reflections offered to young people who visit Taizé. Interestingly, Ricoeur spoke of goodness as the force that can prevail over meaninglessness, and of the passage from protesting to attesting:

We are heirs to a civilization that has in fact killed God, in other words that has caused absurdity and meaninglessness to prevail over meaning, and this gives rise to a deep protest. I use this word “protest,” which is very close to “attest.” I would say that now attesting follows from protesting, that nothingness, the absurd, death, are not the last word. That relates to my question of goodness because goodness is not only the response to evil, but it is also the response to meaninglessness. In protest there is the word *testis*, witness: you pro-test before you can at-test. At Taizé there is the road from protesting to attesting and this road passes by the law of prayer, the law of faith. Protest is still negative: you say no to no. And there you have to say yes to yes. There is thus a seesaw movement from protesting to attesting. And I think that it comes about through prayer. (Ricoeur, 2000)

‘It is not easy,’ we often hear when talking about welcoming refugees in Taizé. The sense of risk taken in hospitality awakens the trust in God, which is central to the spirituality of Taizé. This trust and abandonment in God was very much the core message of Brother Roger:

Now, our little community feels impelled to continue along the way he opened up. It is a way of trust. For him the word “trust” was not a facile expression. It contains an appeal: to welcome very simply the love that God bears towards everyone, to root our lives in that love, and to take the risks that that implies.

To lose that intuition would lead us to impose burdens on those who come seeking the living water. Faith in this love is a wholly simple reality, so simple that everyone can receive it. And this faith can move mountains. Then, even if the world is often torn apart by violence and conflict, the way we look on it can be filled with hope. (Brother Alois, 2006)

3. “You shall not oppress a stranger”: A vision for a fraternity with refugees

You shall not oppress a stranger, since you yourselves know the feelings of a stranger, for you also were strangers in the land of Egypt

Exodus 23:9

What could a spirituality of fraternity with refugees look like, or how could the above verse in Exodus 23:9 be put into practice?

The fact of ‘knowing the feelings of a stranger,’ as the verse of Exodus expresses, brings a new concept that goes beyond hospitality. Going one step further, and having Taizé as a praxis model, the call of the Gospel might be ‘fraternity’ rather than ‘hospitality’. When we let a stranger – a refugee, a migrant – into our comfort zone, which can be our false sense of security because we belong to a certain territory, it is this relationship that may re-animate the hidden or sleeping areas of ourselves which can only be awoken by the surprise of the encounter. It is about crossing a border, the border between human difference and human similarity, the border between indifference and global solidarity.

For the domain of hospitality predetermines a certain disproportionate relationship between a stronger part (the host) and a weaker part (the guest). What is lived in Taizé is rather a relationship of fraternity.

Are we aware that often the most disadvantaged people surpass us? Their need of others leads us to a generosity that makes us see beyond ourselves. Furthermore, they help us to accept our own vulnerability, thus bringing us closer to Christ, the poorest of the poor.

Before going to Toulouse, we stopped for 24 hours very close to here, in Givors, where two of our brothers were spending a few weeks with two young men. They live in a simple flat, in a presbytery. They pray every morning and evening in the nearby church, very cold, that very few people visit. The priest is happy that they are there. With almost nothing, they too try to be close to the people in the neighbourhood; they collaborate with the people who surround the refugees.

In order to bear simple witness to God’s mercy, we can all, for example, develop a welcoming attitude towards those who seem far from us, who we don’t understand, who think differently and perhaps are even opposed to us.

When hospitality is offered and when personal contact takes place, a spirit of fraternity can emerge. It is essential to address a message of fraternity to migrants. (Brother Alois, 2016)

French philosopher Paul Ricœur had this intuition about Taizé:

What strikes me here, in all the little daily services of the liturgy, in the meetings of all kinds, the dinners, the conversations, is the total absence of relationships of domination. At times I have the impression that, in the kind of patient and silent meticulousness that characterizes all the acts of the members of the community, everyone obeys without anybody giving orders. This creates an impression of joyful service, how can I put it, of loving obedience, yes, of loving obedience, which is the complete opposite of submission and the complete opposite of an aimless meandering. This fairly narrow path between what I have just referred to as submission and meandering is broadly marked out by the life of the community. And we, the participants (not those who attend, but those who participate), as I feel myself to have been and to be here, benefit from it. We benefit from this loving obedience that we in our turn exercise with respect to the example that is given. The community does not impose a kind of intimidating model, but a kind of friendly exhortation. I like the word exhortation because here we are not in the order of commandments, still less of constraint, but neither are we in the order of mistrust and hesitation, which is the case today in professional life, in urban life, both in the workday world and in leisure time. It is this shared peacefulness that represents for me the happiness of life with the Taizé Community. (Ricoeur, 2000)

For both Brother Roger and Paul Ricœur, there was a common need to be concrete. Ricœur's thought, complex as it may be, leads us to a rather simple question: 'What does this particular text say to my life?' For the truth of Christianity, embodied in the Cross, must be communicated on an existential level. The spirituality of Brother Roger and his followers, could shed light on the verse of Exodus 23:9, in its concrete praxis.

Brother Alois, Prior of Taizé, explains Brother Roger's need to be concrete:

He was constantly searching how to give concrete form to heartfelt compassion, especially towards the poor. He liked to quote Saint Augustine: "Love, and say it with your life." This sometimes led him to surprising steps. On one occasion, he came back from a stay in Calcutta with a baby in his arms, a little girl that Mother Teresa had entrusted to him, in the hope that going to Europe would save her life – which turned out to be true. He also welcomed to the village of Taizé, and helped to settle there, two widows from Vietnam, with their large families of children, whom he had met while visiting a refugee camp in Thailand. (Brother Alois, 2006)

Migration is certainly not only an abstract theme, it is touching the lives of today's societies. This is probably one of the clearest signs of how the community of Taizé relates to the 'crisis' of migration since its foundation.

It is not about statistics or 'issues', but about faces, individuals who fled their homes, each one with a unique story of persecution, and with different hopes and aspirations. Certainly, this way of welcoming the individual refugee, is contagious:

Two years ago, when people were coming into Europe, we said to ourselves: "We need to welcome people, otherwise it remains an abstract situation." We spoke to people of the region, and we wondered what we could do together. We made a list of what people could do. We said we could host and help the administration. Others said: I am a doctor, I can teach French. We sent a letter to the local government and told them we were ready to welcome. Then people from Calais started to come to Taizé. We wondered how this would be, what would happen. When they arrived, there was fog, and it was dark... this was the beginning of a real friendship.

Why did we do this? Not only because of the situation which demanded a response, but because it is part of our vocation as brothers. The legacy of Brother Roger encourages us very much to take the step from the abstract news to the personal contact. This could be one fruit of our meeting. That we all find the motivation that we get more in personal contacts. (Brother Alois 2017)

Without forcing the expression, one could put in both Ricœur and Brother Roger's mouths the following beatitude: 'Blessed are those who know the feelings of a stranger. Blessed are those who host a stranger.'

I like the word happiness a lot. (...) I take it in all its various meanings, including that of the beatitudes. The formula of happiness is "Happy the one who...." I greet happiness as a "recognition" in the three meanings of the word. I recognize it as mine; I approve of it in others, and I am grateful for the happiness I have known, the small experiences of happiness, which include the small experiences of memory, in order to heal me of the great unhappiness of forgetting. (...) I think of the beginning of Psalm 4: "Ah, who will teach us happiness?" It's a rhetorical question, but it finds its answer in the beatitudes. And the beatitudes are the horizon of happiness of an existence placed under the sign of kind-heartedness, because happiness is not simply what I do not have and what I hope to have, but also what I have tasted. (Ricoeur, 2000)

I argue that it is time again to recognise God as the God of all. The purity of religion, or of ethnicity, is a threat still today, as we can see in some eastern European countries, where the relationship with the other is difficult, almost as if the Muslim could contaminate the purity of Christianity. Yhwh, the God of Israel, governs a universal realm and is present in the religions of all the people of the world in some way. As in the post-exilic period, when foreigners went to Jerusalem and dedicated their oblations and sacrifices to Yhwh, Muslims in the heart of Christianity are venerating the only universal deity, who is not completely unknown to them (Albertz and Wöhrle, 2013). This is the path to a wider inter-religious understanding and mutual growth.

Ricœur was driven by what he calls two fascinations: the fascination of identity, that which does not move, that is solid, and the fascination of difference. Both concepts can be very heavy, and also speculative. Ricœur refers then to 'human similarity.' There are very few moral works on human similarity, because we are often driven to one or the other extreme: identity or difference. A sort of rooted cosmopolitanism is probably how we could describe the experience of Taizé: It is the security of being rooted locally, with a clear Christian identity, that opens a wider vision of reality. A cosmopolitanism that is not rooted in a sense of belonging, may be too vague. Refugees offer an opportunity to those they encounter to question themselves about their own identity: Who am I? Where is the limit of my community? The thought of identity in Ricœur should lead us to rethink the concept of political identity, of patriotism, or nationalism.

Sharing shelter, managing schools, treating our neighbour as similar to one self, this is the idea of justice. But we need justice in the practice of justice, so this is where wisdom comes into being. Ricœur introduces the concept of similarity over the double temptation of identity and difference. Human similarity, the 'who am I?' over 'where do I belong to?' seem to be the way forward.

These years, we are seeing Syrians who come to Europe, but probably in the future there will be other peoples. The large migration flows that we are witnessing are ineluctable. Not being conscious of it would be a vision problem. Trying to regulate the influx of human beings is legitimate and even necessary, but prohibiting them by building walls with barb wires is

absolutely in vain. Fear is understandable. To resist fear does not mean that it needs to disappear, but it should not paralyse us. Let us not allow that the refusal of the other is introduced in our mentalities, since the rejection of the other is the seed of barbarism. (Brother Alois, 2016)

Many of the people in Taizé who have been involved in welcoming and developing very close relationships with the refugees would say: ‘refugees are our teachers.’ Much has been learnt from the personal encounter with them, and a true fraternity has been built, as we will see in the next pages. The phrase ‘Since you yourselves know the feelings of the stranger’, becomes more concrete when rooted concretely in this community today.

4. Refugee protection in Taizé during the political crisis of asylum from 2015 onwards

One of the first forms of courage which you should have is to ask yourselves, “But is this normal, or is this abnormal?” The courage to look for the truth. Is it normal for this sense of indifference to grow day by day ? [...] Is it normal for the Mediterranean to have become a cemetery? Is this normal? Is it normal that many, so many countries [...] close their doors to these people who’ve been injured and are fleeing from hunger, from war, these exploited people who are seeking a bit of security...is it normal? That’s the question: Is it normal? And if it isn’t normal, I should get involved so that it doesn’t happen. This takes courage, dear friend, this takes courage.

Pope Francis, meeting with young people of the Diocesan Mission, Sanctuary of the Madonna della Guardia, 27th May 2017.

The so-called “refugee crisis” is generally explained as a European problem, whereas the reality is substantially different, since only a small percentage was and is still reaching Europe or being hosted within its borders. To date, the EU has failed to adequately address the refugee crisis. The European response has been ineffective and insufficient in counteracting smuggling and human trafficking, receiving and integrating refugees, and addressing the root causes of displacement – mainly conflicts – in the Middle East and Africa. As a result, a growing number of European citizens feel that their countries are being invaded by foreigners, which is feeding fears of insecurity and Islamophobia. As we saw in Chapter 4, the EU-Turkey Statement continues to fuel concerns at political and civil society levels given its alleged lack of compliance with international protection obligations and the growing instability in Turkey. The failed relocation scheme from Greece and Italy has lacked humanitarian endeavours. The failure of existing policies does not stem from a lack of ideas, but from a lack of confidence: twenty years ago, Europe was geopolitically and economically much stronger and could face, for example, the refugee crisis resulting from the collapse of the Soviet Union and former Yugoslavia. Nowadays, Europe seems tired and confused. In such a scenario, I believe that religion, if well understood, and faith-based initiatives can act as innovators to demonstrate that new projects and new policies can have an impact in the protection of refugees. Taizé can be, in this sense, a source of inspiration to follow.

Migration is not only an abstract theme, it is touching our lives. Talking to a group of young people during a meeting on migration in Taizé, in July 2017, Brother Alois said:

Two years ago, when people were coming into Europe we said to ourselves: ‘We need to welcome people, otherwise it remains an abstract situation.’ We spoke to people of the region, and we wondered what we could do together. We said we could host and help the administration. Others said: I am a doctor, I can teach French. We sent a letter to the local government and told them we were ready to welcome. Then people from Calais started to come to Taizé. We wondered how would this be, what would happen. And this was the beginning of a real friendship.

Why did we do this? Not only because of the situation which demanded a response but because it is part of our vocation as brothers. When Brother Roger was 25 years old, France was occupied by Germany. The demarcation line was only 10 km away from Taizé, and already then, he welcomed persecuted people in Taizé. Years later families from Vietnam, Bosnia, Rwanda, and further later on from Iraq and Syria, were welcomed in Taizé. This encouraged us very much to make the step from the abstract news to the personal contact.

This could be one fruit of our meeting. That we all find the motivation that we get more in personal contacts. (Brother Alois, 2017)



View of Taizé (Maciej Bilas/Flickr)

4.1 Arrival and welcome of the refugees

In November 2015 a group of 13 young men from Sudan and Afghanistan were taken from the refugee camps of Calais (the so-called Jungle) and driven to Taizé. All of them were Muslim. None of them wanted to go, but the camp was dismantled, and they were forced to be relocated. Brother David, from the Taizé community, has been deeply involved with the refugees in the past years:

I got involved in the welcoming of refugees a bit by chance when, in October 2015, I answered the phone. It was the Prefecture of Mâcon calling. They wanted to know if there was the possibility for the Taizé community to welcome refugees from Calais.

We opened a dialogue amongst us brothers, we listened to each other. Some asked if welcoming refugees was compatible with welcoming so many young people who each week come to Taizé. There were normal fears. But we heard that none of the surrounding towns had decided to welcome refugees. There were many conditions to do so: people wanted families, non-Muslims...But we did not want to react like that, we wanted to welcome unconditionally. There is a house in the village of Taizé where we normally welcome young adults. I wrote to the Prefecture, and I told that we could offer a house with 13 beds.

That same summer, Brother Alois had been in the South of France with other brothers, in a town close to the border with Italy. They witnessed how many African refugees were crossing the border of Ventimiglia. They offered food to the people passing through the border, so they had many questions about how to help. We wanted to go beyond an easy response of giving a donation.

The summer passed, and we saw how many people crossed into Europe through the Balkan route. That summer, some friends of our community and some young volunteers went to Hungary and were shocked by what they saw. We again asked ourselves what we could do. So when the Prefecture called in October, we were ready to offer a space. Some days later I was waiting at the bus stop for the first group of people. When we accepted this challenge, we didn't know who they were, families, women, men, or where they came from. We only knew they all came from Calais. (Brother David, 2017)

Orsi Hardi, a Hungarian psycho-pedagogue who has been living in Taizé since 1999, is a witness to their arrival and subsequent life in the village:

It was November at 10pm. Through the dark, thick fog two lights appeared. It was the bus. Through the windows we saw young men covered in their blankets with frightened, tired eyes. The door of the bus opened and nobody wanted to get off. They had no idea where they were, who we were, what this strange place was or where they had been brought. They did not know each other, since they had been randomly selected by the French Government and assigned to Taizé- and they, all Muslims, were in a Christian monastery. We prepared tea, hot chocolate, cookies and biscuits. We all felt that we had to make the first step and get on the bus. And then something happened. We could look into each other's eyes, we could greet each other and introduce ourselves, shake hands. The ice was broken. They were no longer the mass crowd seen on television, the nameless refugees on the road, but they became men with concrete faces and names. The youngest of them was 19 and the oldest was 38. Slowly everybody got off the bus with empty hands, with a little plastic bag or a blanket. And at that very moment we all started a new page of our lives. That first evening will stay in our memories forever. One of them tells us today that it was the sweet taste of hot chocolate, the first one of his life, that left a lasting impression on him. For others it was our smile. But later on, all of them told us that above all the way we looked at them was the most important. They felt respected and trusted. (Hardi, 2016)

One year later, Calais was full again. It was a real jungle, as the camp was named. The minors had been separated in an area with barbed wire, and in the fall of 2016, there were around 2,000 minors or mineurs isolés étrangers in Calais. They would be later called MNA (Mineur Non Accompagné or unaccompanied minor). The French government decided again to clear the camp, so people were distributed in different prefectures around the country. The community of Taizé was contacted again by the French authorities to host another group of refugees from Calais.

Brother Marek, a Polish brother who is a member of the community of Taizé, prepared the local villagers for this arrival:

Before the second group of refugees arrived, in November 2016, we spoke to the villagers about their arrival. In general, in Aimeugny the response was good, except for some families and elderly people, who were a bit afraid. We had to reassure them. But very quickly this resistance changed. The welcome of the refugees changed something in the relationship of the community with the local villagers, through the solidarity network we all managed to create.

In November 2016, the second group of refugees from Calais arrived in Taizé. The group was made of 18 unaccompanied minors from Eritrea and Sudan. All of them, except one young Eritrean who was Christian, were Muslim. They had stayed in Calais between eight months and two years, longer than the first group that arrived in Taizé in 2015. The community of Taizé witnessed that those who were in Calais for a longer period were more damaged by drugs and alcohol, and so were more problematic. Brother Marek was one of the brothers who accompanied the second group of refugees since their arrival in Taizé. He shares:

Since November 2016, I have accompanied the second group of refugees. . Initially, their presence was intended to be for a limited time, because they were promised to go to the UK. They actually left Calais with the hope of joining their relatives in the UK, but all except six stayed in France.

From the beginning we were a group. Waiting for the bus to come from Calais were not only the brothers, but also some young volunteers, local villagers, and even the Mayor of Aimegnay. The bus arrived with 16 refugees, and another two were brought from another center. This group of refugees were very young. It was not always easy to deal with them, like it happens with adolescents. They did not speak French, just a little English. Their language was Sudanese Arabic.

My role was to accompany the young volunteers who had been asked to live with the refugees and take care of them. There were Julien and Simon, from France, Anton from Germany, Daniel from Sweden, and Ruy from Portugal. Two of them left after a few weeks, and three stayed on. There were also two Sudanese refugees from the first group who lived in the house with them. This was useful for the younger refugees who had just arrived, since they considered them as the “big brothers”, and an authority. They could also speak their language.

Since the beginning we organized suppers together, as well as sports and walks. Later on, English and French lessons started, with people from different villages around coming to teach them. The refugees were also helped by two women from an association called Le Pont, delegated by the Prefecture, who came to Taizé every day to help with health assistance, and with the documents they would need for the UK. (Brother Marek, 2017)

As Brother Marek explains, the stay of these refugees was initially going to be temporary, awaiting the decision of the UK Home Office for their relocation in the UK, which eventually came:

A few weeks after their arrival, a group of ten people from the UK Home Office came to visit and interview the young men, together with officers of the Mâcon Prefecture. They were correct but took many photos and did not listen to them one by one, but as a group. The result of this visit was that four of our young friends were accepted to go to the UK, but the rest were not. The rest of the group was very disappointed, given that they had relatives in the UK. They felt a lot of pressure from their relatives to go to the UK. Two of them have had to stop having communication with their brothers in the UK to stop this pressure. They were brave. Others decided to leave Taizé due to this pressure.

In the house, there was a regular coming and going of people, since they had friends going to Paris, but we always welcomed them. When we saw that their time in Taizé was being prolonged, we suggested that they become involved in little works in the community, such as logistics, so that they could also join the groups of young volunteers. (Brother Marek, 2017)

The accounts of the refugees show how much they appreciated the welcome in Taizé, after spending months, and even years, on the move with the only hope of finding a safe place where to live:

I was born in a small village in Darfur, Sudan. When I was 11, some militia destroyed my village. During the attack I was able to run away, but my family was scattered, and I found myself alone. Someone took me to a camp and there I found an uncle who then brought me near to Khartoum. Later I learned that my father had been killed in the attack and that my mother, my sister and my brothers ended up in a camp in Darfur. I stayed with my uncle and in 2013 I was able to go to university to study law.

In Khartoum there is a lot of racism against people from Darfur and I had a lot of problems at the university. I was persecuted, imprisoned, tortured ... It was so difficult that I left for Libya, where I worked for four months. But people did not pay me, there was a lot of violence, and when I was told that in Europe I would find peace, equality, security and justice I decided to take a boat across the Mediterranean.

I thank the Red Cross and its rescue services helping us to reach Italy! But in this country I was abused and I did not find what I was expecting; in the camps I was advised to continue the road to France. Arriving in Nice, as it was very cold in the street, I went to the police. They let me sleep in a jail cell, but after I was told that this was not a hotel and was asked to leave. I reached Paris and spent three days sleeping under a bridge near the train station. As I got sick, some Africans advised me to go to Calais, that there I would find associations that could help me. In Calais I was told that I could be lodged in a house if I would accept to take a bus to go to another region of France.

I agreed and I took the bus, where I found other Sudanese whom I did not know. After 11 hours of travel, we arrived one very foggy evening in a small village. It was Taizé. We were afraid and did not want to get off the bus! I finally came down to use the toilets and when I came out from the toilets the bus was gone! We were greeted by the Mayor and people of the village, by the brothers of the community, by representatives of an association. And then in this village began a new story in my life. (Taizé, 2016)

The encounter with refugees in Taizé has deeply transformed the lives of those who got involved and welcomed them. Lay people and community's brothers, express in different ways how they provided care, administrative support, shelter and food, but above all friendship and humanity:

The local villagers saw that the refugees always greeted everyone when they were walking around. The Mayor came frequently to visit them with his wife, bringing jam and food, and they also saw that there was nothing to fear. People from the village came often to supper, and so we were often together. These young refugees are used to having joint supper, and this reminded them somehow to their home. In Calais, they never had the possibility to sit down and have lunch.

Our village of Taizé is lively because there are refugees, I always see little refugee children accompanied by their parents. This is not normal in French villages, such an interaction between them. Thanks to these refugee families, our village is kept alive. Of course, there are also tensions, but there is an effort to reach out and support each other. Some of the local people were resistant to what the community had done, but others, felt more closer and joined the solidarity group. (Brother Marek, 2017)

As many refugees express over time, displaced persons have many needs such as housing, food and education. However, in their experience as refugees, what they need most is love and compassion, which enables them to restore the dignity that has been taken away from them by conflict and sudden displacement. They need to feel that they are human beings so that they can heal their wounds and rebuild their lives again, and hopefully heal others that are likewise wounded (Mukui, 2017).

We can say that there was a point in our lives before and after their arrival in Taizé. And like the disciples in the Acts of the Apostles, we can say: “We cannot but speak the things which we have seen and heard” (Acts 2:4,32). We do not have answers to most of the questions we or others have, but we want to share the experience we have lived with these refugee friends. In the history of the 21th century in Europe, the so-called “migration crisis” will have divided the countries in two: Those who took the risk of welcoming migrants and refugees, such as Germany or Sweden; and those who, like Hungary or Poland, built walls against them. I am Hungarian, and I am not proud of being so. I believe that people who open their hearts and homes to refugees or any people in need are saving humanity. (Hardi, 2017)

As we have seen above, openness towards refugees has been present since the early days of the community. There has always been a proximity to them, a desire to assist them in an active way. But in the case of the new refugees who have been arriving in Taizé since 2015, it is at the initiative of the French government, who asked Taizé to shelter the refugees from Calais. Initially, the brothers knew little about these men, and doubted about their own reaction. But they have been touched by their encounter with young men who suffer, who have had their lives destroyed, although they are totally innocent. They have done nothing to deserve this life in exile.



Maison Néva, one of the houses where the refugees are hosted in Taizé (Valcárcel, 2018)

4.2 A local community committed to refugee protection: “Refugees opened a world for me and my family”

Hospitality towards refugees in Taizé has touched not only the monastic community and the refugees themselves, but also the lives of local people in the villages surrounding Taizé. Many of them have proved to be real Christians at heart, even if some do not profess any religion. In a moment in history when many Christians, particularly in Eastern European countries, are closing their doors to refugees, there is much to learn from those who, through simple humanity, open their homes to them.

In the region of Clunisois, where Taizé is located, small villages with a population between 100 and 5000 inhabitants, are regrouped in a local municipal entity called the Communauté de Communes du Clunisois, the so-called “ComCom”.

In 2015, with the first flows of refugees into Europe, the ComCom was very sensitive and willing to respond to the needs of the refugees. They gathered local people and organized potential responses by different groups of professionals at communal level. They came from different professional and social backgrounds: associations, voluntary people, doctors, teachers. What was interesting was that there were some charities, such as Secours Catholique, but also regular citizens who wanted to help, and were coordinated at the initiative of the local government. All these people worked together to imagine and understand what a potential welcome could look like.

The community of Taizé was ready to take part in such a solidarity network created at the initiative of the local government. Orsi Hardi explains:

After calling on members of the local community to take part and help, we were astonished by the number of people from different backgrounds who showed up. I had a note book where I wrote the names of the people who had offered themselves to do something, even the smallest gesture, in favour of refugees. I wrote around 200 names. They were coming from totally different backgrounds. So when we suggested the creation of tutor-families to accompany the refugees individually once they had their status granted, they were already prepared and willing to do so. We organised several meetings to coordinate the actions of all the volunteers, people who would never have had the chance to meet and work together, people who had one thing in common, their humanity. Some volunteered to teach French, others for administrative or medical help. Some decided to do sports with the refugees (running, cycling, football); some wanted to show them the region or invite them for meals. (Hardi, 2016)

What has really worked is a community protection system made of brothers of Taizé, lay people connected to the community, and local villagers – connected or not to the community. In order to work together in a coordinated way and cover the different needs of the refugees, they created five working groups: Access to Health; Access to Language; Access to Education; Access to Employment, and Leisure. This same network was reactivated with the arrival of the refugees from Sudan, Eritrea and South Sudan in 2016. Later, they continued to work in the same fashion except the group for leisure. This aspect is now followed by the family tutors of each of the refugees. I will now explain how these five sectors worked.

First, regarding health, until the refugees had their status granted they had limited access to health services, so the community made sure they could reach out to volunteer doctors in the region. Orsi Hardi explains:

Once they had their refugee status granted, they could access the medical services without limitation. But until then, it was very difficult because they could only access emergency aid. It takes months to have a social security number and around one year to get access to the system.

While we were writing their stories for their asylum request, we realized that all of them had suffered torture. They had scars all over their bodies. But the general health system does not cover the visits of the doctor who could attest to these tortures. We identified an association in Dijon, that charged 80 euros per medical visit, so we collected money to cover these visits through our network of solidarity around the villages. We were able to get official medical certificates of torture for all of the young asylum-seekers.

Second, French lessons were organised four times a week together with registered volunteers of the Secours Catholique (Caritas) in Cluny.

Christine Chevignard, one of the French teachers, from the nearby town of Cormatin, 5km from Taizé, shares the following:

When the first group of African refugees from Calais arrived, we were ready to respond. There were 11 Sudanese refugees and one Afghan. At that time, I was doing a break in my professional life. I used to work as a librarian, and during that year I was preparing a diploma to become an official teacher of French as foreign language.

We organized a group of six French teachers, and while the asylum process was going on, since an asylum-seeker has no right to work for the first nine months, we taught French to this group of 12 men.

When the second group of refugees arrived from Calais, in November 2016, we again re-organized the French courses with a different group of seven teachers. As before, we organized courses once a day from Monday to Thursday. On Fridays, the refugees went to the Mosque. We used our own methodology, using even Whatsapp messages to practice written French. But some of them had never been in school, and did not know how to read and write, so it was very challenging.

From a professional point of view, it was a very good experience for me because I was putting into practice what I was studying. I had pedagogical skills but this was not about theory but about reality. Also, the average student I teach has an engineer background, many are difficult to manage and are not so motivated, but these new refugee students were very different. For them, with so many difficulties and uncertainties in their minds, this hour of French lesson was a space in time when they did not talk about their stories. It was a sort of parallel reality, a space where we laughed and shared a lot.

I was very touched by their motivation. They understood that it was very important for them to study the language. For me, this moment of French lessons was energy-recycling. When I arrived I was tired, but when I left I felt so positive. I was full of energy because their own energy was so great. They participated so much, and the atmosphere was very spontaneous. I think that they perceived that we were giving our time and knowledge for free, as volunteers, and that we liked spending time with them. We had individual exchanges, and now I can say I know each of them. I meet them now when I go to Cluny or other nearby towns. They are part of my life, my environment, not only part of my family. (Chevignard, 2017)

Third, education was very important and key to integration. Besides the refugees from Sudan and Eritrea, the community had also welcomed families from Iraq and Syria, and volunteers had to register their children in schools, maintain the relationship with the principals and teachers, make sure that their access and stay in the school was smooth. It was very important to promote relationships with the parents of the students. Refugees also participated in awareness workshops in secondary schools, parishes and in a youth groups in cities around the region.

Fourth, access to employment meant the identification of possible local enterprises for the refugees to have access to a minimum income-generating opportunity, or at least initially to some vocational training.

Finally, regarding the group of leisure, as refugees had to wait five to six months before they got their appointment in the Prefecture, it was very important to organise outings for them and time where they could enjoy and relax. Groups of football and biking were also organised.

These working groups were formed by core teams of people who were faithful to their commitment, lay people and some brothers of the community, and then people who came once or twice. Each person could give a contribution according to their time availability and experience. Later on, when the young refugees started to become independent and rent apartments in nearby towns, local villagers offered furniture and helped them move to their new homes.

Many of the local villagers expected Syrian refugees to come, since this is what they saw in the media.

Looking back, those involved in these groups see the joint work as a very good practice. “L'accueil, cela se fait ensemble,” ‘welcome is something we do together,’ as expressed by French teacher Christine Chevignard. She corroborates that welcoming refugees jointly has a value in itself. This is a sort of community protection that works:

After our experience, I would say that it is very important to welcome together: The brothers, the local government, local villagers each with our expertise, people who are closer to the monastic community, others who are not. We all have a different role. Like it happens when we have children, we have different responsibilities, and we take turns. Yes, we need to be clear and have authority, and also take turns amongst ourselves. Refugees knew what to ask and what to expect from each of us.

In this way, because we had our roles, we could make it clear that while we were welcoming them, we also had rules, and we decided on the rules. This happened with the second group, which was a bit more difficult.

Sharing this experience with others from the region really made me grow: The brothers, the local government officials, the volunteers, other teachers. I love meeting people when we have a clear and common objective. This was very enriching, I discovered people in the region thanks to the refugees. For example, a French teacher shared not only her skills and competencies with me but also her rich personality and we became really good friends.

This experience has strengthened the relationship with people I hardly knew, including the community of Taizé. Because of the refugees, I have slowly gotten to know the community. I know that we can call each other when there is a problem or a doubt, and we can react together. We are connected although we are different and we have different lives and personalities. I also feel even more anchored in my territory. I fear taking a flight and exploring the world, but now the world comes to me in this little territory of Bourgogne! (Ibid.)

Christine and her family became tutors of one of the refugees.

I interviewed Christine a year later, in Taizé. She has continued teaching French to some refugees who arrived in Taizé during 2017, all three from Sudan. She also joined an informal initiative to teach French not only to refugees but to migrants living in the region, under the Communauté du Clunisois. She has undertaken training of volunteers and is personally involved in hosting refugees in her house.

Orsi Hardi reflects on the positive side of humanity as she has gone through the experience of reaching out to refugees, not only in Taizé but in her native country, Hungary:

There are people everywhere who want to help. We experienced this throughout 2015, even in a country like Hungary: mothers going to the supermarket and giving out food and clothes to refugees on their way. We believe that in our deeper inner space, there is something good in all of us. And we could certainly witness this with the reaction of the people in the region, in 2015 and 2016. (Ibid.)

Jorge García-Hoces, a Spanish volunteer in Taizé, has his own version on the community protection of which he was a part:

What we did in our groups was very well coordinated. Each of us had something specific to offer. Orsi, Ferenc and their daughters have taught the refugees and also us volunteers that one can give at any moment of life. As parents, they always offered warmth and affection. Julien, another volunteer in Taizé, was the energy, he solved things and had the capacity to battle. He continues to fight for the rights of these refugees outside Taizé. Anton was the joy, he always played with them, prepared tea and was very close to them in the middle of their inner combats. Simon prepared the meals and the prayers since the beginning of the arrival of the refugees. Brother Marek was like a grandfather who spoils his nephews. He was always listening, understanding. He was unconditional love for them. We even got annoyed with him because he always said yes to everyone. Brother David was the authority they needed. A reference of direction. He worked so hard and beyond direct contact, especially regarding the legal aspects of the asylum process. Then we had all the local villagers who came to teach French, to offer their time and knowledge for the refugees. I think this was a work of God. (García-Hoces, 2017)

4.3 Quality of presence

The experience of Taizé has been, and still is today, an opportunity for mutual growth. It is a very specific experience in a little village where there has been a decision to welcome refugees. The brothers are aware that if they are not open, they lose their roots, they become protected in a space where they cannot bear fruit. It is in the contact with the other where one can be what he or she really is, the brothers say.

Looking back, the question of the duration of accompaniment of refugees is something important to reflect upon. Ferenc Hardi, who has been living in Taizé since 1999, has been deeply involved in the welcome, asylum process, and integration of the refugees. He shares:

When the first group of refugees arrived in Taizé in 2015, we experienced a very strong impulse to help. We gave ourselves totally, in heart and spirit, and we really became very close to them. When the second group of refugees arrived, a year later, the idea was to keep a certain distance. We tried to stick to this attitude, so initially we visited them once a week, and had supper with

them. It was almost as if we were observing from the outside. But then one of them died and this turned us upside down. The distance from the second group did not work, we engaged maybe in a lesser way, but we have been close to them up until now. Still, the question remains for us: How do we accompany refugees over the long term? Do we continue to accompany them from afar? How can we achieve a balance between giving ourselves totally to them and doing so over time? Is it possible to remain efficient and humane at the same time? (Hardi, 2017)

The question of the number of people accompanied in Taizé is also important.

We need to be able to give what they need. We also need to keep the balance between the number of refugees and the local population, as well the balance with our own strengths, so we can provide the aid and accompaniment needed. Research indicates that, in order to maintain a balance, a local territory cannot absorb more migrants than the ten percent of its population, otherwise it becomes complicated. At the beginning, we saw a lot of superficial reactions regarding the welcome of refugees. We understand this is human nature. Some people were enthusiastic, and even naïve, just looking for an experience or a photograph. Once they had their photo and their experience, they left. There was no perseverance. If we started again, I would see things differently. (Ibid.)

Time and again, those who have been involved with the refugees reflect on the best way to serve them. Ferenc Hardi continues to share:

I think it is easy to fall in the trap of thinking: “It is so beautiful to welcome people.” The doubts persist, because we can idealise relationships, but the truth is that we are not equals. I can say I depend on them, and I need them, and I need to feel useful in this adventure. Our lives are so privileged. We can go to Budapest whenever we want. This year I have been there four times to visit and hug my mother. But they cannot go to visit any of their family members. They have not seen their families for a long time, some have lost track of them for years. I need to counterbalance this feeling of guilt, and so I spend time with them, I drink tea. But what if I don’t want to give French lessons or help them with their CV, or connect to internet to see the page of the Employment Opportunities, the Pole d’Emploi? I believe there is an inter-dependency, I think this is the right word. Our relationship is based on mutual dependency, a dependency where we strive to offer the best of us, the positive side of us.

There is also the question of condescendence. Today one of the boys did not sit down with us for dinner, he was in a bad mood and we were not happy. But I again fell in a condescendence thinking: “He has gone through so much, he can react as he wants”. But this is not right. We also need to challenge them. When we started our journey with the refugees we had very few questions, we just threw ourselves totally to help them, and at the beginning I never put in doubt what they told me. I believed in their good will. Over time, I have more questions, and I react differently. (Ibid.)

There were moments of real hopelessness. At times, refugees wanted to go back home, even to a dangerous place. The brothers and the volunteers listened to them, without offering a constructed response. They share the understanding that the social benefits do not offer dignity, and that one cannot live without working. They just tell the refugees that they are close to them, with no magic solutions.

Spending time with them is the most important thing. This is something that they recognize immediately, when there is no other reason than being with them. When you spend time

because of the person itself, not because there is any other reason. Then another level of quality of relationship grows. They are very alert when there is an interest, or a specific reason behind when you go to speak to them. We in our Western culture tend to be very pragmatic, we always have a work plan, something to do, a set of deadlines. But their way of relating sometimes goes beyond words. When you understand this, when you see the value of spending time having a cup of tea with no more reason than to be with the person, then they do understand that language. And trust starts to grow. (Ibid.)

4.4 Contagious solidarity between villages

George Bouillin, the Mayor of Taizé, and his wife Christianne, have been engaged in the welcome and integration of the refugees. George Bouillin shares the following:

It has been a natural reaction for me to welcome these young people. I cannot imagine what it means to leave your village and all your things, your culture and traditions, behind. I cannot imagine being 15 days away from Taizé myself. When one of our Rwandan friends decided to go back to his country after 18 years in Taizé, I thought I would have done the same. When we explained to the inhabitants that a group of refugees from Calais would soon arrive, most probably men and most probably Muslim, initially there were some reactions. The Bosnian family who has been living here for many years said that these men should be fighting for their country, but I think they were reacting because they were Muslims, and the Bosnians are Christians. However, the majority of the people here are used to seeing young pilgrims come and go, so they said it was fine. We had many surprises: One of our neighbors, who is not so related to the community, immediately said he was willing to help. He offered them bicycles and often went for walks with them, and helped them fix their bikes.

Later on, the Bouillin couple became tutors of one of the refugees. Both try to be a reference for Ousman, who now lives in Cluny and works in an agriculture factory. This is what they share:

Being tutors of one refugee from Sudan has changed our perspective of things. With Ousman we have a regular relationship, even though he now lives in Cluny and is independent. We also see ourselves as people who should provide wings and not create dependency, just as we do with our two daughters. We have him for lunch on a regular basis, and he also comes to fill up his scooter with petrol whenever he needs, but he is slowly integrating into the local context. Having the right distance with the refugees is important. Some may feel too invaded if we are all the time on top of them. We try to bring some normality to their lives. We do little things together, such as visiting an exhibition or an art-crafts workshop. Yesterday I took a group of five refugees in a cardboard furniture exhibition and they were so interested. (Bouillin, 2017)

A good example which followed the experience in Taizé came from other villages of the surroundings. One was the village of Tramayes, close to Cluny. The Mayor and the majority of the village wanted to become a “solidarity village”, following what had happened in Taizé.

Initially there was some resistance from some of the villagers. Other local entities such as the Office Français de l’Immigration et de l’Intégration (OFII) said that the village was too isolated to welcome anyone, but there was such an energy and clarity of purpose, that the local council finally voted in agreement to welcome three families. They argued that their school was at risk of closure if other inhabitants did not come. The Mayor was deeply involved, and the school was saved after the refugee families arrived. One was a Syrian family with four children, one of them with Down syndrome. The second was a Yazidi family, and the third was an Afghan family.

They invited some members of the community of Taizé to launch this welcome initiative, and to share in a roundtable the lessons learnt in Taizé. Three women who had been very involved in Taizé shared their experiences. Orsi Hardi, Christine Chevignard, one of the French teachers, and Christianne Bouillin, the tutor of one of the refugees, and wife of the Mayor of Taizé. They share the following:

We explained the way we had worked and based on this they named people in the village. We defined five areas; Health, School, Transport, Work, French teaching. The volunteers of the village who were ready to help in the welcome could decide in which area they would feel helpful. Like this, five “working groups” were created. They reflected together on how to prepare the welcome. And after the arrival of the refugees each group was responsible for their task and did not intervene in other things. The shared and respected responsibility seemed important. We shared our own experiences but helped the people of Tramayes to find their own specificity so as not to copy any ready-made recipes. (Bouillin, Chevignard & Hardi, 2017)

Later on, the Afghan family moved to a bigger town. The father used to be a translator for staff of the US army in Afghanistan and was looking for an urban context. But the other two families are happily integrated in the village. Tramayes can truly be labeled as a solidarity village.



Map of the Clunisois region (Valcárcel, 2018)

4.5 Impact on the youth in Taizé

The presence of the refugees has certainly had an impact in the young people who live or pass by the community, both young villagers and volunteers who spend a longer period in the community.

Jorge García-Hoces is a Spanish volunteer who lived in Taizé for one and a half years, between 2016 and 2017. He spent much of his time with the refugees and has much to share:

Before my experience with the refugees in Taizé, I was a bit reluctant about the welcome of refugees. I had some fears because I come from a very powerful culture, in the south of Spain, and my Andalusian identity is very strong on its traditions. I think there is always some fear about losing one's values, losing comfort. On the other hand, in my region there is a lot of tradition of welcoming migrants, because many arrive to the South of Spain from Morocco, by boat or jumping the fence of Ceuta or Melilla, the two Spanish enclaves in northern Morocco. We need to learn a lot from those who have been welcoming migrants for 30 years, such as the people of the Spanish town of Tarifa, who open their doors to migrants very naturally.

On the 5th of January 2017 one of the refugees, Samir, died. This had a great impact on the group. In Sudan, when someone dies, all the relatives go to the house of the person who has died, and stay for some days there. This means that sometimes a whole village can visit a house. Two young volunteers had left at this time. They were very tired since they had already been working for two months with the refugees, spending Christmas alone with them. I told Julien and Orsi, two of the volunteers, that if they needed a new face, I would be available. And the next day they asked me to join the team. When I arrived to help the refugees, I saw that the volunteers slept in the same room with the refugees. It was a way to mourn Samir. Anton, one of the volunteers, slept with the refugees for five weeks. There were nights when he could not sleep because many of them did not sleep at all. Already from the second day I told Julien: 'It is me who feel I am welcomed by them.' From that day, those young men opened a new world to me, and we built very close relationships. For the Sudanese people, after the figure of the father, the elder brother is very important, and I was considered an elder brother by them.

I understood their culture quite well because, surprisingly, I found that our cultures were very similar. I understood this one day when we cooked together in the garden, with a big fire and a pot. We were there, cutting lamb and vegetables, and I felt at home, because in my countryside of Andalucía, it is normal to hunt animals and then cook them in the country jointly with friends. I felt as if I was cooking with my friends, or with my relatives in Jerez. I remember I stopped and looked at them and thought: 'We are so similar. The only difference is the colour of our skin and the fact that they do not drink wine.' We in Andalucía would have drunk a couple of glasses of wine. I felt very close to them. (García-Hoces, 2017)

Margit, 17 years old, has always lived in Taizé. Her parents, Orsi and Ferenc Hardi, arrived in Taizé in 1999 and stayed, at the request of Brother Roger, founder of the community. Margit shares her impressions on the presence of the refugees in Taizé.

I haven't changed myself but my vision of things has. What I have seen is that welcoming refugees is the easiest part. The most difficult comes later, when one needs to follow up and accompany each one of them. This touches emotionally and psychologically the people who accompany refugees. I see this very much in my parents. Their lives have changed in the contact with refugees. Yes, their lives have been turned upside down.

I have also realised that I did not know anything about refugees. At school, we have never heard or learnt anything about them. We only know their situation through the TV, for example the image of the little boy drowned in the sea of Greece. Last year I did my school essay on the theme of refugees, I combined sociology and geography. For this I did some video interviews in Cluny, and it was interesting because the people who were in favour of welcoming refugees were happy to be interviewed and filmed, but those who were against didn't want to be filmed. It was also interesting to see that those who were critical of welcoming attitudes did not know the community of Taizé personally, and they considered refugees as dangerous people.

The arrival of the refugees from Calais to Taizé took me by surprise. I was so unaware of their situation... And suddenly I saw the people getting off the bus, and amongst all these adult men I saw Ismi, our Eritrean friend. At that time he was only 13 years old. My first reaction was to avoid leaving him alone with all those men, but then I felt so stupid, because I realised he had crossed many African countries alone, had been in Libya, and had crossed the Mediterranean by boat.

I am now more aware of all the atrocities refugees have gone through, and I sometimes feel guilty of not being able to do more for them. My experience with the refugee children here, especially with our neighbors, a Syrian family with four wonderful children, is that of inequality. When I am sad I go to see the children. I feel I receive much more happiness from them than what I can give them.

I believe that people are not indifferent as such. They just need the opportunity to do something good, for example to give out clothes or to teach French language. Because we live in Taizé, for us it is easy to reach out and help the refugees. I think we need to offer the possibility for people to help because they by themselves will not do it. And the real change that should happen is to channel this desire to help, because they are eager to do so. I do think people have a good heart. (Hardi, 2017)

Janka, 22 years old, is the elder sister of Margit. Both of Hungarian origin, they have always lived in Taizé. During an interview on 13 July 2017, Janka shared the following regarding the impact of refugees in the community and in her own life.

When the first group arrived in November 2015 I was in Sweden. I was hearing so much about them from my parents, but I was not part of it. In my university, I took part in a conference entitled "Courage that changes the world." We had to do a presentation about something we think is courageous. I did it on Taizé, I spoke about the community, but also the people around who were involved and did their best to help refugees. When the refugees first arrived, it was tense between the community and some neighbors. Before the arrival of the refugees, my parents had gone to each house explaining who they were, that we should not be afraid and offering ways of helping. One of the men offered bikes to the refugees, and gave them really good bikes. He started going around with them biking. Now, he is repairing their bikes all the time. He is available when something is broken.

When I came back home for the holidays the refugees were staying in one of the community's houses, called Neva. The first time I met them I felt very small. They felt at home and I was just coming home after a long time, and it was me who felt like a foreigner, but it was not a bad feeling. They were very respectful and kind. When I went to Cluny with them by bus, they would always offer my bus ticket. It was impossible to buy my ticket since they insisted on buying it. From the beginning, they said I was their sister. I think it was because of the respect

they had for my parents. Brother David and my parents were taking care of them. (Hardi, 2017)

Janka has close relationships with many of them. She can testify about their dreams and hopes:

Regarding the myths in their heads, they followed the flow but they did not really have in mind to go to the UK They were really willing to stay in one place, start a new life. Some have families and want to bring their relatives. One of them has a job in Cluny, in a restaurant, he can cook and wash the dishes. He can grow and progress. He has now brought his son from Sudan. With the second group, the one that arrived in 2016, it was different. They did not want to be in Taizé, they were thankful but they all wanted to go to the UK Many left towards Paris and came back, or went back to Calais. Taizé became a place where they came and went, an unstable situation, and it was strange for me to see that there was a safe environment, with two social workers helping with administrative things but they all wanted to leave. They all had an opportunity to settle down and start a new life, but it was frustrating to see they all wanted to go the UK Many said they had families, for others there was some pressure from their relatives there who said they would have jobs. For some it was just their objective in life. "Once I am there it will be ok" they often said, even if we knew this was not really true. Four of them got the positive answer to go to the UK A minor who was from Syria and three Sudanese. We organized a party when they left but it was bitter, because we did not understand why them and not the others. It really felt it was a random selection, because only the Syrian had actually relatives in the UK They left in January 2017 and after that everyone was disappointed. Many did not get any response. And all started packing their things and leaving. It was tricky for the volunteers to stay in a group and create an atmosphere, while people were moving on. (Hardi, 2017)

Janka explains the dynamics in the group of refugees, and how difficult it was to say goodbye to some of them.

The first group were very respectful. There was a sort of hierarchy. Mussa is not the older one but the wisest. He knows well the Qur'an, so everyone was looking at him if there was a problem, and he would normally be the spokesperson. In the second group, there was not this structure. Many had been in Calais for two years. We could see the damaging effect their stay in Calais had on them. I was giving English lessons to the second group, but they refused French lessons. This was very nice although not all came every day. It was a bit hard, because some did not read or write. They were making fun of themselves on how they never went to school. In Taizé I am used to getting to know people who then leave. This is a place where young people come and go all the time. But with the refugees, it was about relationships that went beyond words, we often looked at our eyes and laughed. Some of the second group just left without saying goodbye. It was very sad but Mussa explained to us that these boys were not used to have the sort of relationships where you say goodbye. It does not mean that they do not care, but they are used to leaving a place within days, without looking back. I do believe that it is not that they don't care, but it is easier for them like this, maybe a way of protecting themselves and focus on their next step. If they didn't do it like this they would not have survived.

With one of them, from Sudan, I made friends, although it is difficult to create a friendship. He finally managed to reach the UK, although I knew he would not get what he really expected. One of the Sudanese refugees loved dancing, and made friends with my sister, who also likes to dance, but he suddenly disappeared. He didn't say anything to anyone, even to the other

refugees. One of the volunteers went to Paris and met some refugees who had been in Taizé, including him, who told him that one day he would come to Taizé to say thank you, but he did not know how to do this yet.

When one of the Sudanese refugees died, this became very hard for the whole group. He was a joyful person, always happy and singing. At that point, everyone got together, united. For two weeks, they all slept together. They invited many people who had met Samir, so they were mourning together. But they were very angry because they could not bury him in the Muslim tradition, since the authorities had to do an autopsy of the body, which took three weeks. In the Muslim tradition, one needs to be buried very fast, in the following 48 hours after death. The group of refugees started a hunger strike. It was the first time I witnessed something so powerful, because we went to lunch and they all stood up, and when we were about to eat, they just left. One of them came back and said, “we will not eat until Samir is buried properly”. We did not know what to do, whether to contact the press, or to keep this to ourselves. This strike lasted for three or four days. For the young volunteers who were helping the refugees this was very hard, they did not know what do. They were four at the beginning. Two of them decided to leave. (Hardi, 2017)

Janka offers her insights on other ways the presence of the refugees affected the community of Taizé:

It was great to see that there are so many amazing people in the region who are really ready to help and give their time and energy. Having the refugees here became an opportunity to bring out the best in every person. An example is Isabelle, she is a free spirit and owns some horses. When the second group of refugees were in Taizé, we asked her if we could go to her house and show the refugees around, since some of them had horses back in Sudan. She accepted, and Brother David came with the refugees. She was surprised, since she did not have contact with the community at all, but they spoke naturally to each other and she was really friendly. She invited them over and over again and then she came to Taizé to give French lessons. In May 2017, the community of Taizé organized an Muslim-Christian friendship group. The community invited an Imam and some people from the region. Isabelle came, and she was very active. She kept on asking questions about women’s rights.

I feel it was also an opportunity to open up the community to people of Islamic faith. When the refugees were living in Taizé, the brothers started reading in Arabic during the prayers, especially during the Muslim-Christian friendship week. Refugees were also helping with small works in Taizé, with logistics, and so many young people were in contact with them as well. (Hardi, 2017)

Asked about how the contact with refugees made her grow as an individual, and what were the main challenges, Janka explains how these encounters have changed her perspective of life:

When I came home in Taizé from Sweden after three years of university studies I had no idea of how I wanted to continue my life. I took a year off and did social service in Cluny, a small town 10km from Taizé. I wanted to do something practical. It was also the time when one of the Syrian families arrived to stay in Taizé. And I realise how much I loved being with them. It made me feel good, the simple fact of being together. Through them, I understood that in the future that was precisely how I wanted to live my life. I then took the decision to study special education.

The presence of the refugees was also very tough because my parents were deeply involved and it took much time and energy away from the family.

Thanks to the contact I've had with the refugees, I can now make a better difference between my everyday-life inconveniences and the really challenging problems. I get less frustrated with things which used to put me in a bad mood. I feel I don't care so much about the small things that bother me. They have helped me prioritise and categorise my own problems and challenges. (Hardi, 2017)

Jorge García-Hoces shared how the contact with refugees changed him:

With some of the refugees, I really had doubts about how they were going to end up, because they arrived with so many problems. They had all been tortured in their countries of origin, such as Sudan, or during their journey, especially in Libya. Some were even mistreated in Europe. When Tesfay arrived in November 2016, it took him five hours to get off the bus. He was always defensive, and was like that until the 6th of January. That day, the celebration of the Orthodox Christmas, Julien, Orsi, Brother Marek and he organized a celebration, and he was invited to pray with Brother Alois in the room of Brother Roger. It was the prayer of the cross. Brother Alois took him by the hand, and they prayed together. The next day, Tesfay was totally changed. He used to come to the evening prayers with the brothers, he was always helpful, positive, and tried to learn French. He opened himself to me very much. And I can say that Tesfay has deeply changed me. We had the same age.

Tesfay was a bit foolish, sometimes serious, sometimes even violent. But he showed me that one should not judge by appearances. Until then, I had not known anything of his story. He told me he had no family. He was 28 years old but he had never been able to live his religion in freedom, since he was persecuted because of this in his country. At the beginning of our friendship, one day I saw him angry. I went to speak to him, since he had not come for lunch. He told me that his only friend, his best friend, had died in the Mediterranean sea, in the Libyan coast. This was extremely hard for me. I went out and cried, because I could understand how Tesfay was alone in the world. His only friend had died. I spoke to the brothers, because it was as if my best friend had died. I then realized that loving is a risk.

Refugees have helped me make decisions, continue to give my life for other people, refugees or other. After meeting Tesfay, I would like to help Christians who are persecuted, just as Jesus tells us in the Gospel. I have grown in my own faith, I am more compassionate and forgive what people hide.

My mother always tells me to be careful, because I am very sensitive and affectionate. But I feel it is worth to give and love unconditionally and totally, to be a real friend. Tesfay was lacking everything and I was his friend. I tried to do all the necessary so that he would feel well, but I then understood that to accompany someone is simpler. It is about going for a walk, spending time together, being attentive to that person.

It is important for me to share all these experiences. I will do so when I go back to my country. Today there is much confusion about who is a refugee, or a migrant. People do not know what happens in Sudan, Syria or Libya. When I am praying, I remember them, I think of them when they laughed, when they got angry. I remember how we played football, or when we played in the snow. (Garcia-Hoces, 2017)

4.6 Refugee status determination

Taizé is an exceptional example of how refugees are protected and hosted. Some brothers have actually become the best world experts in asylum requests.

Pascal Brice, Director of OFPRA

The refugees fled from one day to the next, they did not prepare their things. They arrived in Taizé with what they had. During the journey, they heard others talk about the different routes and destinations. Many tried to settle in Khartoum, or in Libya, but it was impossible for them to live in either place. They heard of the trip to Europe by boat. They arrived by boat to Italy. No one informed them about their rights. One of them got the order to abandon the country in three days. He had that document when he arrived to Taizé. No one informed him of the right to seek asylum.

Others of the group told the community of Taizé that on the Italian side of the border between France and Italy, in Ventimiglia, the police took them to a detention center and they were kept there for seven hours. After that, they asked for their fingerprints, they were beaten until they gave them. One of them got an electric shock. But then, they allowed them to leave Italy, they even accompanied them to the train and told them: “When you cross the border, you can destroy the document that we have given you.” Of the group who arrived in Taizé in 2015, four refugees had been asked to give their fingerprints in Italy. One of them was asked to go back to Italy, but after much advocacy by the community of Taizé, he remained in France.

Regarding their wish to go to the UK, of the group who arrived in 2015, none had the idea to go to the UK when they left Sudan. They just left because it was impossible to live in Darfur, or in another place of the country, given that they originally came from Darfur.

Of the second group of refugees, those who arrived in 2016, many had instructions from their families to go to the UK. This was very strong for them since they had an order and a responsibility from their “older brothers.”

During the trip, they met other people. Upon arrival in Calais, the longer they stayed, the more damaged they were. Of this group of 18 young men, all were in Calais between four months and two years. There were many tensions between groups, and a generalized obsession to cross to the UK. Violence, drugs, alcohol and the deconstruction of life were a daily issue. They drank as a way of protecting themselves from feeling violence. They had no other way of living. Some of this second group left Taizé because they did not have the strength to live away from drugs, their addiction was acquired in Calais. None of the 18 unaccompanied minors from Eritrea and Sudan who arrived in 2016 wanted to be relocated to Taizé. They were forced to enter the bus, forced to leave the bus upon arrival. They all had in their minds the dream of crossing to the UK, and many myths and unrealistic hopes. But the community of Taizé could do nothing to convince them. Some of the reasons for wanting to go to the UK were: they had family members there; it was the end of their journey and they wanted to finish the last step, they needed to know what was on the other side of the Channel; for the Sudanese, as the UK had colonized Sudan, there was a sense of justice in their now going there, they felt they deserved something; language was another reason, they felt they could integrate better in the UK. Some received false information through photos of people who had made it to the UK: easy living, easy money-making. They also received information from people in their group who had crossed to the UK and were living under the bridges. But they did not want to listen to this, as if their minds were selective. Very frequently the refugees would say: ‘If I go to the UK, in three months I will have documents, a house and a job.’ They got these wrong ideas from their relatives in the UK, whose

influence on the refugees was very negative. Social networks were not helpful either, because they gave a false impression of reality in the UK.

One young volunteer explains:

‘I want to be in Sudan,’ refugees often said. They love their land, their culture. They miss the sun, the cultivation process. In France they had to go through so many learning processes. For example, understanding what a week or a month is, since they have different space and time parameters. Many people do not understand that they are here because they risk their lives, it is a forced situation. When the militias came to their villages and started killing people, they fled.

It is natural that sometimes they are not so easy, and they react in different ways. We need to accept that they come with so many problems. They were all tortured during their time in Libya. Some of them were tortured with burning plastic in their legs. For his refugee status determination, Tesfay had to shave his head so as to show the scar he had in his head.

Regarding their obsession to go to the UK, it was very difficult to demystify the idea they had in their minds of the UK as a paradise. One of the younger refugees told me once: ‘You know how strong that idea is, that which made me go to Libya, cross by boat, stay in Calais? This dream is what has kept me on the move.’ But not even when we tell them that there are people living in the streets or even in prison, do they change their minds. (García-Hoces, 2017)

When the UK government announced officially that it would not accept more refugees from Calais, the community told the refugees that they could accompany them during the asylum process in France. Two of the refugees, an Eritrean Christian and a Sudanese, decided to seek asylum. “I trust the brothers, I trust the people of God,” said one of them. Most of them though, decided to leave Taizé with a small bag, a picnic and a t-shirt. They all went to Paris, to try to cross to the UK.

Even if they got their refugee status – one of them had it in two weeks – this was not the best option for them. There was an impact in their mental health, they felt frustrated and depressed. They still wanted to go to the UK but felt they were “stuck” in France.

For these young refugee men, finding a social worker, an association or someone who could guide them and inform them about the possibility to seek asylum, and sometimes accompany them in their asylum process, was very positive. But for the majority of refugees who arrive in Europe, this is not happening, and they end up alone, unable to access asylum, and with no one who can offer explanations. Many end up in destitution, as I explained in Chapter Four.

The young men who stayed in Taizé, both those of 2015 and 2016, decided to seek asylum in France. The process lasted between 9 and 12 months. During these months, they could not work nor study, but just wait.

During their asylum process, it was a challenge to keep the refugees active and with a sense of purpose in the community. Orsi Hardi explains:

While they are asylum seekers, they have no right to work in France. But very quickly they expressed their desire to do something, to be useful, not to stay inactive. So, for all of them, we found some voluntary work in the village or with the welcome of young people in Taizé. As soon as they had their papers, their plans for the future became more real.

We managed to find local artisans, builders, painters, plumbers, farmers, and electricians who accepted to take them for a two-week traineeship. This helped them to understand more clearly the rhythm of a working day in Europe and what possible interests and talents they had that they could develop in the future. For the younger ones, who wanted to continue their studies, we found a course that helped them get closer to their dream of obtaining a diploma. (Hardi, 2016)

Orsi Hardi explains what it means for the refugees to engage in the asylum process. Technical as it may be, it takes them back to the traumas experienced in their countries of origin.

We helped them to prepare for their asylum interviews. After the trauma of their long journeys they have to go back once again to the most difficult details of their stories – the loss of their loved ones, violence, torture, prison, hunger, constant fear, slavery, humiliation. At the same time, they all know that this story is the way to get asylum in Europe. We spent hours and hours together listening, writing, asking questions and trying to understand. Most of our friends had no date of birth or official papers. Since there is no functioning state in Sudan, no papers are delivered to citizens. Most of them came from small villages that are not even on a map. They were moving from one camp to another inside their countries so much in the last couple of years that it is very difficult to trace their journey in detail. But the authorities ask for exact dates, locations, and names. How can you convince young men to tell the horrors of physical humiliation, torture and abuse to us, their new friends, and to the social workers and officers of the migration office? (Hardi, 2016)

In France, once the person is granted refugee status he or she has the right to 200 hours of French lessons. This is organised by the Office Français de l'Immigration et de l'Intégration (OFII). They sign the so-called “contrat citoyen” (citizen contract), whereby refugees agree to learn French cultural values, and are bound to certain obligations, such as to study French. With the first group of refugees, it took more time to obtain refugee status, so the community of Taizé, through local people, organised unofficial lessons. The second group had their refugee status granted quite quickly. The role of the French teachers coordinated by Taizé was to occupy their time and minds during the asylum process, so they were not idle. It was not easy because they were living in a small village, and they were young men who needed an objective in their lives.

During the asylum process, members of the community of Taizé were in constant contact with the Office for Refugees and Stateless People (OFPRA) the French decision-making institution on refugee status in France.

In a public intervention in Taizé, in July 2017, Pascal Brice, Director of OFPRA, explained that he used to visit Calais weekly to tell people to leave Calais and to ask for asylum. Brice visited Taizé several times to meet the refugees who were hosted by the community. According to him, the right to asylum is a moral, legal, and historical obligation. It comes from a national, and even ecclesial history. And the rigor in the application of the law is a challenge. “This right is at the heart of our history. The welcome of refugees is a duty. My role is to make sure that the staff listens to the asylum-seeker with kindness, never to miss out and forget to listen to people in need.”

Brice admitted that Europe has not been responding properly to the refugee situation since 2014 (Brice, 2019). Since then, the crisis of asylum has witnessed the arrivals of Syrians and Iraqis through Turkey and Greece, and Sudanese and Eritreans through Libya and the Mediterranean, parallel to a generalized indifference. “What we hear in OFPRA – we listen to 400 people daily – is that Libya is a real hell, and then people have to face the journey by sea,” he said.

In 2016, 36,500 persons were granted asylum in France, which means 38 percent of the total asylum requests. This is very far from the asylum granted in Germany, but it was a historic record in France.

Regarding physical mistreatment that refugees had gone through, especially during their time in Libya, Orsi Hardi explains the following:

When we got to know all the stories, and we realised that all 12 of the men had suffered tortures, it was very important to get the written attestations from medical experts. These doctors were very professional: for each case there were three or four who listened carefully to the story, matched the dates of the tortures with the physical wounds or scars, and corroborated all the accounts of physical mistreatment. Some of them had inner wounds. This was crucial for their asylum requests because many could not express in words what they suffered, because it was very humiliating. If the officer at OFPRA who listened to their case was a woman, they would have never explained this in their interview. Six years ago, these medical visits were free, but now because they cost a lot of money, the social services do not normally tell asylum-seekers of this possibility, so information on possible tortures cannot be corroborated in many of the asylum requests. This is a flaw in the system. (Hardi, 2017)

Out of the first 11 young men who arrived in Taizé in 2015, all were granted refugee status except two. One was granted status after appealing a first negative decision. And the other one, a refugee from Afghanistan, received humanitarian protection status. The reason OFPRA gave was that he did not suffer individualised persecution, one of the conditions established by the 1951 Geneva Convention to be considered a refugee. He suffered the general violence in his region, together with his family. The community of Taizé did not understand that why although he suffered from conflict, he did not get full refugee status.

As I explained in Chapters Three and Four, this is one of the flaws in the current asylum system. People who should be granted full refugee status get a lesser status due to a restrictive interpretation of the definition of refugee. On July 18th 2017, an Afghani refugee hosted in Taizé, publicly shared his story during a meeting on migration. Listening to him, I corroborate my argument that anyone – myself – could be in his place. His story shows in a nutshell how some people are in the bad place in a moment of history. I would like to reproduce his words to show the level of persecution he suffered and to understand the reasons for his flight:

I come from northern Afghanistan and I arrived in France in 2015. I come from a small town of 6,000 inhabitants. I lived there with my parents and my siblings. I worked in my father's shop. But because of insecurity and fear of terrorist groups, I joined the police, and went to work in another region of the country.

One day I was driving with other policemen and a bomb exploded on the road; three of my colleagues died, another and I were seriously injured. I was in a coma for a long time; I stayed three months in the hospital. Later, in my town there was conflict and attacks from Daesh and the Taliban. The Taliban attacked my village and destroyed my family's house; two of my brothers died, along with a cousin and an uncle. The rest of the family was able to escape and went into the mountains.

My hometown was empty, all the people left because of the attacks from Daesh. For 10 years, there were foreign armies in our country, but they left in 2014 and it became again very dangerous, like 10 years earlier. When I arrived in Taizé, which is also a small town, I was afraid that something could happen here like in my town, but slowly the fear went away.

Due to fear, I fled Afghanistan when I was 24 years old. But in Afghanistan we have a different calendar, so I am always confused with dates and years. 1371 was my year of birth in our calendar, but in Europe, when I organized my documents in Calais, I was told I was born in 1971.

After leaving Afghanistan, I started a long journey that took me 13 months, across 12 countries. I crossed Afghanistan on foot, walking at night and sleeping by day in the forests. At the beginning, I travelled together with people from my town and my region. I had contact with them, but after two months I lost track of them. I was never alone on the route, but found others along the way. I encountered Iraqis, Syrians, Iranians. There was not much solidarity amongst the people who were on the route.

Then I travelled in flatbed trucks piled with dozens of people. During the way, I didn't eat for three days. I spent one week without taking a shower. I arrived from Turkey in Greece after eight hours in a small plastic boat carrying more than fifty people, including babies, elderly people, women. We stayed on the water for eight hours. Three of the children died.

I crossed Pakistan, Iran, Turkey, Greece, Macedonia, Serbia, Croatia, Slovenia, Hungary, Austria, Germany and finally France where I arrived on 25 November 2015. I used all means of transportation: foot, bus, car, boat. For me all countries are the same, I did not have in mind ending up in France and I did not have a fixed destination. I was only looking for safety, for a calm place and I thought I would be away only a few months away until I could go back to my country.

I arrived in Europe together with people I had met on the way. I stayed one week in Germany, and then I went to Paris, where I slept out in the street, close to the train station "Gare du Nord", and from there I went to Calais after some people told me about it. They were fleeing other situations but were going towards Calais, so I went there too. When I arrived in Calais, I said I wanted to ask for asylum. An association helped me. I stayed for three days there, and the people of the association asked me if I would like to move from the camp to a house and I agreed. So that same day, at 12h, a bus took us to Taizé, where we arrived after a trip which took us ten hours.

It was in the evening when we arrived to Taizé. It was December, and it was very cold and foggy. When we stepped out of the bus, there was a group of young people who welcomed us in La Morada and this was very important for us. We drank coffee and water together and then they took us to a house in the village where another seven Sudanese from Calais were already staying. We were six of us arriving, three from Afghanistan and three from Sudan. The Afghans who were with me left two days after, and so I stayed with 10 Sudanese people in the house. While in Afghanistan I had never seen a Sudanese. They spoke Arabic and English, but I couldn't speak these languages. Initially I was afraid, they were together and I was alone.

The brothers of Taizé and other volunteers came every day to meet us, I started talking to them, and with the help of Google translator we managed to communicate. When we started doing all the administrative work, we got in touch with an association who helped us translate, but the translator did not know my language. We also had French lessons four days a week, from Monday to Thursday. And on Friday we went to the mosque.

All of us had some little jobs to do in the community while we were in the asylum process. The brothers invited me to do pottery, so from 10-12h I worked in the pottery workshop for

seven months. Once I got papers – I was granted humanitarian protection – I did some training in a construction company. Later on, Brother David managed to find a job for me in that construction company, so now I work three weeks a month with them and once a week I do a training course in house-building. I am glad to continue working with this company, which is present in different places. By coincidence, this week I am rebuilding the old Romanesque church of the village of Taizé, which is under restoration. (Taizé, 2018)

When I visited Taizé a year later, in July 2018, I was told that this family of this Afghan refugee had been killed by the Taliban. He had contact with an uncle in Afghanistan, who was afraid to tell him. But when he told his uncle that he was ready to go back to Afghanistan, his uncle told him it was not worth it, since everyone had died. So the refugee man spent weeks without talking and eating. He is now alone and rebuilding his life from scratch in Cluny, where he continues working in the construction company.

Of the three Afghans who had arrived in Taizé in 2015, only he remained. The other two were denied asylum. One of them was deported to Kabul and the following week he was killed. In the second group of refugees, who arrived in Taizé in November 2016, all were granted refugee status: five Sudanese from Darfur, and one minor from Eritrea.

What really made the difference in the asylum process was how the Taizé community helped in the preparation of the asylum requests. Two brothers and a lay man were deeply involved in making sure that the accounts of persecution were consistent with the places and dates.

Brother Hervé is a brother of the community who is passionate about cartography and geography. He found an interactive map on the internet, where one could see in detail all the regions of the world, and since it was interactive, it was possible for people to add things to the map. After speaking to the Sudanese young men, he got information of where there was a river, or a mountain, and it was consistent with their explanations on ways to cross from an area to the other. Brother Hervé was able to trace all their journeys through different villages in Darfour and other regions of Sudan, then the crossing towards Libya. He traced in detail the journey of the asylum seekers and added it to their file. This was a precious contribution. Not all asylum requests, unfortunately, are followed in such a detailed way, and this was the added-value of the asylum requests made in Taizé.

Brother David, who was engaged in the asylum process of both groups in 2015 and 2016, shares his impressions on the process and how the community helped the asylum requests be as credible as possible and according to each of the individual stories of the asylum-seekers:

OFPRO staff is very human. One of them is the son of a Hebrew woman who fled Germany during the war. As any human being, his history affects him. The staff responsible for the refugee status determination interviews are all very human. They ask questions, take time, they are aware of the person who is speaking in front of them.

The problem is that many asylum seekers can fall into inconsistencies in narrating their stories of persecution, due to the different parameters they have of time and space, and a single incoherence can lead to the request being rejected. We saw this very much with our friends here.

An incoherence in our Western mentality is not the same as in the mentality of an African, where dates can be easily changed. When there is an incoherence, instead of offering the chance to clarify, asylum is denied, and the asylum seeker needs to wait to appeal the decision.

The high percentage of refugee status granted to the asylum-seekers hosted by Taizé is not because there was a negotiation with OFPRA, but rather because there was a very individualised preparation for the interviews.

For all governments, including the French, the asylum seeker a priori is not telling the truth. This is the system: they consider they have an economic migrant disguised as a persecuted asylum seeker. If the person cannot provide proof of what he or she is saying, the case will be rejected. The problem is that in every story there is a considerable amount of doubt.

With the asylum seekers of the 2015 group, we did not say we would help them with the asylum process. We just told them that, if they needed us, they should contact us. They all had social workers who could write their allegations. But they did not really know what to write, so we sat down and talked with them, and wrote down what they were saying. Those who were followed up more closely by the social workers, wrote their stories in Arabic, and then they translated them into French. Because I knew the stories, I suggested some details, and we compared the texts that they had written with the ones we had written.

When the allegations were finished, we sent them to OFPRA. Then we prepared the interviews as if it were in OFPRA, imagining the scene. We did a sort of theatre. Ferenc and I were the OFPRA officials and we asked difficult questions to each of the asylum-seekers. We simulated the interviews. With some of them, we did this three or four times, to make them understand that there were inconsistencies with what they were saying, according to our Western mentality, and that in the real interview they would not have the opportunity to clarify.

With the last refugees who came from Calais in 2016, there were no social workers, so we wrote their asylum requests in detail. The five who stayed got refugee status, and the minor from Eritrea, was also granted refugee status after the Dublin convention was suspended for him. This minor, who arrived in Taizé through Italy, and then Calais, was only 13 years old when he arrived. He was very shy. We were afraid that he would not explain in detail his story of persecution. He was a little boy when he left Eritrea, and then Darfur. He then became a street kid in Khartoum. This is very difficult for him to accept, and he feels ashamed when telling the story. This is why he hardly speaks about it, because it is humiliating for him, and not because there is not a real story of persecution. In Khartoum he was in prison for coming from Darfur, and from there he fled to Libya. He actually spoke very little during the interview because normally he speaks very little too, but his story is of persecution and continuous flight from one place to the other.

In the simulations and in the preparation of the cases, we also used very detailed geographical maps. When one of the Sudanese got the negative decision, we understood there had been an inconsistency. OFPRA had asked him where was his village, and how he would go from there to the biggest nearby city. He said it was towards the South, but in the map it was towards the East. But he actually said that first it was to the South and then to the East, because there was a mountain in the middle. When we were preparing the appeal, we gathered all the group of eleven refugees and we told them that the French authorities doubted that the story was true. We asked the eleven of them how would they go to Chalon from Taizé, if one needs to go to the South or towards the North of Taizé. But they could not answer, because those parameters are not in their minds. But even though they did not know, they responded. We have also understood that even if they don't know something, they like to respond. They don't like to say they don't know. It was the beginning of our preparation of the interviews in order to avoid inconsistencies. One of the reasons of these inconsistencies was that they do not know the geography of their country well. For example, in Cormatin, a nearby city, there used to

live a young man from Aleppo. When he was interviewed, OFPRA officials asked him where Aleppo was on a map. He looked and looked, and said 'This is not Aleppo'. And it was true. But a Sudanese would have said 'here', in order to give a response. This was a very difficult trap.

Another Sudanese of our group was asked: 'Do you know the radio stations of your country?' But he understood if he had a radio, so he responded that he did not have a radio. They wrote in the interview allegations 'He does not know the radio stations', but he had not heard the word 'station.'

I think the difference we made was really to help them present their cases with a Western mentality. (Brother David, 2017)

One of the Sudanese refugees from Darfur has this story of persecution of life in his region, and during his flight:

I am Sudanese, and I am 26 years old. I spent my childhood in a small village in Darfur. I lived with my parents and five siblings in a large farm with lots of goats and sheep. Life was good. But in 2003 the war broke out and life became very difficult. In 2011 my village was bombed and my mother and one of my brothers were killed. Then the army arrested me wrongly accusing me of belonging to movements opposed to the government. When I was released, my uncle told me that my father had been killed and I had to run away.

I feared for my life and I left for Libya. After four terrible months in this country, I took a boat to Europe. I arrived with nothing. I needed protection, accommodation, food. I was very lucky to find all this in Taizé. Here I found a new family.

The only young man who was denied refugee status decided not to appeal and to go back to Sudan. This was his decision although the community tried to convince him that this was not a good decision, and that he had the option to appeal the case. He was from Darfur. He had repeatedly told the community – and he also mentioned this in his asylum request – that if he was returned to Sudan, he would be put into prison. The consequences of his departure were dreadful: as he had predicted, upon arrival to the airport of Khartoum he was arrested and put into prison for two weeks, accused of being a spy, and tortured. When he left the prison, many of his bones were broken. He was under surveillance by the Sudanese government, and had to regularly present himself at the police station during six months, without being allowed to leave the city. The community of Taizé tried to reach out to the French diplomatic mission and different organizations who could help him, but the more the community tried, the more delicate it became. OFPRA had said in the rejection letter that what he had explained was not totally credible. Brother David, who closely followed this case, shared the following:

I still think it was a serious error to deny refugee status to this man. He had medical documents about the bullets he had in his leg, in his arm and in his stomach. I believe that if there is doubt, one needs to be prudent, and clarify further the inconsistencies. This is what should have happened. But even in the response from OFPRA it was not clear why he had been denied refugee status. We in the community suffered a lot his departure and the problems he then had in Sudan. We also experienced humility, finding our place in this situation, and understanding that freedom has the last word and that refugees have to take the final decision. We have a very limited place in their lives and it is important to understand that the relationship of support means that we are a part of the chain. It is easy to take space and power, but we are only a part of the chain. (Brother David, 2017)

The added value of how refugees have found protection is the level of personal investment the community has with each individual. The fact that the majority of the men were granted refugee status is because of the geographic studies and research two of the brothers have undertaken so as to make their cases as specific and coherent as possible. This has really made the difference. The other side of the coin is that there is such a level of personal involvement that it requires a lot of energy from the community itself.

In fact, Pascal Brice has repeatedly shown gratitude to the community of Taizé. He has publicly defended the need to be open to civil society initiatives and work in collaboration with them: “It is important, because our response is limited, and we need others.”

The ultimate decision regarding refugee status is written in an A4 piece of paper, with the French government logo “Liberté, égalité, fraternité.” The community of Taizé shared the tension regarding the status decision. Many had tears in their eyes when they saw the positive answer.

On the evening of 19th July 2017, accompanied by some of the brothers, Brice went to visit the refugees after a conference. He brought a positive asylum request letter to one of the refugees, who was the last one still waiting for his refugee status decision. The brothers rejoiced with the refugee and I understand that the pains and impatience of this process were a shared struggle. This for me is a sign of a very close accompaniment throughout this journey. I perceive that throughout this waiting time, not only the refugee himself, but the entire community, was stressed about the final decision.

I met this refugee man one year later. We could have a fluent conversation in French. He is now working in Massilly, 5km away from Taizé, in a factory which produces iron boxes, and shares the following:

I get up at 3,30 since I start working at 5am. I go walking to the factory. I come back in the afternoon and I try to sleep. Some people in the factory are nice, others not so much.

This young refugee man has no contact with friends or family back in his country, Sudan. Originally, they were from Darfur but when he was very young they fled to a village near Khartoum. His mother died, and he has no brothers and sisters. He did not go to school, but he has learnt to read and write in Cluny, thanks to a tutor family who taught him.

Ismi is from Eritrea. He arrived in Taizé when he was only 13 years old. When he was 8 years old, his grandfather took him to Sudan. His father had been recruited by the army and disappeared forever. So the grandfather wanted to protect him from forced recruitment. In Eritrea, young men are forced to join the military at a very early age and are subject to service in the army for almost all their lives. In Sudan, due to a fight between Eritreans and Sudanese, Ismi's grandfather was killed. Ismi was alone and became a street kid. Some people took care of him and took him with them to Egypt. There, he was put in prison with that group, which was a gang of street kids. But at that time, he was very smart, he spoke four languages. He managed to escape sneaking out from the toilet, since he was very skinny. He ran back to Sudan. There, some people told him about Europe. He followed them to Libya, where he became the slave of a smuggler. After six months, in exchange for his services, the smuggler offered him the possibility to jump into the boat and cross towards Europe.

The boat was meant for 40 people, but they were 70. There are two types of boats, a small one, low-cost with an engine and only one driver, and a bigger one, with two smugglers, one who drives and one who hits the people with a stick, so they do not move. When they were crossing, the boat stopped and started to sink. The smugglers threw people to the water. He was 13 at that time and very thin, so he asked the smuggler not to be thrown since he did not weigh so much. Out of the 70 who left, only

10 arrived in Lampedusa. Ismi was forced to leave his finger prints. But then he continued his journey, crossing Italy, then the border with France in Ventimiglia, up to Paris, where he was sleeping on the streets. There, someone told him about Calais. At that time, he spoke six languages. In Calais, Ismi became the translator of the Eritrean community. When the Jungle in Calais was cleared, he was forced to jump into a bus towards Taizé.

At the beginning, he did not trust anyone in the community of Taizé. He wanted to stay with the adults, but he had to be protected since he was very young. He became responsible for the music. Now Ismi is 16 years old. His only link with his past world was the mobile number of his mother, but his mobile phone was stolen and so he lost the link with his mother forever.

After living in a care home together with other French and migrant minors, 40 kms away from Taizé, he moved in live with the Hardi family in Taizé. “No one in his life has challenged or disciplined him, so we quarrel a lot. But we have managed to build trust,” , says Orsi Hardi.

Janka Hardi, the elder daughter of the Hardi family, comments on what getting to know Ismi meant for her and what it is like to have him as part of her family:

I remember when he arrived, we were waiting for the bus with the group of refugees from Calais. They called us and said they would arrive in two hours. We were very excited. It was dark already and the bus arrived. Imam, the wise Sudanese who had arrived a year before, got inside the bus, spoke to them, offered some tea. They all started to come out. When I saw Ismi, he was so tiny, he had a bag with a UK flag and a small pin written “no photos”. He was so small, we were all so touched. He was the only one in the group who was really young, 12 years old. We were worried for him since he was in the middle of so many adults, but when we asked him if he wanted to live with us, he said he wanted to stay with the adults. He was angry that we thought he was not grown up. We felt very stupid because he had crossed all Africa, had stayed in Libya, then taken the risky journey by sea in the Mediterranean and finally his time in Calais. His life was not about getting a mattress and a pillow. He is a complex boy but he is really smart.

In March 2017 he went to live in a centre for young people, mostly French but also some foreigners. At first he didn't believe he didn't have to pay the home-center and the school. He said “but I cannot afford this.” We explained that he could stay until he was 18 years old. After two weeks in the center, Ismi said he wanted to go away to another place. There was some tension, and when he feels tension he says he needs to go away. We spoke to him a lot, Brother Marek spoke to him and asked him to give it another chance, but he often said, “tomorrow I will go to the UK.” In his brain, this is so much his goal. Even if he has a nice place to stay, and goes to school, still now he often says that he wants to go.

But living in the centre was very difficult for him, so my parents became his tutors and he is now living with us. This was a big step for us, and I think for him too. He felt he was part of a family. He will join the nearby public school, and will start vocational training.

He does not speak a lot. When you want him to speak, he never does. But he is always talking when we are in the car, about anything. It is interesting how if he wants to share things about his life it will be him, and not us, who will decide when and where. It shows that he trusts us now. I hope so. He is like a brother for us. He smokes a lot, but we take his cigarettes away. (Hardi, 2017)

4.7 The challenges of integration

The granting of refugee status means the beginning of many other problems. A myriad of labels and stereotypes hang on the refugee. Yes, the life of a refugee is full of labels. They will be asked many questions, but no questions about one's own identity or personal well-being, such as "What is your name? Your favorite food or sport? How is your family like? What music do you prefer?" Nobody cares, and so the refugee will start asking himself: "Who am I?" We have no idea of who is a refugee. Only his real friends will ask him the real questions: his faith, or who are the people he loves. (Hardi, 2018)

For refugees, being in Taizé in the middle of so many young people from all parts of the world is very positive because they did not feel labeled as refugees. No one knows that they are refugees or asylum-seekers. But after having been granted asylum, they have to move on and find their own way, look for jobs, or vocational training.

I often tell them: The most difficult is done. No need to think of the journey through the Mediterranean. I tell them to think of the problems they have today. The biggest challenge for them is to be away from their families. They are far away from their culture and their country, not only from a geographical point of view, and this is something very hard. In their villages, the houses are always open. Every little thing requires of them an immense adaptation. One of them has told us that he would like to go back, since it is being so difficult to integrate culturally here. (Brother David, 2017)

Brother Alois corroborates this difficulty:

Of course, there are obstacles to overcome. (...) It is difficult to find work. Yet the difficulties are small compared to what they have suffered and with the anxiety that they feel for their families whom they left behind in their country. (Brother Alois, 2016)

Most of the refugees who have spent time in Taizé in recent years have gone through ordeals in their country of origin, but also during their journeys towards Europe. One of them, who arrived in Taizé in September 2017 from Sudan, shares images from his journey through the Sahara desert:

It took us 16 days to cross the desert. There were 35 of us in the car. It was a pick-up truck. The car could not stop because it would have been stuck in the sand. But it was easy to fall off the car. I remember one man who fell off, but the car did not stop. He remained there in the desert...When we arrived in Libya, one of the boys who was in our group was kidnapped by the militias. He was only 16 years old. In Libya people are used as slaves. I cannot explain with words the things I saw and heard there. (Interview, 2018)

This refugee continued, describing his trip through the Mediterranean:

We took a plastic boat from Libya, there were 117 people in it. In the middle of the sea, the boat started sinking. Everyone started crying and praying God to save us, each one in their language. There were even fish inside the boat. We suddenly saw boats close to us, and airplanes on top of us. Then they rescued us and took us to a bigger boat called Aquarius, which took us to the coast of Sicily. (Ibid.)

When refugees were granted asylum, they started integrating into the society around them. Some locals were reluctant to talk to them, to reach out to them. But others, surprisingly, were very open to them. Several refugees moved to the cities around Taizé, such as Chalon, Mâcon and Cluny, and faced the daily challenges of adapting to a culture so different to theirs.

Often people say to us: 'The refugees in Taizé are lucky'. Somebody even told me once 'They hit the jackpot!' I was troubled and angry hearing this. I always answer to these remarks that we are the ones who are lucky to be able to welcome them. They give us the chance to find the humanity that we lost when our countries closed their borders with barbed wire, when we closed our eyes to the flow of suffering people at our doors. One of our refugee friends told us: 'In Sudan they didn't treat us well, we had no choice, we had to leave. During our journey and in Calais we were treated like animals, so we became like animals. Here we are treated as human beings so we became human beings again. You gave us back our dignity.' (Hardi, 2016)

A good experience which has proven to have an impact in the process of integration of the refugees in the employment market has been their access to seasonal work in a fruit company very close to Taizé. Copex, the name of this company, is formed by French families who live in the area and who work as an agricultural cooperative. They agreed to offer seasonal work to all the refugees who arrived in Taizé in 2015. For the refugees this experience has been vital to understand how things work in France. Currently, Issa, one of the refugees, is working in Copex with a contract. He started part time and is now working full time. He had agricultural experience back in his country, Sudan. Thanks to this contract, he can also access vocational training, and Copex helped him obtain a French driving license.

The history of Copex is an interesting one. Brother Alain, one of the first brothers in the community, had the idea of creating an agricultural cooperative which could function with the values of the Gospel. Together with Brother Alain, seven families started this cooperative, which was inherited by the children and then the grandchildren of the first associates.

Currently, it is run by five associates, who have employed three full-time workers, including one refugee, and other seasonal workers. They grow cereals and fruits, they have vineyards and they transform their own products, producing ice-cream, deserts, wine, etc. They are not explicitly based on Christian values, but the original vision and values are still very much a reality today, such as equal earnings, and a place for the wives of the associates, even if they are not working in the cooperative as such. As an example, when Issa was offered a contract in Copex, all the other associates agreed to lower their salary so that the refugee could be granted the same salary as theirs.

Copex also has a joint project with a farm in Madagascar, but they do not presume to teach Western agricultural systems in Madagascar. French farmers go there to learn from local farmers, who in turn come to Copex to gather specific know-how.

Issa is a faithful Muslim. The members of Copex said that they had never met anyone so religious. It is the first time that someone asks them 'Do you believe in God?', or that they discuss existential issues while harvesting, in the fields of strawberries and the famous cassis (a sort of raspberry harvested in the region). At the end of Ramadan, Issa invites all his employers for an Iftar dinner. Issa also experiences new ways of looking at life. After meeting the son of one of the associates he commented, 'It is the first time in my life I have met a communist'.



Copex fruit factory, very close to Taizé, where some refugees do seasonal work (Valcárcel, 2018)

Refugees also face difficult challenges due to stereotypes. One of the employees of the fruit cooperative once said to Issa: ‘You came to take our jobs’. The response by the associates was to organise a meeting with all the members of the cooperative. They created a dialogue in the group and managed to ease the tension.

Two of the associates became famille d’accueil, or tutors, of two refugees. They proved to be very good. One of them is the mayor of Bonnay, a nearby town. After seeing how things had worked out in Taizé with the refugees, he decided to organise a public meeting in the town and gathered the municipal council. The town offered two houses to the Prefecture in order to host refugees.

This is an example of how a chain of solidarity can slowly emerge. Creating a network of people who really want to support the refugees over time, such as I have explained above with Copex, is extremely useful. As Orsi Hardi explains:

It is very important to have this solidarity network because there are many problems that refugees face; we give a very spontaneous and informal response, and there is always someone from the network ready to help. We know that if a refugee is going through a difficult moment or needs a closer accompaniment, there will always be someone to support. (Hardi, 2018)

Another good practice to facilitate the progressive integration of refugees in French society was to entrust each refugee to a family living in the area close to Taizé. The families did not have a specific task, like teaching them the language or doing administrative paperwork. It was a very free relationship, whereby the family took care of the refugee, and simply accompanied him. The community of Taizé had no difficulties in finding families who were open to receive them. In many instances, there were retired couples who were very keen to take care of a young refugee. This was extremely significant for the refugees.

Christine Chevnard shares her experience of hosting a refugee:

Once the refugees had their legal status, the community of Taizé would find families in the region who would volunteer to adopt a refugee, a sort of “network of godfather families.” My family and I offered to take care of a Sudanese young man, Musa. He was a fifth son for us. The idea was to keep an eye on his needs, and to simply welcome him in our home, so he could experience life together with us. It was also a way of taking some distance from the group of refugees. He also had institutional support, but refugees need a different kind of presence, the presence of a family, of a home.

This experience of meeting and welcoming refugees has opened a new world for me and my family. They are a breath of fresh air. Without idealising them, they help us to break stereotypes and labels. There have been difficult moments, with cultural confrontations and big differences on specific viewpoints, such as on women’s rights. But they have always been respectful, and discussions have sometimes been very constructive.

It has been a mutual enrichment. I appreciated that even during Ramadan they invited us to sit with them at their table. Even if in their culture, women do not sit together with men. There has been a sort of mutual intelligence and sensitivity, which has really impressed me.

For my family, the arrival of the refugees was the beginning of something new, the opportunity to open up. Musa had low moments during his time with us, for instance, when he was waiting for the response on his asylum request, he was very anxious and depressed. But I could understand his silence.

What I think our role is, is to make him understand that we will always be at his side, especially when he is feeling lonely. For example, when the brothers were traveling at the end of the year, he came to our place. He even spent Christmas with us and my wider family. My nieces and brothers still ask me about him. He had a big impact on them. They were touched by his attitude of simplicity.

What I found very impressive in him is his respect towards each and everyone of us. He kept the right distance from us from the beginning. He felt at home but he never showed any sign of disrespect. He has a lot of respect for elderly people. Also, regarding money, he is very proud. We never talk about that issue. This says a lot about his dignity.

Young refugees not only face the same questions and problems as our youth and our adolescents, but on top of that they carry their stories as forced migrants. When Musa cannot get up in the morning, I say to myself that my boys do the same. We cannot forget that these refugees are young. For example, they care about clothes because they express something with this, and they also want to be handsome and attractive. This breaks the stereotype we have of the “poor migrant.” They want the best smartphone, as all young people do. He is 24 years old, like my younger son. Some of my sons are jealous of my relationship with him! (Chevnard, 2017)

I interviewed Christine a year later, in July 2018. I asked her about Musa:

Since last year, Musa has had the opportunity to undertake an official course to access qualification: he has learnt maths, French, and French values. It is not only directed to refugees but to all young people who have no qualifications. He is working in construction and shares a flat with other people. His dream was to have an information technology diploma and to work

in that domain, so this is not really what he expected, but I always tell him that he needs to work and get training first. Now he is in Lyon and he is happy to be in the city, or at least he says so, because he will never tell me that something is not going well.

I feel he is autonomous enough, so I let go. I know he is fine and at least he has something to eat and somewhere to sleep. He needs to follow his own path. It is just as I do with my children.

It is funny because he now tells me the same things I used to tell him in the past years. For example, the need to study, to have an education, to work and then to have a continuous training. It is important for refugees to reach this awareness, but as is the case with other young people, they need to understand things by themselves. He is not only a refugee, he also lives the same dynamics as all young people: sometimes it is hard for him to listen, he is impatient. I see this in many refugees. (Chevignard, 2018)

Asked about how she sees the expectations of the refugees now that time has passed, Christine shares:

This integration process has experienced many ‘waves’. First it was the impatience and anxiety to get the refugee status documents. Then we started with training, French lessons, and the rest. Now it is the end of the training phase for most of the refugees who came to Taizé. We do not know what their future holds, what they will do next. We are aware that Cluny is not the best place for young people. It is a small town and there is not much night life, or places to socialize. Many of these young refugees have not seen their projects or dreams come true.

Another struggle they have is the lack of a family life. For example, Musa has not seen his wife for three and a half years. I think his wife is expecting something else from him, that he sends financial support or something. So now they need to manage not only their lives and integration in France, but also how to support their relatives abroad. I feel this is causing anxiety, at least to some of them. In the case of Musa, he cannot bring his wife to France because they got married when she was 15 years old, and this is not considered an official marriage in France. (Ibid.)

Brother Marek shares the experience of Tesfay, a refugee from Eritrea, who created such strong links with his host family, that the relationship became a reference in his life. Or the example of Seikh, a young Sudanese refugee who was welcomed by an Anglo-Polish family in Cluny. The family has two adopted children, younger than Sheikh, who treat him as their older brother:

One is a girl from Tahiti, and the other is a boy from Cambodia. Sheikh is African, so this makes a beautiful family of people coming from four different continents. Tesfay and Sheikh both changed. They were always angry at the beginning. But the fact that people wanted to be with them freely changed everything. I think they perceived this quite clearly. It is as if we participate in a mutual re-birth. We offer our time to these young men who are very capable, and who otherwise could be lost somewhere in Europe. I think this closeness and loving kindness is truly saving us mutually, originating a new life. (Brother Marek, 2017)

The first group of refugees – those who arrived in 2015 – are almost settled, they wanted to work, to integrate. The community tried to put them in touch with the second group, so that they could be their mentors. In July 2017, I had the privilege to have dinner with a group of refugees in Taizé. During the dinner, a refugee from Afghanistan who arrived in 2015, gave advice to the younger group of refugees who arrived in 2016: “It is very important that you learn the language well. I am working as a builder now, but even if I do not speak so much when I work, this is really needed to get access to any job.” A big challenge for everyone was the fact that they were away from their families, and also the idea

they have of the family. ‘How can I live without a family?’, they say. Some must learn from scratch what a relationship with a woman means, since in their culture, a wedding means a negotiation between families, especially with the father of the woman.

A very concrete sign of integration is the possibility to build a friendship. Friendship and the restoration of dignity are intimately linked. Asked about friendship with the refugees, and how this leads to rebuilding their dignity, Brother David explains:

I think that we can build friendship. The refugees see us as people who have helped them, and so friendship can be disproportionate. But with time, this is diluted. With the refugees who came from Rwanda in 1995, there is a real friendship. There is gratitude, but yes, real friendship. I also think it is important to offer them the possibility to give back. One of the refugees who had never owned a key before, invited me for dinner an evening during Ramadan. He said: ‘You cannot imagine the joy I feel to invite you to my house.’ When my parents were here visiting me, we went to visit them in their houses. My parents asked immediately what they could give them, but it is important to receive from them too. To offer them the dignity so that they can give back. (Brother David, 2017)

More generally speaking regarding integration, Brother Luc, who has lived for many years in one of the fraternities of Taizé in Kenya, makes these observations:

I am curious to understand better how the real encounter between people from a Western culture and people with an African mindset will be, for instance those who come from a particular tribe in South Sudan. From the outside we might be quickly together, we use the same apps, we support the same football teams, but from the inside, going deeper, the distance can be huge and neither people from the North or from the South are aware of this complexity. How will they react to the fact that in our Western culture, people have their own individual shape? Young people of today are shaped to make their own decisions, they have their own purpose in life. In a community setting you are much less in charge of yourself, you have to follow certain rules, what the elders would tell you. For example, even for a wedding, negotiations would involve all the relatives, but not you. There will be an exchange of cows to pay the dowry. The woman has nothing to say for herself, even if the father is educated. Even men have little space for opinion. Or in a funeral someone will tell you where to bury your father. It is complex and this also shapes a society. Many of these things are still out of our minds but we need to anticipate this sort of tensions.

In psychology or sociology things are very different and it will take time for a real encounter to take place. People will naturally hold to their values, their culture. From our side, we will stick to our individual rights, and in fact that is the reason why we have assisted those who come, because we believe in quality of rights for women and men, we believe in the protection of children. I foresee there will be a lot of questions to explore and these need to be anticipated. This will require efforts in order to have a positive outcome.

I believe this distance will be a cause of misunderstanding and the reaction will be that of self-protection in closed identities, a sort of step back. I remember in the 1960s Algerians went to France to build, they were from villages, not literate, they settled, they worked, bought a house. But the third generation, who feel neither Algerian nor French, might come to their closed identity. The question will rise at that moment, maybe not with their parents or grandparents. It is another level of question. (Brother Luc, 2018)

4.8 Two brothers of Taizé visit Sudan and South Sudan

Two brothers from Taizé visited Sudan and South Sudan in November 2017, Brother Alois and Brother Luc. Brother Luc has been living in Africa for a long time. The request came from Alois, since he had been so moved to see the Sudanese arriving and trying hard to integrate.

The purpose of the visit was to meet the families of the Sudanese hosted in Taizé, and to better understand the background and situation in these two countries, to meet people active on the ground and to pray among the people. One of the refugees had asked the community for help to bring his son to him, since he had lost his wife and the son was alone with one of his aunts.

Brother Luc shares:

Probably Brother Alois had the intuition that the picture is more complex than what we imagine here or what we hear from them. Since I was in Nairobi, he asked me to help prepare this visit. After a meeting we had in Egypt, we visited Rumbek and Juba, in South Sudan. We went to a camp for displaced people and were accompanied by some Indian sisters who are very active in South Sudan. In Rumbek we stayed in a school, and we gave a two-day retreat to young students. We also visited a house for lepers and the sisters of Mother Teresa. Later on, we went to Khartoum. (Brother Luc, 2018)

The brothers visited the various churches and observed their work of teaching, standing in solidarity, and caring for the sick and the excluded. Through this visit, Brother Alois wished to express gratitude to so many people who are engaged on the ground: humanitarian workers, Church personnel and diplomats, serving local communities in the development of education, agriculture, infrastructure and services, or in the promotion of culture. Upon his return he said: "I was particularly impressed by the situation of women and children. Mothers, often very young, bear a large part of the suffering caused by the violence. Many have fled in an emergency. They remain resolved to serve life. Children from an early age must undertake an important part of everyday chores but they aspire to attend school. The courage and the hope of mothers and children is an exceptional testimony." (Brother Alois, 2017).

While in Sudan, the brothers stayed all the time in Khartoum except when they visited the village of Issa, one of the refugees in Taizé. This village was in eastern Sudan towards Ethiopia. While in Khartoum, the brothers had a picture of the country from different perspectives: they met Protestant and Catholic local religious and missionaries, and the Archbishops, to better understand the presence of Christians. Among other things, they visited a camp for displaced persons operating under the protection of the UN, including many children lost and never recovered by their parents during violent events in the country.

The brothers also met local the relatives of the refugees in Taizé. Brother Luc explains how important it was to meet these relatives, since thanks to them, they could get the inside story:

What had great value was to visit the relatives of these refugees. We heard the stories from the perspective of their families. The wife of one of the refugees was very helpful during the visit, because we could not understand Arabic and she could translate for us into English. She is an engineer. She came to visit Issa in France and will probably come to stay with him. We went to visit the mother of Samir, the refugee who had died in Taizé. She told us that they had had great expectations that he would support them from Europe. She explained about his health problems and diabetes. We also met her grandchildren and her daughters. The relatives of the refugees came to meet us in the center of town. They came with their kids. One was very poor,

she came from South Sudan. Others were better off. We exchanged on a lot of things, but we could not be seen too much with them in order not to put them in an insecure situation with the secret services. Personally, I found the same atmosphere as before the Perestroika in eastern European countries, such as in Rumania: the feeling that surveillance is everywhere and that we had to be very careful. (Ibid.)



Brother Alois in Juba, South Sudan, in a camp for displaced persons (Taizé, 2017)

The next step of the journey of the brothers was to visit Issa's village in the east of Khartoum. This village was called Ouad Hamani. The purpose was to bring Ahmed's son to France .

There was a village atmosphere with an extended family. The sister of Ahmed welcomed us. She had raised Ahmed's son since he had lost his mother when he was very young. We managed to talk to this young boy of 12. We wanted to make sure that he was comfortable with the journey. To leave at once all his environment, his aunt and cousins was not easy, but he was quite strong and focused. We finalised details on how we would move to Khartoum. He came with his uncle to buy a few things in Khartoum and be ready in time for our joint departure to France. (Ibid.)

The brothers received support from the French embassy. Overall it went quite smoothly in spite of the stress of being in a country with such surveillance measures.

We also had the opportunity to visit, together with the Salesians, some of the big townships where many South Sudanese live. Because of the unrest in South Sudan, many South Sudanese have gone into exile in Uganda, Kenya but also Sudan, where some 400,000 South Sudanese live. They are mostly Christians. Some are very discouraged about the situation in their country, so they want to stay in Sudan. Back in 2011, after the independence, the UN tried to take them back to South Sudan, but the instability made it difficult for them to take this decision. Even if many are exploited in Sudan, they still hope to make a living in Khartoum, which is more stable than South Sudan. (Ibid.)

When asked about the reasons why young people leave their country, and if the journey and the risks they take are worth it, Brother Luc makes these observations:

I think there is a combination of circumstances which push people to leave: the hopelessness of their lives, the difficulty to find a job and make a living, and there is also a big part of dreaming of a better life. To some extent, they could also be pushed by their families and communities. I understand that buying a trip to Libya is not too complicated. One makes a booking, the driver takes you on a truck. They know the route very well, and they are coordinated with the security officers, who get part of the money. Of course, there are stories of personal persecution as well. People spend time in Khartoum until they get money to go to Libya, this can cost around 2,000 USD. Once in Libya, they work for one year until they get around 1,000 to cross by boat to Italy. People also come to Khartoum from Eritrea. They can plan their journeys from there. I think this can also create expectations for the relatives who stay, since they are in close contact with their families thanks to WhatsApp and other networks. Is all this worthwhile? Things might be tough here in Europe when they arrive, but still there are surely more opportunities than in their countries. (Ibid.)

Brother Luc is one of the many brothers of Taizé who have chosen to live in small fraternities in developing countries. These fraternities exist in Senegal, Bangladesh, Brazil, and other places. Brother Luc was part of the fraternity of Kenya, where he lived in one of the slums in Nairobi. He shares his experience:

I am on the other side, I strive to help young people find meaning to their lives here and now. Even if they live in a slum in Nairobi, they deserve the good news, what Christ brings to them. Of course, they need job opportunities, education and so on, but they should not be delayed in a relationship with Christ who has something to tell them here and now. The quality of life in a huge slum in Nairobi is difficult, there is alcohol and drugs, but it is not so bad: there is community life, solidarity among people too. People send their children to school, and some have jobs. (Ibid.)



*The brothers of Taizé with a young man from South Africa during a Thursday meditation at the Church of the Reconciliation, Taizé.
(Valcárcel, 2018)*

5. Muslim refugees in a Christian monastery

The refugees who arrived in 2015 and 2016 were mostly from Darfur (Sudan), and some from Afghanistan or Eritrea. Most of the Sudanese young men fled from recruitment by the Janjaweed militia. In Darfur, this militia would kidnap young men, and enslave them. They would take them to Libya or turn them into child soldiers. When the Janjaweed arrived in their villages, they ran away with the few things they could carry.

What can a person take with him if he has five to ten minutes to flee? Most of these young men took with them only a few essential things: A mobile phone, which is their life-saving connection to their past but also to their future, it is an object which brings normality, almost every person has one; it is a symbol of hope. Some showed us a plastic bag, totally hermetic, where they put their mobile phone when they travelled by boat, so the phone and the charger would not get wet. (Hardi, 2018)

All of the refugees except a couple of them are of Muslim background. They initially feared that people who welcomed them in Taizé would try to convert them to Christianity. But a little 'mosque', a prayer room with the Qur'an and a carpet facing Mecca, had been prepared for them. From that moment, there was never a problem regarding their different beliefs, but rather they all viewed this as an opportunity for growth, and to understand what to expect from each other.

One of the refugees from Darfur, says:

In the group that arrived from Calais we are all Muslims, and we had no problem to be welcomed by a Christian community. We were given a room for our prayer and we were respected. Sometimes we have gone to the church to see how you pray, sometimes brothers have accompanied us to the mosque. We live together in peace.

We found a great family. One of the brothers is for us like an older brother, we have a mom and uncle in a village family. And each of us is accompanied by a local family. Once a week I go to Cluny to share a meal with my adopted family, and I thank them for giving me so much help.

Most of all, we have already received a positive response to our request for asylum. I received refugee status before the summer and so I worked three months in the summer in an agricultural cooperative. This allowed me to put some money aside so I can now study. (Taizé, 2016)

This is a mutual learning for all in the community, as Orsi Hardi explains:

We actually learn from one another, and we also know what to expect and where the limits are. Right after their arrival we contacted an Imam friend from Mâcon, a town nearby. He and his local Muslim community welcomed our friends. This collaboration opened new horizons for all of us. Refugees often say: 'God is good', but sometimes they also say that God can turn good things into bad things. We tell them that God does not punish, that God can turn bad things into good things. (Hardi, 2016)

The biggest fear the refugees in Taizé had was that people would be afraid of them. They kept repeating: "We are Muslims, we seek peace, terrorism is not Islam." After the murder of the 86-year-old priest, Father Jacques Hamel, refugees were sharing this tragedy with the community. The next day, Imam one of the refugees from Darfur, spoke in the church of Taizé in front of two thousand young people:

I am 27 and I come from Darfur, Sudan. At home there has been an armed conflict since 2003, which continues to cause many victims. I saw my grandfather killed, and my older brother. During a rebel attack, my father and five of my sisters disappeared. With my mother, I was able to run away to a refugee camp. In 2013 the rebels looked for me and I had to leave for Libya. I tried to settle there, but life was impossible. So last year, I took a boat and came to Europe. I crossed Italy, went through Calais, and I was welcomed at Taizé.

In Europe many people are afraid of the refugees. Sometimes for economic reasons, sometimes because of fears that terrorists are hiding among them. I too am afraid of terrorists; I suffered a lot because of the violence in my country. But as a Muslim, I believe we must build peace. The prophet asks us to be merciful to the world; he sends us to live together and not to kill people. That is not religion! In Sudan I did not know any Christians. But at Taizé, a Christian community has made me feel very welcome. I see that we pray in different ways, but all of us believe that God wants peace. I trust that we can live together in peace and thus give a message to the world. The world needs our witness. (Taizé, 2016)

The community of Taizé invites the Muslim community to their big feasts, and vice versa.

What we realise is that sharing meals is the best way to be united. When we understand we cannot go further, we have supper together. We speak a lot about our faith, we have so many common stories, for example the story of Joseph and his brothers. They love Mary, as we do so. We try to find what unites us, rather than the elements of division. In Ramadan, we fasted once a week as a gesture of solidarity. Many laughed at us. We try to do gestures which are shareable. (Hardi, 2018)

A real friendship can be built. Initially, refugees see the brothers as someone who has helped, so it is a disproportionate friendship. But with time, this is diluted. With the refugees from Rwanda who arrived in Taizé in 1995, there is a real friendship. There is gratefulness, but also friendship. The same has happened with the Sudanese, Afghan and Eritrean refugees who arrived in 2015 and 2016.

If any of us is sick, they will come to visit us. When someone in the village or the surrounding villages die, they are always present. Participating in the funerals is very important for them, even if they did not know the person so well. Their presence is a sincere one, and they have feelings of genuine solidarity with the families. I believe that people who open their hearts and homes to refugees or any people in need are saving humanity. (Hardi, 2018)

As Brother David explains, when the first group of refugees, having been granted refugee status, received their official aid of 300 euros per month, the first thing they did with that money was not to send it to their families or spend it on themselves. Rather, they prepared a meal for all the villagers who had helped them.

They valued what they had received. I think it is very important to let them give back, because that is where the dignity of the person is built. The attitude of hospitality and welcome also implies to offer the possibility to give. (Brother David, 2017)

This is corroborated by other brothers in the community who accompany the refugees and see that they do not care much about money. The reason for their migration was not economic, it was a fear for their lives. All they want is to live, and to live a normal, safe life.

For our monastic community, being close to them brings us closer to humanity, a humanity that fights, struggles and suffers. They help us to be a bit in Sudan, in Eritrea, in Afghanistan or in Syria, even if we are in this little corner of France. (Brother David, 2017)

According to the brothers, the encounter and the friendship with refugees allow them to recognise the beauty of the human heart. Welcoming them means openness to a new reality. The humanity they see in them is also a great teaching. Despite the difficulties they have gone through and the challenges they still face, including the language barrier and cultural adaptation, they have the capacity to enjoy life. They like to celebrate. They also have the capacity to distance themselves from things, and to overcome difficulties.

Brother Marek tells us that although we are all aware of what happens to the refugees through the media, having a direct contact with them changes the whole perspective:

Welcoming refugees here in Taizé means openness. It humanises our lives and makes us closer to their day-to-day reality. It opens human beings to mercy and compassion. These are not just words, but compassion becomes an impulse to change something deeper in our mentalities. Mercy becomes a real word, not a pious idea. Through this direct experience of encounter, with persons who are in need of everything, the Gospel becomes real and touches us deep in our hearts. Mercy is the call of the Gospel: Giving one's life.

What I discover of this call to be with the refugees is that the Gospel is not a nice idea, but something that Christ offers us to create something new, a new world. It is not an ideology either, it is life. These young people have life, they have actually nothing else but their lives. They arrived here with only their plastic bags. The journey by sea had taken everything from them, they reached the shores of Italy almost naked. But they have kept the treasure of life. And we discover the value of life, the beauty of human life through them and with them.

Refugees remind us of the beauty of the human heart, which God has created. And God cannot fail. With the Sudanese from Darfur that I accompany, I also discover beauty. They have been brought up in a beautiful culture. Their villages in Darfur, as I see from the photographs they have, are very beautiful and green. It is not a desert, but there are mountains, and lots of fruits. They often say that watermelons are given for free in August. Their lives must have been beautiful before the war.

When we invite them for supper, they are so elegant, and behave so properly. They have a profound respect for older people. Even when they are angry, they get angry with respect. (Brother Marek, 2017)

Surrounded by friendship, these young refugees who have gone through tragic moments in their lives, have experienced a process of healing in Taizé. Such simple human contact with Muslims changes the understanding of those who are close to them: "Among these refugees there are Muslims, and we are deepening our knowledge of their religion. A friendship with them requires us not to confuse an inhuman Islamist ideology and the faith of so many Muslims who want peace," says Brother Alois.

Many of the refugees have been persecuted because of their Muslim faith by Muslims themselves. Brother David explains:

The father of one of our young refugee friends was an Imam in his village in Darfur. Every Friday, he would speak in the mosque about Islam as a religion of peace. He said: 'In Darfur,

there is a conflict between the government and the rebels, but Islam is a religion of peace. One day, the father disappeared. Later, the rebels arrived in the village asking about the son of the Imam, and it was then when our friend fled with very few belongings. He, a Muslim, was persecuted because of his faith in Islam as a religion of peace. (Brother David, 2017)

Brother Alois confirms that ‘they open our eyes to their countries of origin; we feel their pain of having left everything. In our region solidarity is growing. Many people we did not know before come to help us welcome them.’

In Taize, refugees are also able to open themselves to new realities and meet people from all over the world. Ahmed, a refugee from Darfur, is very positive about the experience: “I have been living in Taizé for almost a year now, and I’ve made friends from all over the world. I would tell you not to be afraid to go and meet those who are different from you.”

On the other hand, the presence of the refugees in Taizé with their needs and struggles often shapes the invitation of the community to young people to engage in the drivers forcing them to flee. During a meditation in the Church of Reconciliation of Taizé, Brother Alois, Prior of the community, extended this invitation: “This evening I want to make a simple proposal. Let each one of us make a personal contact with refugees (...) Let us spend time with them, listening to their stories. They come from a different world to ours; they have a different mentality and lifestyle. This can destabilize and even scare us. This is why personal meetings are indispensable.” (Brother Alois, 2016)

And then we understand that God sends us out to others, to those who are different from us, to those who suffer, in order to create friendship and brotherhood. At the same time God opens our eyes to see the structures of injustice and hypocrisy in the world. Brotherhood, to be able to expand, also needs political and economic structures. Locally and internationally we need women and men who have the courage to take this as the compass for their political commitment. (Brother Alois, 2016)

The presence of the refugees is very important for the community as a whole. Not all of the brothers can be directly involved in the accompaniment and service of refugees, but it is a presence that certainly touches each and every member of the community. For Brother David, witnessing the way the refugees lived their religion was an eye-opener:

Discovering the innocence of these persons touches us profoundly, their culture, their mentality, their way of being, in many ways very different from ours. Islam was something known to me, but just in theory. Now I know the personal faith of the refugees, and I learn a lot. I see how they abandon themselves to God. This is not an empty faith, but a very real one, a real conversion. (Brother David, 2017)

Asked about his presence in a Christian community, an Afghani refugee shared the following in a public intervention during the Week on Migration in Taizé, in July 2017:

I am a Muslim, and I live in a Christian community. In my heart I feel very much at home in this Christian community. There is no problem or questioning in being together. We all pray to the same God. I am happy to have stayed in the community of Taizé, and to be a refugee here. It is important for me to be in a place where everyone is welcomed. I feel many welcoming hearts here. This is a community that does not exclude anyone, it is open to all, beyond nationalities or religion. Everything is the same for all. But I hope to be back in my country soon.

My faith has helped me. Sometimes I come to the Church of Taizé in the evenings, or on Sundays for the mass or when there is a special celebration. I like to be together with those who live here, and with those who pray to God, since I think there are no two gods. Daesh and the Taliban have a violent vision; they persecute Christians but also Muslims who have different views of Islam, like us. I pray, and I feel well about the people who pray to the same God.

Refugees have a difficult life. For us all, we would prefer to be at home with our family. It is really difficult to be away. I have not had contact with my family for 13 months. I tried with Facebook and other means, putting my photo so they can see where I am, but still no answer. Last month I went to Lyon to meet the Red Cross, which has the mandate of tracing families of refugees. As soon as I find my family I would like to join them. My hope and dream is to go back to my country and join my family, when the conflict ends. Yes, I do hope to be back soon. (Taizé, 2017)

After his intervention, it was interesting to see how the young people who participated in the meeting reacted. A young German woman asked the Afghan man: “Has your perception of Christians changed since you arrived in Europe?” The man turned the question around and asked her whether her perception of Muslims had changed. Other questions of young people, especially Europeans, were: What does it mean to be welcomed as a Muslim in a Christian monastery? What does it mean for you to have the label of migrant? Do you have contacts with your family? Did you find solidarity on the way, did you make friends on the route with whom you stay in touch? How did your faith help you during these years? Why did you come to France and not stop in Austria? What are your hopes for the future? Did your perception of women change?

The personal encounter and contact with these refugees also profoundly touches the lives and understanding of young volunteers who spend some time in Taizé. A young man from Spain shares his experience:

About Islam, I have learnt that they are very hospitable and, in many ways, theirs is similar to my Andalusian culture. There are things they live in a different way. One day we spoke about jihad, and Said, one of the young Sudanese, who lived in a madrasa for six years, did not understand how people could kill in the name of the Qu’ran. Said knows the Qu’ran by heart without being able to read. He is radical in his way of living faith, but radical in the positive sense.

The most important thing I have learnt from the refugees is to put faces and eyes, not to accept that they are numbers or statistics. Now I can put a face to people who cross the Mediterranean. Knowing the refugees has taught me to better know myself, and to understand my limitations. Now I know that to love is to risk. During the time I was a volunteer with the refugees, the time of silence helped me a lot. Praying three times a day in Taizé was crucial. Tesfay came with us sometimes. I remember the first time he came. He prostrated and said a vocal prayer. The cross also has a new meaning for me now. Contemplating the cross gave me strength to continue my service to refugees. When I see Christ in the cross, I see that person, because his life is a cross. Refugees have helped me grow. They have totally broken the stereotypes I had about their culture. There are many things that I do not understand, but I accept. I can now understand the Samaritan who stopped to help

Yes, being close to the refugees and welcoming them is what really can change the perspective. But if we reject them, then we might feed something that should not grow. We cannot talk

about Christ without referring to welcome. This is what I find more dangerous of a so-called cultural Christianity. In the name of Christianity, some European leaders and people are hiding a culture of hate. And many of the things I hear remind me of what happened last century. (García-Hoces, 2017)

When listening to the stories of these young men, stereotypes often start fading away. Indeed, wrong perceptions have changed in the minds of so many young people who have been in close contact with the refugees in Taizé. Jorge García Hoces has this to say about Islam, and about his own Christian faith:

I have personally grown thanks to my friendship with the refugees. It is very clear to me that they have given me much more than what I have given to them. They have totally broken the stereotypes I had about their culture. Of course, there are things that I do not understand, neither accept, such as their obsession to go to the UK, or the fact of having four wives. My Christian faith has grown by being close to them.

What happens in some neighborhoods in Europe, where there is a strong radicalisation of Islam, clearly needs to be solved. But we must help those who are in need to stand up. Those who do not believe this, and who think, in the name of their Christian values, that Muslims are a threat, I would invite to get closer to them. The question of identity is not a threat. Is Europe going to change? I think it has changed so many times.(Ibid.)



Meeting between young Muslims and Christians. Taizé, July 2018 (Valcárcel, 2018)

Finally, the close contact with refugees offers a different understanding and perspectives of the wider phenomenon of migration, and forces us to assume our own responsibilities in its root causes:

Developed countries should first be more aware that they have a part of responsibility in the wounds of the history which has produced and continues to produce immense migrations, namely from Africa and the Middle East. Today, certain political choices continue to be a source

of instability in these regions. Secondly, countries should go beyond fear towards the migrant, fear of the cultural differences, and start shaping with courage the new face that migration already gives our Western societies. Instead of seeing in the migrant a threat to our wellbeing or to our culture, let us welcome him as a member of the human family. We will discover that, even if the influx of refugees and migrants indeed creates difficulties, it can be an opportunity. Recent studies show the positive impact of the migration phenomenon, for demography and for economic growth. Why do so many speeches highlight the difficulties without showing the positive side of it? Those who knock on the door of developed countries push these countries to be more open in solidarity, giving them a new impetus. (Brother Alois, 2016)



Saturday evening prayer in Taizé (Maciej Bilas/Flickr)

6. Mutual growth in Faith

In Taizé, the ecumenical dialogue between different Christian denominations adopts a form of ‘interdenominational hospitality’ that goes beyond tolerance. Each person’s testimony is seen as different, but also as an enrichment of one’s own perspective. It is precisely this enrichment which led Ricoeur to realize that the encounter with another person can be an opportunity for revelation. The new and different views brought by this encounter, could show hidden sides of a spiritual dimension that in one’s own tradition remained yet unknown (Bengard, 2015).

Surely this can be extrapolated to what we could call an ‘interfaith hospitality.’ As Hassan, a refugee from Darfur, puts it:

I had never met Christians, I only knew what the Qur’an says. In the Qur’an we read that there are different paths to God and that we must live together in peace with people of other religions. At Taizé I concretely live and I see that this is very easy. We know that in all religions there may be terrorists. Today there are people who use Islam as a pretext for war. In fact, they distort our religion. Islam, like Christianity, is a religion of peace.

Amongst refugees themselves there are also different religious backgrounds. A refugee from Iraq living in Taizé explains why they fled their country, paradoxically fleeing for the same reasons as other refugees in Taizé:

I live in Ameugny with my husband and our two boys, 9 and 6 years old. We are Iraqi Christians of the Syriac Orthodox Church. We lived in a small town with a large Christian majority in the Nineveh Plain near Mosul.

In June 2014 the Islamic State took Mosul. Then in early August the Islamic State attacked the Kurdish peshmerga who still defended our town. On August 5, in the night, we had to leave our house and all our property. We fled with all the inhabitants of our town to Erbil in Iraqi Kurdistan. At first, we slept on the floor, then we received a tent, then a caravan to share with another family. Then in November, we were able to live in an apartment with three rooms that we shared with two other families. We depended on aid from NGOs and churches for everything. We could not find a job. Life was very difficult, no school for the children, no prospects for the future, and we were always afraid of being forced to flee further.

This is how the idea of leaving Iraq was imposed on us. In January 2015, we contacted a refugee friend in France. It was she who sent our file to the Taizé Community through an association in Paris. (Taizé, 2016)

The encounter with refugees has also changed the faith perspective of young volunteers in Taizé. Refugees share openly about their faith, and find they have many stories in common with Christians, such as the story of Joseph and his brothers, or the common love for Mary. In Ramadan, Taizé volunteers fasted once a week, as a gesture of solidarity, and they try to find what unites, rather than elements of division.

A deep humanity, which in many ways has been lost in the West, is brought by the refugees, as explained above, and as attested by their sincere presence at funerals and genuine solidarity with the families who have lost someone, or their habit of visiting anyone who is sick in the village.

Getting to know the refugees has deeply changed me, especially my attitude towards what we see in the news or read in the press. Islam is no longer something theoretical for me, but rather a religion practiced by people of faith. After all the difficulties they have gone through, and the harshness they have experienced, these refugees have a heart bigger than mine. They represent what the human heart should be, and we see a generosity and a goodness in them that all the difficulties in the world have not been able to destroy. Some are more mature, others more adolescent, but they all have so much heart that it is a lesson to me. These young Muslim refugees are part of our family. I know I will stay in touch with some of them, perhaps not with others, but they are all now a part of me. They are not “the Sudanese refugees we helped”, but rather part of my family. (Brother David, 2017)

Brother Marek shares:

I believe we should help people to reach out to refugees. This is my own experience, I am now in a retired period of my life, and as many Europeans, I cannot imagine the end of my life sitting down in an arm chair watching TV or reading the newspapers. At my age, being close to refugees has changed my life.

How can we help people who have a long experience and great capacities, to find a meaning and give back to people in need? There are many people who were psychologists or doctors, who could do something for free. And this changes totally the perspective of life.

I give my time to refugees as my own choice. I think that to volunteer and offer time freely is something which helps lives blossom. It is trust that changes everything, the fact of being with the refugees freely. I think they perceive this quite clearly. It is as if we participate in a mutual re-birth. I like a lot to see them in the kitchen, when they work together and prepare supper. Each of them does something, one cuts onions, the other prepares the chicken. This leads us to have trust that maybe they will be able to build something together. They are in solidarity with one another, but they can also be individualistic, maybe because they are survivors. (Brother Marek, 2017)

Growth in faith is something common to all those who have been involved in the accompaniment of refugees. This accompaniment also meant to challenge them in certain behaviours or attitudes. Young Spanish volunteer Jorge García-Hoces, shares his experience:

There were things that our refugee friends did not like. They showed us to never hide who you are. A mistake I see in the welcoming of refugees is to hide the religious identity, for example, not to show that you are Christian if the other person is a Muslim. If you normally bless the table before eating supper, it is important to do it with them. There is no need to change. If you hide your identity in order to become more welcoming, what you are doing is not natural. Being natural and being one self is very important, even if you are angry or lose your temper.

The refugees we accompanied were not used to speaking a lot. Sometimes we had to force them a bit to speak and to share through dialogue. I think in their culture it is normal to be angry and then silent, and we had to learn this. We learnt through observation.

After a week of silence, I asked myself: 'Have I been able to do more?'. Refugees showed me that I had given what they needed, even if I was not aware of it. Maybe we are not really aware of the impact of our actions, I let it flow, and I put myself in their situation. Sometimes I felt I was one of the refugees. Their problems were my problems. I got angry and laughed just as they did, since we lived in the same house. But deep in my heart, I knew I would continue with my life.

Giving oneself is a risk because I didn't know what that would mean for me. One needs to be balanced from a mental health point of view. In order to give, you need an inner balance. Living with them 24h could be tough, and I needed to have a clear idea of why I was there. It is important to understand that it is for fundamental love, not because of an ideology, or a lack of ideology.

What has really changed me are the images I have of them when I think of them. There are faces, eyes. When I look at them I know they do not want to be like this (García-Hoces, 2017).

Listening to all these testimonies, I agree with John Sentamu, Archbishop of York that migration has always happened, it is not a new phenomenon, and "The sanctuary that God provides requires people like you and me, your call and mine is to provide sanctuary. You ought to be a place of sanctuary." (Sentamu, 2017)

Asked about the impact the welcome and protection of the refugees has in the monastic community, Brother David shares:

What we live in Taizé is very specific, an experience in a little village where we have decided to welcome refugees. We need to be open to all – the homeless, people with a disability, children –

and have no fear of encountering the other even if there are differences, because precisely that is an opportunity to grow. When we are closed in ourselves, we become isolated. We understand identity based on what we believe we are but if we are not open, we have no roots, we are protected in a space where we cannot bear fruit. It is in the contact with the other, where we can all be what we really are. It is not because we host refugees that we are better or worse, but what really happens is that we become stronger because we root ourselves in what we really are. To get to know the faith of the other leads us to better understand our own faith. The doubts that arise in the encounter with the other can question our own faith as well. We mature our faith. If I only had relationship with those who are like me there would be no questioning, no challenges. It would be like a protected plant but a weak plant.

There are many things that our refugee friends do not understand about us, but this is part of the human nature, and we need to accept this with simplicity. To complicate it would be a temptation. Yes, the challenge is to accept what we mutually do not understand of the other with simplicity of heart. (Brother David, 2017)



Roman church of Taizé, XII century. Rebuilt in 2017, partly by Nijaz, a Muslim refugee from Afghanistan who works in a construction company close to Taizé (Valcárcel, 2018)

7. Conclusion: ‘Since you yourselves know the feelings of a stranger’

What could we learn from the experience of Taizé? The following are some reflections regarding good practices in the way the community has protected, and still protects, refugees of all times.

Closeness leads to effective protection

You shall not oppress a stranger, since you yourselves know the feelings of a stranger, for you also were strangers in the land of Egypt (Ex 23:9)

The Exodus verse invites us to understand what it means for us, today, ‘to remember having been a stranger.’ It is not so much about remembering real events. In fact, the big migrations of the first millennium from where we all come are not at all instilled in our collective memory and even less in our individual memory. Not everyone has an experience of being in exile. So, the question is about a symbolic memory through which we internalise the effective condition of being a stranger. It is this symbolic memory that Paul Ricœur strives to re-animate. This anamnestic solidarity, which characterises so well the Jewish identity, is the capacity to memorise the experience of suffering, not necessarily by being directly affected by it.

The closeness to, the non-oppression of the stranger derives from knowing his feelings, from getting to know him, being ready to feel compassion, in its literal meaning of ‘suffering with’ (compator).

Throughout the Bible, we see that God clearly shows compassion to his people, especially those who are facing captivity and danger. God walks with his people. The biblical accounts tell us that God was a light for his people while crossing the desert, the Red Sea, in critical moments of danger.

Compassion and dignity

I don’t have any silver or gold for you. But I’ll give you what I have. In the name of Jesus Christ the Nazarene, get up and walk! (Acts 3:6)

Compassion is not about feeling pity for the refugee person. Refugees often say that the worst feeling is to be perceived as a victim, as a person who produces pity in the other. Compassion is about deciding to suffer with them, to share their experience, while working for their dignity: “get up and walk!”

The man who was lame from birth and had been carried to the temple gate is like the refugee today. Everybody passed by and no one saw him. When Peter arrived with John, they looked at him and they stopped. “Peter looked straight at him, as did John. Then Peter said, ‘Look at us!’” The simple fact that they had eye contact made it impossible for them to continue on their way. Once we stop, then the rest happens, as if it were a chain of actions. The personal encounter, recognising that man as a human being, not as a beggar, is what made him start existing in the eyes of the apostles.

Suffering with

Rejoice with those who are joyful, cry with those who cry (Rm 12:5)

Through active and concrete compassion, Taizé is a community that has decided to suffer with, and to experience the struggles of refugees. This does not mean to suffer what they have suffered – their life experience in their countries of origin, during their harsh journeys, and the hostility found upon arrival are very distant from what one could ever imagine. But in a way, by being close to them, the community shares their suffering.

Clarity of purpose

Why is the Community of Taizé doing this? One of the brothers comments:

If we are asked why we are hosting refugees I would say it is because the need of the moment, the urgency to do it. In front of the suffering of people we cannot do otherwise. I remember when I accompanied Brother Roger in 1971 to Hong Kong, after this we visited a refugee camp in Bangkok. We offered to host Vietnamese widows and their children because we simply saw there was a big need. It wasn't the fruit of reflection but rather a reaction to an emergency. (Brother Charles-Eugène, 2018)

To be as close as possible to the refugees has been a decision that not only springs from the desire to help but also because it is part of the vocation of Taizé since its very beginnings: to be a sanctuary for people who flee in search of safety. By being a sanctuary, Taizé not only accompanies people but undertakes the very technical work of protection, by supporting them closely throughout the process of refugee status determination. By doing this, the community keeps refugees from deportation, and from the risk of falling in an undocumented status which could lead to detention or destitution, as happens to too many people today.

In our relationship with the refugees, we often feel we can fall in a condescending attitude, as if we were helping others. We often say 'we welcome, we open our doors, we do it for them'. But in doing so, we create a vertical relationship. And we often get frustrated with all the difficulties. Even if we know we offer our time and energy for free we feel this tension.

What is a certainty for me is that we are doing the right thing in a world that is suffering historical injustice, and that, in a way, by doing this we are contributing to balance out humanity. Yes, I believe that doing the right thing counterbalances inhumanity and injustice. I do care about the individual refugees we host here, but what pushes me to do all this is the need to counterbalance injustice and inhumanity at this historical time. It could be that tomorrow we are called to welcome other people and not refugees. What is clear is that we need to respond without asking too many questions. (Hardi, 2018)

The Community often uses the term "provisional" to talk about itself. There is also an existential similarity between those on the move and those who understand what being a Christian is, since we are all strangers, pilgrims in a land that is not ours:

The many people who arrive create insecurity in us; this fear is understandable. We want to resist fear, but that does not mean that it has to paralyse us. We must not allow the rejection of foreigners to enter our mentalities, because refusing others is the seed of barbarity. As Christians, we should remember that we are all strangers on earth ourselves.

These are words of the Bible: we are strangers on the earth. We are pilgrims on this wonderful planet (see Hebrews 11:13), we have no home here forever, we are heading towards our homeland in heaven. (Brother Alois, 2018)

Autonomy and self-reliance

Not everything in the experience of Taizé has been positive. There is a need to stop and reflect about practices that might have been better done differently. For example, it might have been good to be clear from the beginning about the community's values and standards in certain aspects, especially regarding the use of alcohol or the way women are treated. Refugees might be invited to stay for a limited period

of time, but not forever. All this would encourage their autonomy. But it is easy to judge from the outside. The reality of people coming from a radically different country into a little village of Burgundy needs a deeper understanding. It is difficult for most refugees to find a community life, a life where they can socialise, meet friends, build relationships, and ultimately form a family. One of the brothers comments on this:

When we welcomed the Vietnamese families, we thought that keeping them here in Taizé and the surroundings would be better for them, because they were widows who came alone with their children. In recent years though, we have seen that it is better to help refugees for a while and promote their autonomy. It is important that they feel they have a family here, that we are their family, but they also need to move on. We cannot keep them in dependency. (Brother Charles-Eugène, 2018)

A parable for those who follow Christ: To welcome, protect, promote and integrate

In everything do to others as you would have them do to you; for this is the law and the prophets. (Matthew 7,12)

In my view, what Taizé represents in the wider Church today, in the community of Christians, is what T.S. Eliot would call the cultural continuity and the importance for Western civilisation to maintain certain forms. The monastic tradition, with Saint Benedict as a major figure, was not only a reference for religious belief, but the forefront of a unique way of being, believing and acting, which would change world history, setting the basis for a more just and free society. I argue that Taizé today, is setting the pillars of a new way of acting and re-imagining a society where refugees and migrants have a place with their full dignity. For, in the words of Pope Paul VI “There is no one who is a stranger to the heart of the Church, no one in whom her ministry has no interest. “ (Pope Paul VI, 1964)

My hope is that Taizé’s way of welcoming migrants and refugees will prove that it is possible to thinking differently in a period of time when fanaticism, populism, intolerance, and prejudice mark the debates on migration in many countries, some under the flag of Christianity.

The monastic culture has built, and continues to build, a better world for millions of people. This is why its survival in this time of confusion is essential, in order to avoid reverting to barbarism. I believe that these monks, together with the lay people who form the community at large, perhaps without being aware of it, keep alive the roots of our civilization just by doing what they do. They protect us from the political and moral disintegration, from the return to a primitive savagery, where some human beings are deemed to be more valuable than others.

Jesus sheds light on the way Christians should approach the ethical and moral question of the stranger, through his message and his life. He himself reveals the attitudes and virtues of heart with which Christians should face the ethical problems of today. The doctrine of St. Augustine of Hippo on understanding the Holy Scriptures in our lives and the way the Old Testament refers to strangers, show the path Christians should follow. With this double criterion of the Biblical vision of the human being, and of the example of Jesus (“What would Jesus do?”), Christians are invited to return to our roots in order to better understand the commandment to love and respect the stranger.

Taizé not only welcomes refugees, but also protects, promotes, and integrates them. These four verbs, which sum up the thoughts of Pope Francis on the best way to respond to migrants and refugees, become a concrete reality in Taizé. This is the model for those who claim to follow Christ. By model I mean to say a good practice that shows others that something which seems difficult or impossible is actually possible.

Nijaz is an example of something we were told was impossible becoming possible. He arrived from Calais together with two other Afghans. All the social workers from Calais and the journalists had told us it was impossible that they could live together with the Sudanese without fighting or even killing each other. When they settled in Taizé, the Sudanese blocked their doors because there were three Afghans in the same house. The first meal we had was very tense and in complete silence. Some days later, two of the three Afghans left, and Nijaz stayed alone with the Sudanese. This gesture was very powerful. They became like brothers. His presence pushed them all to speak French because he couldn't speak Arabic. (Hardi, 2018)

One of the brothers suggests a different word:

Rather than a model I would say Taizé is a parable. Brother Roger used to say that Taizé is a parable of community. We live with the desire of reconciliation, and even if we are a small group this can be possible for a wider group too. The same can be said of our desire to protect refugees.

Brother Roger's heart was very generous, and he had intuitions. Sometimes we didn't know the exact way to respond, but we were very clear and we did know what we would not do. In the Easter of 1971, for example, there were around 7,000 people registered to come to Taizé, but our church at that time could shelter a maximum of 2,000 people. The excluded solution was to tell people not to come. Although this was the logical solution, it didn't even come to the mind of Brother Roger. So we demolished the wall of the church and we widened it. This is a parable, we couldn't say no. (Brother Charles-Eugène, 2018)

A universal model?

Taizé is a good model not only because of the impact its protection has had on the lives of the refugees, and the change produced in the many people who have accompanied them, but also because it entails a risk taken by the entire community. It is not a distant support but a truly involved way of journeying together with the refugees.

If the experience of Taizé is possible at the level of a small village and its surrounding towns, would it not be possible to replicate this model at a wider level? If personal encounters are made possible, fear gives way to fraternity, and this implies putting oneself in the shoes of the other. Fraternity is the only future path towards peace. I believe the parable of Taizé can serve as a universal model of community protection of refugees worldwide.

I argue that this style of community protection could respond to Kant's desire for universalizability, based on the supreme principle of morality, the so-called "categorical imperative": "Act only in accordance with that maxim through which you can at the same time will that it become a universal law." The test of a genuine moral imperative – the test of the moral law – is that it can be universalized, or become a universal law.

Likewise, for Ricœur, the term 'utopia' is expressed by a community in a perspective of hope. It does not attempt to justify the current state of affairs but rather to open a community to consider other ways of existing. Brother Roger could be a 'utopian' in this sense, weighing the signs of the times, and expressing his hope in a very concrete way (Bengard, 2015).

The concrete experience of hospitality and fraternity in Taizé could be a micro-model for a possible and quite different society.

Elargir: Brother Roger's last word

It is very symbolic that Brother Roger's last word before dying was "élargir" (to widen). What does this final word "élargir" mean today? How would have Brother Roger reacted to the arrival of refugees? I asked several people in the Community to imagine what he would have done if confronted with the flow of refugees into Europe these past years, especially from 2015 until today.

Interestingly, all of them interpreted this word as the need to widen protection of people, not only refugees, through community involvement. Brother Charles-Eugène, who was very close to Brother Roger throughout his life, comments:

'Elargir' has become the word for Brother Alois. I think that if Brother Roger had seen the situation of refugees today he would have done the same thing the community is doing today, just as he was deeply moved when he met the boat-people in the seventies. (Brother Charles-Eugène, 2018)

In this same line, during a meditation in the Church of Taizé, after a gathering between young Muslims and Christians, Brother Alois called to widen our horizons:

All of us need a sense of belonging, to feel part of a family, a group, a country. At the same time, there is a need in us to be open to new horizons. Our identity is impoverished when we draw a circle that encloses us. (Brother Alois, 2018)

Asked about openness to dialogue with other religions, and what Brother Roger would have done in this historical moment, Brother Charles-Eugène shares this:

The area of inter-religious dialogue at the time of Brother Roger was important but not as important as it is today. He was very open and eager to broaden this dialogue. He once even suggested to build a little mosque in Taizé. But today, in France and the rest of Europe, young people have Muslim friends, they all have questions. We are in another historical period and this is part of the 'elargissement'. Brother Alois has understood this very well. (Brother Charles-Eugène, 2018)

Brother Luc shares what he thinks Brother Roger would have done today:

For Brother Roger, refugees and people in need of safety were always part of his life, since the beginning of our community, when he hosted the refugees from the war around 1940, then the prisoners and the orphans after the war, and later on the Spanish and Portuguese families, the Vietnamese, Rwandan, Bosnian refugees and so on. So there was constantly room for others. With the new refugees in Europe the scale is different and it raises questions. There is an emergency calling us to help these refugees dying at sea, it is important to ask ourselves: 'In front of this emergency, what did I do? Where was I?'

Brother Roger would also look for ways to journey with young people on the other side, in their countries of origin, inviting us to try to live out a real fraternity, to be one family with young people from other settings in Africa, Asia, or America. Part of our spirituality in Taizé is to live cross-borders, to experience at least a little sign of fraternity in a very different cultural setting. (Brother Luc, 2018)

Orsi Hardi, who knew Brother Roger well since her early years in Taizé, shares the following:

When Brother Roger said this final word ‘élargir’ there were so many questions about what that word could mean at that moment. The community then witnessed the movements of refugees into Europe, and to me this was the meaning of the desire to widen.

Without presuming to know exactly, I do think that Brother Roger would not have hesitated to welcome the refugees, even those who came in the second group, in 2016, and who had stayed longer in Calais and for this reason were damaged. We needed to open our doors to Muslim refugees, not just for a week, as we do with the young people who come as pilgrims to Taizé. I also think that he would never say to anyone ‘go away’ even if he or she had done something wrong.

What was also very positive was that Brother Alois saw things very clearly, and he understood that the presence of the refugees in Taizé was a heritage of Brother Roger. This pushed all of the brothers too. In this sense, when I witness what happened in Taizé, I see that the responsibility of church leaders is huge. We are so grateful that Brother Alois could be so clear in setting the example himself through a very personal involvement, such as his trip to Sudan and South Sudan to visit the relatives of the refugees.

This welcome is something that really pushes us to widen our community and our hearts, it really goes beyond a simple welcome. I believe that in his absence, Brother Roger was the one who made all these things possible. (Hardi, 2018)

During the year 2019, the word ‘élargir’ continued to be implemented in Taizé. Families of Georgia and Yazidis from Iraq, brought to France through the humanitarian corridors, arrived in Taizé.

Brother Alois continues this heritage in joy, simplicity, and mercy:

I keep saying to these young refugees: God sent you to us; it is with great joy that we walk with you. (Brother Alois, 2016)



Overview of landscape in Taizé (Valcárcel, 2018)

CAPITULO DIEZ - CONCLUSIONES Y RECOMENDACIONES

Casi nadie [al final del siglo veinte] se encuentra donde estaba al principio del mismo. Ha sido un periodo extraordinario de movimientos y turbulencias.

Hay tantas heridas que necesitan sanar y cicatrizar que me parece imperativo proclamar que los asuntos relacionados con el asilo son una señal de nuestra civilización moral y espiritual.

Rabbi Hugo Gabriel Gryn, superviviente de Auschwitz, en su última conferencia, 1996

1. CONCLUSIONES

El objetivo general de mi tesis ha sido analizar los actuales problemas estructurales que causan las migraciones forzosas; estudiar cómo la definición de refugiado establecida en la Convención de 1951 sobre Refugiados no ofrece protección a los desplazados forzosos que hoy huyen de sus países por distintas causas a las establecidas en la Convención y defender soluciones sobre cómo ampliar la protección de los refugiados, basadas en el pensamiento social cristiano y, más recientemente, en la doctrina del Papa Francisco. Utilizo el ejemplo específico de la comunidad monástica de Taizé como estudio de caso y modelo de buena práctica de protección comunitaria.

El orden de exposición que he elegido para presentar mis conclusiones está dividido en tres partes. Estas tres partes que expongo a continuación se corresponden con las tres preguntas de investigación. Cada epígrafe es una respuesta a la pregunta, seguida de una breve explicación. Más adelante ofrezco una serie de recomendaciones para la acción.

1. Al analizar la causas de desplazamiento forzoso actual en comparación con la definición de la Convención de Ginebra de 1951 sobre Refugiados, he tratado de contestar a la siguiente pregunta: ¿La “lex lata”, o actual régimen de protección de los refugiados, sigue siendo útil con respecto a su consideración de las causas de persecución y responde a las necesidades generadas por la complejidad y diversidad de las migraciones forzosas contemporáneas?

1.1 Las causas de los movimientos forzosos de población actuales no son las mismas que en 1951. Ello requiere una revisión y actualización de la definición del refugiado, en aras de una respuesta más moderna, acorde con la realidad.

Las causas que ocasionan los movimientos forzosos de población son cada vez más complejas. El impacto del cambio climático en el desplazamiento de la población, o las nuevas formas de violencia que tienen raíz en el narcotráfico, como la persecución causada por las pandillas o maras en algunos países de América Latina, son sólo algunos ejemplos de cómo los refugiados se desplazan por formas distintas de violencia a las que existían en el contexto de posguerra en el que se redactó la Convención de Ginebra sobre los Refugiados, en 1951.

La determinación del estatuto de refugiado se hace cada vez más complicada precisamente por la indefinición de lo que migración forzosa supone en la actualidad y porque no es fácil aplicar

matemáticamente la distinción entre migrante forzoso y voluntario, debido a la complejidad de causas que originan dichos movimientos. Los traficantes de personas en Libia que transportan a jóvenes eritreos que escapan del reclutamiento militar, junto con nigerianos que aspiran a tener mejores oportunidades de acceso al trabajo, no distinguen entre estos dos grupos, creando una inmensa dificultad de gestión a los gobiernos europeos y poniendo en riesgo a personas con una necesidad real de protección internacional.

En 2008 entrevisté en Las Palmas de Gran Canaria a una mujer senegalesa cuyo hijo había muerto tratando de llegar a las Islas Canarias. Siendo consciente de que en Senegal no hay una situación de violencia generalizada ni de persecución, pregunté a la mujer por qué su hijo había salido de Senegal en cayuco. Ella me explicó que los buques coreanos y franceses habían acabado con toda forma de pesca tradicional, que no era sólo el medio de subsistencia de su comunidad, sino que se trataba de su cultura. Su hijo, que era el mayor de la familia y responsable de alimentar a toda la comunidad, se desplazó a los cultivos de cacahuete en el interior del país. Al cabo de un tiempo, los cacahuetes de Senegal dejaron de ser productivos debido al dumping provocado por la importación de cacahuetes americanos. Esta situación le hizo imposible contribuir a la supervivencia de su familia y se vio obligado a buscar otras formas de mantener a su comunidad. Fue entonces cuando decidió ir hacia Europa. ¿Hasta qué punto estamos hablando de una migración voluntaria? De acuerdo con la Convención de Ginebra de 1951, este hombre nunca hubiera obtenido el estatuto de refugiado en Europa ni en otros Estados Parte en la Convención de Ginebra, ni siquiera una protección subsidiaria.

Dos conclusiones: cualquier debate o decisión sobre la gestión de la migración forzosa y sus soluciones ha de estar vinculado a las causas que originan tales movimientos. Defiendo que se necesitan respuestas firmes que conecten de forma directa los flujos migratorios con las causas que los provocan. Los Pactos Globales de Migraciones y Refugiados de 2018 no se han referido lo suficiente a las causas sino más bien a los síntomas, es decir, a la gestión de los flujos migratorios.

Mi segunda conclusión es que muchas de las causas que originan movimientos de población, son en apariencia no forzosas según lo contemplado en la Convención de Ginebra de 1951. Sin embargo, la falta de horizontes para acceder a la educación o al mercado de trabajo provocan que muchas personas, especialmente los jóvenes, se vean obligados a salir de sus países *de facto* de forma forzosa. El éxodo de familias desde Siria durante 2015 y 2016 fue causado no sólo por la guerra sino también por la falta de oportunidades educativas en los países vecinos. Pude corroborar las dificultades de acceso a la educación que los refugiados sirios tienen en Líbano durante mi visita a este país en mayo de 2018, tal y como expongo en el capítulo siete de esta tesis.

Disminuir el flujo de inmigración y el enriquecimiento de los traficantes de seres humanos requiere mucho más que una política de control de fronteras o incluso un aumento de ayuda humanitaria a los países de origen de los migrantes, sobre todo porque el desarrollo inicial de un país hace aumentar la inmigración, al menos hasta que dicho país adquiera un nivel de desarrollo notablemente mejor. El seguimiento de la Agenda 2030 sobre Desarrollo Sostenible, el Acuerdo de París sobre el Cambio Climático de 2015 y el respeto por los compromisos derivados de los Pactos Globales de Migraciones y Refugiados de 2018 son parte de la solución, si se traducen en instrumentos políticos y legales que beneficien a todos, países de origen, tránsito, y países de destino. Por ejemplo, la adopción a finales de 2018 del Programa de Trabajo para la implementación del Acuerdo de París lo hará operativo a partir del 2020.

Defiendo que la Convención de 1951 sobre el Estatuto de Refugiados y los mecanismos internacionales derivados de tal Convención han supuesto la salvación de millones de personas a lo largo de décadas. La definición de refugiado establecida en la Convención de 1951 o “*lex lata*” permanece válida y útil

en lo que se refiere a la necesidad de protección de las personas y a sus consideraciones con respecto a las causas de persecución: por motivos políticos, religiosos, de nacionalidad o etnia, o la pertenencia a un grupo social particular, según lo establecido en el artículo 1a de la Convención de Ginebra. No obstante, la naturaleza de las migraciones, tanto voluntarias como forzosas, ha evolucionado desde la Segunda Guerra Mundial y el subsiguiente desarrollo de la Convención de 1951. Por tanto, aun siendo la Convención el punto de partida irremplazable y la piedra angular de la protección de los refugiados, no da cabida a las demandas de protección generadas por la complejidad y la variedad de las migraciones contemporáneas.

Algunas de las causas no mencionadas en la Convención de Ginebra sí son contempladas por otros mecanismos de protección a escala regional, tales como la Convención de la Organización de la Unidad Africana (OUA) por la que se regulan los aspectos específicos de los Problemas de los Refugiados en África (1969); la Declaración de Cartagena sobre Refugiados (1984); o los mecanismos de Protección Subsidiaria Europea, como la Directiva 2011/95/UE del Parlamento Europeo y del Consejo, de 13 de diciembre de 2011, por la que se establecen normas relativas a los requisitos para el reconocimiento de nacionales de terceros países o apátridas como beneficiarios de protección internacional, a un estatuto uniforme para los refugiados o para las personas con derecho a protección subsidiaria y al contenido de la protección concedida (OJ L 337, 20.12.2011, p. 9–26).

Al no ofrecer una respuesta adecuada al contexto contemporáneo, definiendo que la Convención de Ginebra ha de complementarse con un nuevo Protocolo que garantice la protección internacional a categorías más amplias de migrantes forzosos, los llamados refugiados *de facto*, específicamente las víctimas del cambio climático y las víctimas de la violencia por el narcotráfico.

1.2 Las limitaciones de la presente definición de refugiado de 1951 y el sistema de asilo que se deriva de ésta tiene serias repercusiones en el acceso al derecho de asilo, en los derechos humanos de los refugiados y en la consiguiente falta de protección internacional. Es necesario reorientar la protección internacional al principio de non-refoulement como norma de ius cogens internacional.

La presente definición de refugiado, y la interpretación que se hace de la misma, hoy es limitada ya que no responde a nuevas causas que provocan movimientos de población y por tanto existe un vacío legal. He analizado las serias consecuencias que este vacío legal tiene en los derechos humanos de los refugiados y de las personas que necesitan protección internacional.

El aumento del número de personas que buscan y necesitan protección internacional pero que acaban muriendo en la ruta hacia un lugar seguro nos alertan sobre las limitaciones del presente régimen de protección internacional.

Si partimos de la base de que todo migrante y todo refugiado son seres humanos que merecen el respeto debido a nuestra dignidad humana común, podemos afirmar que esta dignidad está siendo violada en los países de tránsito del Norte de África, en el cruce del Mediterráneo sin encontrar lugares de protección, en los campos de refugiados que están a rebosar en Grecia o en el Triángulo Norte de América Central, entre otros muchos lugares del mundo. La trata de personas ha de entenderse como parte de un sistema que no funciona porque no ofrece opciones legales alternativas de acceso al derecho de asilo.

Hasta ahora, la respuesta gubernamental en los países industrializados ha sido controlar las fronteras y poner fin a las redes de tráfico de seres humanos. Ello no ha incidido en el origen del problema sino que desplaza el problema a otro lugar, y no hace sino empujar a las personas a rutas alternativas más

peligrosas. Por ejemplo, la progresiva externalización de las fronteras a nivel global y más específicamente en la UE, a través de mecanismos de escaso fundamento legal como el acuerdo bilateral entre la UE y Turquía, está diseñada sobre la base de la conveniencia política, y no como respuesta efectiva a las necesidades de protección de las personas. Desplazan así la miseria de los refugiados a otro país, lejos de nuestra vista. Defiendo que existen mecanismos alternativos para dar una respuesta más eficaz que amplíe la protección de los refugiados, que no pasa por trasladar el problema a un punto geográfico más lejano, sino por poner en práctica nuevos mecanismos de acceso legal y seguro al derecho de asilo. Esta es la manera más adecuada para que disminuyan las muertes durante la ruta, ya sea por mar o por tierra. ¿Cómo se podría dar respuesta al presente sistema de protección de los refugiados tan frágil, que deja fuera de la protección a tantas personas por estar anclado en una realidad muy distinta de nuestro mundo contemporáneo?

La Convención de Ginebra define quién es el refugiado (toda persona que posee temores fundados de persecución por razones de raza, religión, nacionalidad, pertenencia a un grupo social determinado o por sus opiniones políticas) y menciona, entre otras, la obligación de no devolverle ni expulsarle al país de persecución, principio de *non-refoulement* contemplado en el artículo 33 de la mencionada Convención. Queda claro que la concesión de asilo conlleva una protección completa y prolongada, mientras que el principio de *non-refoulement* obliga a la protección temporal de la persona perseguida en tanto no se encuentra otro Estado que otorgue el asilo. Esta obligación del Derecho Internacional general comprende también la prohibición de devolver a la persona a un país en el que por “cualesquiera razones” pudiera sufrir tortura, tratos inhumanos o degradantes u otras graves transgresiones de sus derechos humanos fundamentales. Por tanto, la regla general sobre *non-refoulement* comprende una protección más amplia que la contemplada en el artículo 33 de la Convención de Ginebra.

Considero que el “no rechazo en frontera” forman parte de la regla de *non-refoulement*. La práctica emanada de Estados Parte en la Convención de Ginebra y también la de Estados no Parte en la misma, avalan mi tesis sobre la inclusión en la regla general consolidada de la necesidad de no rechazar en frontera al beneficiario de *non-refoulement*. Defiendo que el principio de *non-refoulement* forma parte del *ius cogens* internacional puesto que comprende la defensa de los derechos humanos más básicos – el derecho a la vida y a la libertad –, y por tanto ha de ser considerado como norma general imperativa, primando de modo absoluto y con carácter inderogable incluso en un ordenamiento no regido por el principio de jerarquía normativa.

1.3 Las soluciones que tradicionalmente se han pensado para los refugiados se ven hoy día forzadas por presiones políticas. En consecuencia, en la gran mayoría de los casos no son soluciones sostenibles para aquellos que huyen de sus países.

Con respecto a las soluciones para los refugiados, defiendo la doctrina tradicional sobre la existencia de tres soluciones: repatriación, reasentamiento e integración local. He mostrado a través de un caso concreto –la repatriación de los refugiados afganos desde la Unión Europea– que el número de personas que regresan a sus comunidades de origen ha ido en aumento no porque hayan cesado las causas que les obligaron a salir de su país, sino porque aumentan los mecanismos de devolución o las deportaciones forzadas, que ponen en cuestión el principio doctrinal establecido por el ACNUR de que una repatriación ha de ser voluntaria y en condiciones de seguridad y dignidad.

Argumento que estos retornos no son sostenibles, puesto que las personas deportadas continúan enfrentándose a la inseguridad en Afganistán, un país donde la violencia no ha cesado. De igual manera, los refugiados sirios experimentan presiones para regresar a Siria desde Líbano y, aun cuando la violencia no ha terminado, la comunidad internacional habla sobre la reconstrucción de Siria y la repatriación

de los refugiados. El caso de los refugiados Rohingya de Myanmar es también paradigmático, pues se habla de repatriación desde los campos de refugiados de Bangladesh cuando no se prevé un retorno en condiciones voluntarias y seguras, ni tampoco garantías para que esta minoría étnica pueda acceder a la nacionalidad de su propio país, causa principal de la violencia y el exilio del pueblo Rohingya.

En los próximos años, especialmente en el marco de la implementación del Pacto Global sobre los Refugiados, será de vital importancia observar lo que sucede a las poblaciones retornadas. Esto requerirá una reflexión profunda por parte de todas las partes involucradas en los retornos, especialmente los estados. Defiendo el papel del ACNUR como garante para que la repatriación se base en los pilares de voluntariedad, seguridad y dignidad.

2. En el contexto de los Pactos Globales sobre Refugiados y Migraciones, adoptados a finales de 2018, ¿la doctrina de la Iglesia, especialmente del Papa Francisco, podrían ofrecer las bases para gestionar de un modo más moderno el fenómeno de la migraciones forzosas, y podrían sus recomendaciones traducirse como “lex ferenda” con el fin de ampliar la justicia y la protección a los desplazados forzosos?

2.1 La doctrina de la Iglesia en materia de refugiados, especialmente en lo que se refiere a una más amplia definición de refugiado, puede contribuir a modernizar la gestión de las migraciones forzosas.

En la segunda parte de mi tesis analizo la contribución del pensamiento social cristiano y la enseñanza del Papa Francisco sobre la ampliación de la protección a los refugiados, traducidos de forma concreta en la protección comunitaria que llevan a cabo organizaciones y comunidades cristianas. En particular, propongo la buena práctica de la comunidad ecuménica de Taizé como modelo de acogida, protección, integración y promoción de los refugiados.

A pesar de haberme concentrado en la tradición cristiana, soy consciente de que el cristianismo no monopoliza las respuestas teológicas al fenómeno de los refugiados y desplazados. Otras tradiciones religiosas seculares han formulado sus propios principios estratégicos, como he señalado brevemente con respecto al Islam.

En el capítulo seis he tratado de mostrar que la respuesta al fenómeno de los movimientos forzosos de población no está exento de recursos teológicos, algunos de los cuales se remontan a los orígenes del cristianismo, e incluso al Antiguo Testamento. A lo largo de la historia, también en nuestros días, la falta de apertura a los refugiados y la falta de hospitalidad en algunos sectores cristianos apuntan a un reto: la comprensión teológica por parte de toda comunidad cristiana sobre la justicia hacia los desplazados.

Defiendo que la ética bíblica, la eclesiología de las migraciones, y la doctrina social de la Iglesia son fundamentos sólidos para entender la perspectiva cristiana sobre las migraciones forzosas. Estos tres bloques se basan en la afinidad histórica entre la religión y la experiencia migratoria. El cristianismo reconoce, afirma y promueve los derechos de los refugiados en las normas y valores de este marco teológico. Estos derechos imponen a la Iglesia en su conjunto la obligación de acoger al extranjero y proteger la dignidad de cada ser humano. Por tanto, ser un refugiado no implica una condición social en los márgenes, sino más bien, una condición teológica y ética. La experiencia del desplazamiento forzoso constituye así un aspecto fundamental del discípulo de Cristo. Negarlo o ignorarlo conduce de forma inevitable a una crisis en la credibilidad del testimonio cristiano y debilita la identidad, naturaleza y sentido de la comunidad cristiana.

El sello distintivo de la perspectiva cristiana sobre las migraciones forzosas tiene como paradigma la afirmación de que en todo tiempo y lugar, la persona refugiada o desplazada detenta unos derechos inviolables dotados de dignidad trascendente. Esta afirmación no se basa en una mera especulación: constituye un principio fundamental de la antropología teológica cristiana. Si afirmamos la dignidad y humanidad de los refugiados y migrantes como personas creadas a imagen y semejanza de Dios, toda la perspectiva bíblica y cristiana desafía la conciencia global con respecto al mal que supone la migración forzosa y establece demandas éticas irrefutables de justicia hacia los desplazados.

Sobre esta base se fundamenta toda la teología y sociología del pontificado del Papa Francisco, que afirma que nuestra respuesta conjunta puede articularse en cuatro verbos: acoger, proteger, promover e integrar.

El miedo ha sido la base de muchas decisiones políticas con respecto a los migrantes y refugiados en varias partes del mundo. Pero toda respuesta política derivada del temor no es una buena respuesta puesto que no ataja el problema de raíz. El Papa Francisco no ha tenido reparo a denunciar la realidad a la que se enfrentan los refugiados y las causas que originan los movimientos forzosos de población.

La definición de refugiado establecida por la Iglesia Católica es realista y progresista. Ofrece nuevas formas de entender quién es un refugiado y por qué huye de su país. Puede conducir a una mayor justicia hacia los refugiados y ofrecerles una protección más amplia. Aun reafirmando el valor de la Convención de Ginebra de 1951, defiende que la definición de refugiado establecida en 1992 por la Iglesia Católica puede ser la base para un Protocolo a la Convención que amplíe la definición de refugiado a nuevas formas de violencia. El documento “Everybody’s Challenge”, elaborado en 1992 por el Consejo Pontificio “Cor Unum” y el Consejo Pontificio para la Pastoral de los Migrantes y las Personas Itinerantes, amplía la definición de refugiado más allá de los cinco motivos individualizados de persecución. Se ajusta, por tanto, a la realidad del mundo actual, desarrollando aún más las definiciones de refugiado establecidas en la Convención de la Organización de la Unidad Africana de 1969 y la Declaración de Cartagena de 1984.

El pensamiento social cristiano en materia de refugiados y la subsiguiente doctrina del Papa Francisco pueden ofrecer propuestas de “lex ferenda”, es decir, un marco de protección internacional que el derecho internacional debería contemplar ante las nuevas formas de migraciones forzosas de hoy. Por su perspectiva histórica, su milenaria experiencia vivida junto a los refugiados, y su visión a largo plazo que no mira el efecto inmediato, la Iglesia está cualificada para ofrecer propuestas constructivas y modernas en el marco del sistema legal actual.

2.2 El Papa Francisco contribuye a una mayor comprensión del fenómeno de las migraciones forzosas. A partir de cuatro verbos –acoger, proteger, integrar y promover– vertebra un programa de acción, compartido por gran parte del sector académico, que podría traducirse en “lex ferenda”.

El Papa Francisco es una de las pocas voces públicas que defienden los derechos y la dignidad de los migrantes forzosos. Ha expresado en repetidas ocasiones que los refugiados son una llamada al cambio tanto para los individuos como para las comunidades y una oportunidad para construir una nueva sociedad. Un objetivo de esta tesis ha sido mostrar cómo esta visión, traducida en cuatro verbos –acoger, proteger, integrar y promover– y un programa muy concreto – los Veinte Puntos de Acción desarrollados por la Sección de Migrantes y Refugiados de la Santa Sede en preparación a los Pactos Globales de Migraciones y Refugiados de 2018 (desde ahora, los Veinte Puntos de Acción)–,

pueden contribuir a una mayor y más adecuada protección de los refugiados en el contexto global contemporáneo.

Sobre esta base, mis conclusiones con respecto a las respuestas a través de las cuales la comunidad humanitaria, los estados y las iglesias podrían realizar un cambio sustancial en las vidas y en la protección de los refugiados son cuatro.

En primer lugar, y con respecto a la acogida, defiendo que la cercanía espiritual y psicosocial a la persona refugiada muestra ser tanto un factor de sanación personal como de cohesión social, como expongo en los seis casos de iniciativas comunitarias en Europa.

Segundo, con respecto a la protección, la creación de mecanismos de acceso legal y seguro al asilo será uno de los temas más importantes en la gestión de los refugiados a nivel mundial. Defiendo que los mecanismos de acceso al derecho de asilo expuestos en los Veinte Puntos de Acción, y en particular, la puesta en práctica de corredores humanitarios y de visados humanitarios, son modelos de buenas prácticas que podrían replicarse a escala global. Una gran parte de la comunidad académica defiende la misma visión que el Papa Francisco propone y existe material técnico de suficiente envergadura como para utilizar dichos mecanismos.

Con respecto a la integración, siguiendo la visión del Papa Francisco sobre la identidad y el cambio que todos –migrantes forzosos y personas locales— estamos llamados a experimentar, esta tesis defiende que cada proceso de integración ha de ser bidireccional. Los refugiados deben adaptarse a sus nuevas comunidades, y las comunidades locales han de aceptarlos como miembros de la comunidad, sin segregarlos ni aislarlos. Los medios de comunicación tienen la responsabilidad de ofrecer una narrativa constructiva del refugiado.

Por último, con respecto a la promoción de la persona refugiada, defiendo una oferta consistente y sostenible de servicios educativos para los desplazados forzosos, desde los primeros tiempos del desplazamiento, que actúe como factor de protección y a la vez de una necesaria capacitación de los refugiados a través de la formación de profesores, formación profesional, y preparación post-secundaria en competencias económicas. En aras a facilitar su promoción humana, hemos de pensar en los refugiados en términos de autonomía y empoderamiento, no tanto en términos de ayuda y de necesidad. En el marco de uno de los mayores desafíos de la Agenda 2030 para el Desarrollo Sostenible, la educación, defiendo que a través del acceso al trabajo y a la educación, los refugiados pueden contribuir de forma sostenible al crecimiento y al progreso de sus comunidades.

2.3 Los Pactos Globales de Migraciones y Refugiados: La visión del Papa Francisco puede contribuir positivamente a su seguimiento y puesta en práctica.

El Papa Francisco señala de manera elocuente que en la cuestión de la migración no están en juego sólo números, sino personas con su historia, su cultura, sus aspiraciones y subraya la necesidad que tienen de una protección continua, independientemente del estatus migratorio que tengan.

La Declaración de Nueva York de 2016 y los subsiguientes Pactos Globales de Migraciones y Refugiados de 2018 constituyen una oportunidad para desarrollar un sistema de protección internacional de los refugiados más moderno y eficaz. El Pacto Global sobre Refugiados fue adoptado por 181 países (EE.UU. y Hungría votaron en contra), y el Pacto Global sobre Migraciones fue adoptado por 152 (cinco países votaron en contra: República Checa, Hungría, Israel, Polonia y EE.UU.). Aun no siendo convenios legalmente vinculantes, son denominadores comunes de un marco de cooperación que establece normas

basadas en las políticas y prácticas de sus firmantes, respetando la soberanía nacional de cada Estado. De esta forma, los estados pueden ir más allá del contenido de los Pactos, pero deberían considerarlos como el mínimo de lo que se espera desde un punto de vista normativo. A partir de la adopción de los Pactos, en materia de migraciones los Estados han de situarse dentro de un marco internacional. Ya no pueden considerar las migraciones únicamente desde su propia perspectiva y tampoco pueden ignorar las normas acordadas a nivel mundial con respecto a las políticas de migración. Las contribuciones a presentar en los distintos fora de seguimiento van a hacer de los Pactos unos instrumentos de desarrollo progresivo a través de compromisos voluntarios pero con periódica rendición de cuentas.

En este sentido, defiendo que el sistema de gobernanza global de las migraciones ha de fundamentarse sobre un claro principio: no desvincularse del derecho internacional existente. Ha de basarse en el sólido fundamento del derecho internacional al que se comprometen los estados firmantes, es decir, un derecho vinculante y unas normas imperativas (*hard law*): el Derecho Internacional de los Refugiados, el Derecho Internacional de los Derechos Humanos, el Derecho Humanitario y otras normas de derecho internacional, tales como el Derecho del Mar. Dicho sistema debe también construirse sobre un conjunto de instrumentos de derecho indicativo (*soft law*), que aun no siendo legislación de obligatorio cumplimiento, aspiran a influir en la legislación vinculante indicando mecanismos de aplicación práctica a seguir. Un ejemplo es la Revisión Periódica Universal (UPR en sus siglas en inglés), instrumento a través del cual desde 2005 el Consejo de Derechos Humanos de la ONU examina de forma periódica la acción en materia de derechos humanos de sus 193 Estados Miembros, como complemento al trabajo de otros mecanismos de derechos humanos.

A lo largo de todo el proceso de los Pactos Globales de Migraciones y Refugiados y basado en el derecho internacional arriba mencionado, el programa de gestión de las migraciones del Papa Francisco ha dado claves importantes de acción. Defiendo que los Veinte Puntos de Acción elaborados por la Sección de Migrantes y Refugiados de la Santa Sede, son una base sobre la cual construir un sistema de gestión de los flujos migratorios que sea a la vez realista y humano. Una vez aprobados por el Santo Padre en 2017, los Veinte Puntos de Acción fueron formalmente presentados a las Naciones Unidas como la contribución oficial de la Santa Sede a las negociaciones de los Pactos Globales, y se ofrecieron a los gobiernos e instituciones como consideraciones y pistas concretas. No agotan las enseñanzas de la Iglesia sobre los migrantes y los refugiados, sino que proporcionan consideraciones útiles para el diálogo e incidencia de la sociedad civil, católica o no, con los gobiernos.

Por una parte, el Pacto Global sobre las Migraciones y los Veinte Puntos tienen un enfoque común: la afirmación precisa de un principio y de un objetivo, seguido de varias buenas prácticas y opciones de implementación. El Pacto hace referencia a diez principios interdependientes que son transversales, tales como la centralidad de la persona, la cooperación internacional, la soberanía nacional, el estado de derecho y el debido proceso, el desarrollo sostenible, los derechos humanos, o el respeto al género y a la infancia. Tanto la estructura como las disposiciones de su texto se correlacionan positivamente con el enfoque y las propuestas de los Veinte Puntos. De hecho, muchos de estos principios son muy similares a los establecidos en los Veinte Puntos – al menos 15 de los 20 puntos se reflejan en el Pacto. La mayor parte del Pacto consiste en un ‘marco cooperativo’ compuesto por 23 objetivos, cada uno con un compromiso asociado y un conjunto de opciones de políticas y buenas prácticas.

Con respecto al Pacto Global sobre Refugiados, uno de sus principios fundamentales es el del reparto de responsabilidad hacia los refugiados entre los distintos actores, entre los cuales se encuentran las organizaciones internacionales e intergubernamentales; las instituciones financieras internacionales y regionales; las organizaciones regionales; las autoridades locales; la sociedad civil (incluidas las organizaciones confesionales); el sector académico y el privado; los medios de comunicación; las comunidades de acogida y los mismos refugiados. Otro de los principios guía del Pacto Global sobre

Refugiados es la distribución equitativa en aras a proporcionar a los refugiados soluciones sostenibles: las tradicionales –repatriación, reasentamiento e integración local–y también soluciones nuevas. Defiendo que la mejor solución es la repatriación voluntaria, que conlleva el esfuerzo y el compromiso de los estados a reforzar las condiciones para un retorno seguro y digno de los refugiados a sus países de origen. Este, precisamente, será un tema que habrán de tener en cuenta los mecanismos de seguimiento y evaluación del Pacto Global sobre Refugiados para que las condiciones de retorno y post-retorno de los refugiados a sus países de origen no sean prematuras y se adecúen al principio de *non-refoulement*.

Defiendo la tesis del Papa Francisco y su programa de los Veinte Puntos de Acción que pone el foco en el reconocimiento de los derechos de los refugiados y migrantes y de su capacidad de contribuir con sus habilidades y conocimientos a la sociedad que les acoge. Considero que no tendríamos que preguntarnos tanto si un niño es migrante, refugiado, o si tiene documentación. En el interés superior del menor como norma de *ius cogens*, tendríamos que cuestionar más bien si ese niño puede ir a la escuela, si tiene padres, si sus padres tienen capacidades y cómo pueden contribuir a la sociedad. En esta línea defiendo que, tal y como nuestra comprensión sobre la pobreza ha evolucionado gracias a pensadores como Amartya Sen, las migraciones deberían entenderse en términos de desigualdad y de desarrollo humano. En este sentido, ambos Pactos fomentan el refuerzo de la protección para los migrantes y refugiados independientemente de su estatus migratorio y protegen sus derechos humanos, especialmente los de los niños y las personas en situación vulnerable, incluido su derecho a no ser detenidos y a encontrar alternativas a la detención, y subrayan la importancia de la reunificación familiar. Defiendo la unidad de la familia como uno de los criterios principales para el bienestar de la persona migrante.

Los Pactos deben estar inspirados por la humanidad, la visión de futuro y la valentía. Defiendo que los Pactos Globales, en la medida en que se pongan en práctica, beneficiarán directamente a los estados, reducirán la migración irregular y abordarán sus consecuencias negativas. Aspiro a que la protección de los migrantes y refugiados, tanto regulares como irregulares, se haga realidad con la concreción de los principios, objetivos, y buenas prácticas establecidos en los Pactos, cuya implementación promoverá una mejor colaboración entre los países para hacer que la migración sea menos peligrosa, más segura, más beneficiosa y menos costosa para aquellos que migran y para las comunidades que los reciben.

3. ¿Existen modelos de protección desde una perspectiva comunitaria que pudieran traducir en la práctica la visión del Papa Francisco? Enraizadas en la tradición de su fe, ¿podrían las comunidades cristianas contribuir a una mayor protección comunitaria y a una narrativa constructiva de las migraciones?

3.1 Existen modelos de protección comunitaria que traducen en la práctica la visión programática del Papa Francisco ofreciendo una mayor y eficaz protección a los desplazados forzosos.

El aumento exponencial de flujos mixtos de migrantes y refugiados, junto con la necesidad de proteger a personas cuyas características de persecución van más allá de la Convención de Refugiados de 1951, demandan una respuesta contundente por parte de los gobiernos y de la sociedad civil, incluidas las organizaciones religiosas.

El fracaso de las políticas actuales de protección de refugiados no deriva de una falta de ideas, sino de una falta de propósito: hace veinte años, Europa era mucho más fuerte desde un punto de vista geopolítico y económico, y pudo afrontar el flujo de refugiados tras el colapso de la Unión Soviética y de la antigua Yugoslavia. Hoy, Europa parece cansada y confusa. Mi conclusión es que el régimen internacional de protección de los refugiados ha de ser reforzado, sus bases reafirmadas y sus prácticas y principios deben adaptarse a las nuevas realidades de este momento histórico. Nunca ha sido tan

esencial proporcionar apoyo a los estados para que garanticen el derecho de solicitar asilo. En este escenario, defiende que las organizaciones religiosas pueden actuar aportando innovación basada en su experiencia, y mostrar que es posible poner en práctica proyectos y políticas alternativas que protejan a los refugiados.

El trabajo colaborativo entre entidades estatales e iniciativas comunitarias es fundamental para una mayor eficacia a la hora de proteger al refugiado. He tratado de mostrar la importancia que las iniciativas comunitarias de protección tienen a la hora de acoger, proteger e integrar a los refugiados y los límites de una protección meramente estatal.

Enraizadas en la tradición de su fe secular, argumento cómo, de una forma muy pragmática, muchas comunidades cristianas contribuyen a una narrativa de las migraciones basada en la centralidad de los derechos de la persona. La cercanía y el conocimiento de las historias individuales contribuyen a que las comunidades ofrezcan una protección más efectiva de los solicitantes de asilo y los refugiados. He argumentado esto explicando distintos modelos de protección comunitaria, que al acoger y acompañar de cerca a los refugiados, les ofrecen una protección efectiva.

La teología del Papa Francisco se refleja en la práctica en el trabajo de comunidades religiosas y laicas, que de forma concreta dan vida a los cuatro verbos que resumen un programa de acción. Mi conclusión es que la protección comunitaria promueve encuentros entre personas locales y migrantes forzosos, lo que considero clave para no sólo transformar percepciones erróneas sobre los migrantes sino la base de respuestas eficaces. Iniciativas a pequeña escala, enraizadas en lo local, no solo cambian la manera de entenderse mutuamente, sino también el modo en que interactúan la sociedad civil y las administraciones. De hecho, muchas de las iniciativas que se desarrollan a partir de estos encuentros constituyen verdaderos modelos de colaboración entre ciudadanos y autoridades locales. Los mejores resultados para promover la integración de los migrantes forzosos y de los refugiados se consiguen cuando las autoridades administrativas y la sociedad civil trabajan juntos para construir sociedades inclusivas en las que cada persona es valorada. Prácticas de protección comunitaria tan antiguas como el “santuario” pueden funcionar hoy. En los últimos años, este movimiento ha crecido por varias regiones de Europa. Los activistas contemporáneos del “santuario” se enraízan en tradiciones religiosas antiguas basadas en la protección y fundadas en la empatía y en la solidaridad.

Siempre que se guíen bajo el principio humanitario de imparcialidad, las organizaciones religiosas pueden jugar un papel importante en la protección de los migrantes y refugiados a través de la educación, la formación profesional, el acceso al mercado de trabajo o de programas de salud mental.

3.2 La comunidad ecuménica de Taizé traduce la visión del Papa Francisco en materia de migraciones forzosas: acoger, proteger, integrar y promover a los refugiados.

Defiendo que la comunidad monástica de Taizé, en Borgoña, Francia, traduce de forma concreta la visión del Papa Francisco, resumida en los cuatro verbos “acoger, proteger, integrar y promover”. Tras entrevistar y estudiar la situación de las personas refugiadas protegidas por la Comunidad de Taizé, mi conclusión es que esta comunidad puede considerarse como un modelo de buena práctica de protección comunitaria.

Los motivos son tres: en primer lugar, la acogida y la cercanía entre la comunidad y los refugiados se ha basado en el principio de vulnerabilidad y la necesidad de asilo, y no en su origen religioso. Ello ha dado lugar a una confianza que ha hecho posible que los solicitantes de asilo contaran con gran detalle los motivos de su persecución, ya fuera en Darfur, Eritrea o Afganistán. Las alegaciones que se presentaron a la Oficina Francesa de Protección de las Personas Refugiadas y Apátridas (OFPRA) desde 2016 hasta

hoy, han sido sumamente precisas gracias a los estudios cartográficos realizados por la comunidad y a que los solicitantes de asilo ofrecieran datos geográficos y temporales de su persecución muy detallados, fruto de la confianza establecida entre ellos y los miembros de la comunidad. El resultado hasta la fecha es que todas las personas acogidas en la comunidad, excepto un caso, han obtenido el estatuto de refugiado o la protección subsidiaria.

En segundo lugar, la comunidad ecuménica de Taizé ha hecho posible la creación de una red de protección e integración a iniciativa de la población local. Esta red incluye no sólo a los habitantes del pueblo de Taizé sino de los pueblos de alrededor, lo cual ha facilitado que los refugiados se beneficien de la protección comunitaria que defiendo en esta tesis, y que, a pesar de la dificultad que conlleva un proceso de integración, encuentren paulatinamente un lugar, un empleo, y una acogida en la sociedad local.

En tercer lugar, la colaboración entre la comunidad de Taizé y las instituciones oficiales, tanto locales como nacionales, ha hecho posible un resultado positivo: una mayor protección de los refugiados, no sólo a nivel legal con la obtención del estatuto de refugiado, sino a una red de protección efectiva en su día a día. De manera específica, concluyo que la OFPRA es un buen modelo de protección oficial por la profesionalidad y número de sus funcionarios, especializados en zonas geográficas muy concretas. Aun viéndose limitada por la propia definición de refugiado, y por las directrices del proceso de determinación del estatuto de refugiado que ha de seguir, esta Oficina también es pionera en desarrollar mecanismos de identificación de posibles refugiados fuera de las fronteras, tal como se llevó a cabo en Chad y Níger durante 2017 y 2018.

En conclusión, la comunidad de Taizé constituye un modelo de protección comunitaria que aúna un seguimiento cercano y efectivo de los solicitantes y de las solicitudes de asilo, construye una red de apoyo a nivel local que acoge y protege a los refugiados, y establece mecanismos efectivos de colaboración con las autoridades locales y nacionales, y por tanto puede ofrecer una efectiva protección de la persona refugiada. No exento de dificultades y complejidades, el modelo de esta comunidad refleja que es posible no dejar atrás a personas que, de no haber sido seguidas con detenimiento y cercanía durante su proceso de determinación del estatuto de refugiado, hubieran posiblemente quedado fuera de la protección internacional, en situación de ilegalidad, detención o indigencia.

2. RECOMENDACIONES

El fundamento de las políticas de asilo está cambiando rápidamente desde una narrativa de valores morales y de derechos humanos a una dinámica de transacción a corto plazo. Esta realidad requiere una perspectiva a largo plazo que provoque un cambio en las percepciones que la sociedad tiene sobre los refugiados y por tanto también en las leyes.

Los tres desafíos identificados para los actores estatales y no estatales en aras de una mayor protección de los refugiados son: a corto plazo, el acceso al derecho de asilo de manera legal y segura; a medio plazo, la educación y el acceso al mercado de trabajo, especialmente para comunidades de refugiados que se encuentran en situaciones de exilio crónico; y a largo plazo, una respuesta a la violencia y a la inseguridad como causa fundamental de los movimientos de población, así como la creación de condiciones para la repatriación con garantías de seguridad como solución principal al desplazamiento forzoso.

Expongo a continuación una serie de recomendaciones para la acción:

1. Con respecto a un mayor acceso al derecho de asilo, defiendo que una respuesta a corto plazo es la puesta en práctica de los cuatro mecanismos expuestos en los Veinte Puntos de Acción de la Sección de Migrantes y Refugiados aprobados por el Papa Francisco y elaborados en el marco de los Pactos Globales de Migraciones y Refugiados de 2018 : la utilización de los visados humanitarios, la ampliación de la interpretación de “familia” en lo que respecta a la reunificación familiar, la esponsorización privada, y el reasentamiento. Estos mecanismos podrían permitir a migrantes y refugiados acceder a un lugar seguro de forma legal y sin arriesgar sus vidas. El propio Representante Especial del Secretario General de Naciones Unidas sobre Migraciones recomendó en 2018 que los estados expandieran los programas de visados humanitarios. El Pacto Global sobre Refugiados enfatiza un acceso efectivo de los refugiados a terceros países y la ayuda técnica, material y económica a los países de primera acogida. Un barómetro importante para medir la eficacia del Pacto será precisamente en qué medida los estados revierten su tendencia de prevenir el acceso de las personas a territorio seguro y al derecho de asilo. El desarrollo de mecanismos de acceso legal y seguro para los solicitantes de asilo será un tema crucial que el Pacto Global sobre Refugiados deberá dar seguimiento.
2. En particular, defiendo el uso de los corredores humanitarios como un modelo de buena práctica que podría replicarse a escala global. Los corredores humanitarios, impulsados por la Comunidad de San Egidio, la Federación de Iglesias Evangélicas y la Iglesia Valdense, se establecieron en un principio en Italia a finales de 2015 y se han replicado en otros países, como Francia y Bélgica. En Australia, la sociedad civil hace recurrentes llamamientos para que el gobierno expanda mecanismos de acceso legal y cree oportunidades de migración protegida. Los corredores humanitarios precisan de la autorización y apoyo del Estado receptor. Aun teniendo impacto en un número reducido de personas – unos 2.000 beneficiarios acogidos en Italia, Francia, Andorra y Bélgica – proporcionan un canal de acceso seguro y legal al derecho de asilo, especialmente de los refugiados más vulnerables identificados in situ. Este modelo ha demostrado que es posible proteger a los refugiados de una forma alternativa y segura. Confirma la utilidad de expandir el trabajo del compromiso religioso en las políticas globales y demuestra cómo líderes y comunidades religiosas pueden asistir tanto a los gobiernos como a las organizaciones intergubernamentales a desarrollar mecanismos concretos para afrontar problemas humanitarios derivados de movimientos migratorios. Considero que este modelo tendría que ser replicado no sólo a mayor escala, sino a iniciativa de los gobiernos y con el apoyo de la sociedad civil, y no a la inversa. Replicar los corredores humanitarios no significa que

todos los acuerdos tengan que ser iguales sino que cada uno puede adaptarse a la situación particular, involucrando a las autoridades e instituciones locales.

3. Defiendo asimismo la necesidad de replicar buenas prácticas que se han dado en el pasado. Algunos países, actuando bien unilateralmente o a través de acuerdos multilaterales, han demostrado prácticas modélicas de protección. Algunas prácticas que apuntan a que es posible crear mecanismos de protección para los refugiados incluyen el Plan Conjunto de Acción – acuerdo establecido por varios países en la región de Asia Pacífico para el reasentamiento de tres millones de refugiados vietnamitas en los años 1980; la integración local en Tanzania y la subsiguiente concesión de la nacionalidad de unos 200.000 de refugiados de Burundi durante el gobierno del Presidente Julius Nyerere; o la integración en Sudáfrica de 2.5 millones de migrantes forzosos de Zimbabwe en 2008 y 2009.
4. El Pacto Global sobre los Refugiados propone que para dar un seguimiento efectivo y evaluar las responsabilidades de los actores estatales y no estatales, los compromisos adquiridos se revisen cada cuatro años en el Foro Mundial – el primero tendrá lugar en diciembre de 2019— así como en Reuniones de Oficiales de Alto Nivel, que serán dos años después de cada foro, a modo de evaluación a medio plazo de los mismos. En dichas reuniones los distintos actores informarán sobre el cumplimiento de sus compromisos y se comprometerán a nuevas iniciativas. También habrá una evaluación anual en el Comité Ejecutivo del ACNUR. Las organizaciones de la sociedad civil, las organizaciones populares y las organizaciones de inspiración religiosa han de coordinar una incidencia política eficaz tomando como punto de partida los puntos más constructivos de los Pactos, como los 23 objetivos del Pacto Global de las Migraciones, con el fin de contribuir a una revisión crítica de las leyes y de los programas gubernamentales con las autoridades nacionales, regionales y locales, especialmente en lo relativo a las revisiones periódicas y a los mecanismos de evaluación. Defiendo que la forma más realista de poner en práctica dichas evaluaciones es a través de la creación de coaliciones de distintos actores que desarrollen iniciativas conjuntas sobre temas específicos. Un ejemplo sería la creación de nuevos corredores humanitarios, más ambiciosos en términos numéricos y que tengan una mayor implicación de los estados.
5. Con respecto a recomendaciones operativas y a las respuestas que a medio plazo pueden ampliar la protección de los refugiados y que preveo puedan influir en las decisiones y políticas de los próximos años, defiendo que la educación y la formación profesional de los desplazados deberían ser prioritarias. Parecen las respuestas más adecuadas a una población que en un 84 por ciento está residiendo en el mundo en desarrollo, el 60 por ciento en zonas urbanas. Muy pocos refugiados han sido reasentados a otras partes del mundo y el promedio del tiempo de exilio es cercano a las dos décadas. Los gobiernos deberían garantizar al menos el acceso a la educación primaria y secundaria de todos los niños y adolescentes más allá de su origen y estatus. También deberían contemplar el acceso a la educación universitaria bajo las mismas condiciones que los nacionales, en aras a un mayor beneficio de sus comunidades de acogida. Esto incluye la integración de niñas y adolescentes en los procesos educativos y la erradicación de toda discriminación por motivos de género por causas de matrimonio precoz o trabajo forzoso. Lo mismo ha de ocurrir con el acceso a la educación de los niños y adolescentes con alguna discapacidad física o intelectual. La educación entendida como protección del niño y del adolescente incluye el reconocimiento de los certificados académicos para que puedan ser utilizados en otros países, incluido el país de origen en el momento de la repatriación. El proceso educativo ha de incluir la formación y los salarios justos de los profesores y material adecuado en la escuela. En emergencias complejas, la educación debería comenzar tan pronto como sea posible para ayudar a los padres y a los niños a normalizar la vida y así reducir el trauma ocasionado por el desplazamiento forzoso.

6. A largo plazo, con respecto a las causas de los flujos de refugiados, mientras el cambio climático es una fuerza creciente de preocupación social a nivel global, la mayoría de los desplazamientos forzados están causados por una serie de factores interrelacionados: guerra civil, tensiones étnicas, disputas por acceso a los recursos naturales, y varias formas de crimen organizado. Por tanto, el trauma relacionado con la violencia continuará siendo parte de la experiencia de las personas obligadas a huir, y la cohesión social durante el exilio y en la repatriación serán un desafío fundamental tanto para los gobiernos como para la comunidad humanitaria en su conjunto. Pero los flujos de refugiados y desplazados internos no son la consecuencia de unas fuerzas históricas abstractas o anónimas. Son el resultado de acciones deliberadas llevadas a cabo por estados e individuos, que en ocasiones tienen como objetivo mismo el desplazamiento de población. Una manera de afrontar las causas de las migraciones forzadas es la lucha contra la impunidad. Tomando como fundamento la doctrina de la responsabilidad de los estados por una parte, y por otra los principios de responsabilidad penal individual basada en el derecho internacional, los estados y los individuos no deben quedar exentos de responsabilidad.

3. FUTURAS LINEAS DE INVESTIGACIÓN

Con respecto a las posibilidades de profundización de algunas de las cuestiones evidenciadas en la tesis, considero que hay dos áreas interrelacionadas que podrían contribuir a mejorar la agenda de investigación y merecerían una investigación más rigurosa, especialmente en el contexto de implementación del Pacto Global sobre Refugiados: la cuestión de las causas del desplazamiento forzoso y la cuestión de la repatriación de los refugiados, en particular de aquellos que no tienen su estatuto reconocido.

En relación con las causas del desplazamiento forzoso, esta cuestión requeriría una comprensión y un tratamiento más profundo debido a que cada vez más situaciones de desplazamiento de todo el mundo son prolongadas, en parte debido a la falta de voluntad política para abordar las causas desencadenantes de los desplazamientos. Una línea muy útil de investigación podría contribuir a que los Estados y otros actores pudieran hacer un uso más eficaz del conocimiento existente, de los marcos de protección y las herramientas prácticas para apoyar la resolución de conflictos. Requeriría un análisis sobre qué datos y pruebas adicionales se necesitan para construir un análisis útil, completo y contextualizado de las causas que originan el desplazamiento. En particular, sería muy útil profundizar sobre el desplazamiento como consecuencia del cambio climático –a lo cual el Pacto Global sobre Migraciones se refiere como un claro impulsor de la migración internacional –, proponer cuál sería el marco legal internacional que ampara a los “refugiados climáticos” y qué organismo intergubernamental tendría un mandato sobre ellos.

Mi tesis se ha centrado en los desencadenantes inmediatos del desplazamiento (conflictos, catástrofes naturales o nuevas formas de violencia), pero el desplazamiento generalmente se debe a una combinación de múltiples factores, que a menudo interactúan y subyacen durante décadas. Futuras líneas de investigación tendrían que incluir una más rigurosa comprensión sobre la conceptualización de las causas que provocan el desplazamiento y un estudio profundo de cómo la ayuda al desarrollo podría utilizarse como un medio para abordar las causas del desplazamiento, sobre la hipótesis de que las intervenciones a largo plazo pueden lograr una mayor gobernanza y un estado de derecho que pueden contribuir a prevenir el desplazamiento forzoso.

El Pacto Mundial sobre Refugiados señala que “la prevención y la resolución de las situaciones de refugiados en gran escala [...] son motivo de profunda preocupación para la comunidad internacional [...] y requieren la adopción de medidas tempranas para abordar sus causas y los factores desencadenantes, así como una intensificación de la cooperación entre los actores de los ámbitos político, humanitario, del

desarrollo y de la paz”. Soy consciente de que los esfuerzos para abordar las causas del desplazamiento no son nuevos. No obstante, el Pacto brinda una oportunidad para una mayor comprensión colectiva sobre las causas del desplazamiento y revitalizar el debate, especialmente por el énfasis que pone en las alianzas mundiales, puede comprometer a distintos actores y sectores implicados en ofrecer soluciones duraderas. Entiendo que si bien la prevención y la respuesta deben reconocerse principalmente como una responsabilidad estatal, sería importante identificar el papel de las organizaciones de la sociedad civil, las organizaciones intergubernamentales e internacionales tanto de desarrollo como humanitarias, el sector privado e incluso los grupos armados no estatales, para abordar las causas mediante la contribución a las normas y estándares internacionales aceptados por los Estados. Asimismo, podría incluir un análisis sobre iniciativas de prevención de conflictos y consolidación de la paz a nivel comunitario, lideradas localmente, que contribuyan a dar respuesta a las causas y a encontrar soluciones sostenibles. En mi tesis, que es de carácter más estructural, no he hecho hincapié en la contribución las personas con discapacidades, las personas mayores y otros grupos con vulnerabilidades específicas, y aunque he tratado de incluir un enfoque de género, considero que toda línea de investigación sobre las causas debería reflejar las experiencias y el conocimiento de las comunidades e individuos directamente afectados por estos problemas.

La segunda línea de investigación se refiere a la sostenibilidad de la repatriación. En mi tesis he tratado de profundizar sobre las tres soluciones duraderas apuntadas tradicionalmente por la doctrina. He señalado cómo un número limitado de refugiados tienen acceso a la integración local y al reasentamiento en terceros países. Por esta razón, la repatriación seguirá siendo, no sólo la opción que los refugiados generalmente más desean, puesto que implica volver a su país de origen, sino la solución más realista a las situaciones de exilio, ya sea prolongado o no.

La repatriación en condiciones de voluntariedad, seguridad y dignidad es un principio fundamental del régimen internacional de refugiados desde la adopción de la Convención de Refugiados de 1951. No obstante, algunos casos de repatriación pueden ser problemáticos y controvertidamente menos “voluntarios” de lo que implica el principio, en particular el principio de *non-refoulement* o no devolución, como he explicado al referirme a la puesta en práctica de acuerdos de readmisión y en general a los ambiguos acuerdos que emanan de la política de externalización de fronteras. Hasta qué punto y bajo qué circunstancias los refugiados pueden decidir libremente si regresan o no, cómo pueden los actores involucrados en los programas de repatriación garantizar que tales retornos no se produzcan bajo coacción y que los derechos humanos sean respetados, si se prioriza el retorno de algunos grupos sobre otros, o qué factores contribuyen a la decisión de los Estados de alentar la repatriación, son cuestiones que, en el marco de la implementación del Pacto Global sobre Refugiados, será importante profundizar.

Asimismo, futuras líneas de investigación podrían dar respuesta a cómo se garantizan las particulares necesidades y retos de los niños refugiados, cómo se asegura el respeto de la Convención de los Derechos del Niño, y cómo se da respuesta a los retos de las personas con discapacidades visibles o invisibles que retornan a sus lugares de origen.

El éxito y la sostenibilidad del retorno dependen de una serie de factores críticos, que incluyen el acceso a protección social y seguridad – incluida la no presencia de minas antipersona o municiones sin detonar –, acceso a documentación civil, medios de vida productivos, acceso a servicios básicos, a tierras y derechos de propiedad, y la oportunidad de construir o reconstruir redes de apoyo social. Sería importante profundizar en el nexo entre la repatriación y la aplicación de la cláusula de cesación – cómo, cuándo se aplica – y si existen experiencias replicables de éxito que protejan a grupos que no pueden por el momento regresar a su país.

Futuras líneas de investigación podrían profundizar en los retornos de personas que no tienen su estatus de refugiado reconocido pero sí temen regresar a sus países, como he apuntado en el caso de retornos de afganos. El hecho de no estar clasificados como refugiados tiene un efecto importante en la forma en que regresan, en cómo se les trata y cómo su dignidad, su salud psicosocial y su seguridad se ponen en riesgo. ¿Qué necesidades particulares de protección y reintegración deben tenerse en cuenta para aquellos que regresan a contextos que en principio son posteriores al conflicto pero en realidad las causas del conflicto continúan vigentes?. También existirán diferencias entre las personas que han sido reconocidas como refugiadas y los desplazados por los desastres naturales y el cambio climático que pueden no haber tenido acceso a dicha protección.

Todo ello puede dar lugar a una crisis de sostenibilidad, en la que las personas que regresan, pueden entrar en un nuevo ciclo de re-emigración. Futuras líneas de investigación deberían responder a la cuestión de la función de la comunidad internacional para prevenir repatriaciones prematuras. Investigar cómo pueden los Estados y otros actores proteger a quienes retornan a condiciones que aún no son estables será uno de los mayores retos en los próximos años.

Mi tesis no hace mención de los desplazados internos. Considero que investigaciones sobre el tema del retorno en contextos de desplazamiento interno son de una importancia fundamental por la falta de visibilidad de estas poblaciones y por las dificultades y limitaciones en el seguimiento de la capacidad de los desplazados internos que retornan para restablecer sus vidas. Los retos en torno al retorno de los desplazados internos requieren distintos enfoques con respecto a la repatriación de los refugiados, y actores diferentes, por ejemplo, la participación de la sociedad civil y las instituciones locales, laicas y religiosas, es crucial.

Para ambas categorías de desplazados, ya sean internos o refugiados, podrían desarrollarse líneas de investigación que identificaran buenas prácticas de retorno, especialmente de las minorías étnicas o sociales, y su papel en la reconciliación, la reconstrucción estatal, la planificación del desarrollo nacional y la construcción de la paz, así como experiencias replicables de cómo actores locales, nacionales e internacionales han garantizado la participación activa de las mujeres refugiadas y desplazadas internas en las decisiones sobre el retorno y en la planificación y ejecución de los programas de reintegración.

En resumen, y como nexo de unión entre ambos bloques, propongo una apuesta estructural: profundizar en cómo afectan las causas del desplazamiento a la probabilidad y el resultado del retorno.

Estas líneas de investigación, orientadas no sólo a un análisis sólido de las cuestiones en juego sino a buenas prácticas y a experiencias replicables, podrían contribuir a avanzar en la construcción del conocimiento y a dar forma a las discusiones sobre protección y soluciones sostenibles en los Foros Mundiales de Refugiados, el primero de los cuales tendrá lugar en diciembre de 2019.

Mi tesis es un humilde pero honesto medio a través del que espero haber aportado conocimiento nuevo a un tema a la vez apasionante y difícil de cerrar. Mi deseo es que sea un punto de partida útil para futuras investigaciones que puedan ofrecer propuestas de políticas públicas más modernas y eficaces para los refugiados.

4. APUNTE FINAL

En esta tesis he tratado de mostrar cómo, a la vista de la falta de protección que sufren las personas refugiadas, especialmente aquellas que no tienen cabida en la definición estricta de refugiado según la Convención de Ginebra de 1951, la tradición cristiana puede ofrecer una respuesta de protección eficaz. Esta protección se basa en un sólido marco teórico, el Pensamiento Social Cristiano, cuya definición de refugiado desarrollada en 1992, construida sobre dos instrumentos regionales de calado como son la Convención de la OUA de 1969 y la Declaración de Cartagena de 1984, definiendo como base para un Protocolo a la Convención de Ginebra que se adecúe a la realidad contemporánea del desplazamiento forzoso y a las causas que lo originan en nuestro mundo contemporáneo. Desde un punto de vista programático, considero que la propuesta desarrollada en 2017 por el Papa Francisco, basada en cuatro acciones – acoger, proteger, integrar y promover – y avalada por modelos de buenas prácticas tales como los corredores humanitarios, puede ser ampliada con mayor rigor por el sector académico. Soy consciente de que la protección internacional de los refugiados es un problema estructural cuya respuesta depende de la voluntad política, pero creo que, al igual que se fraguó en su día la Convención de Ginebra, nos encontramos ante uno de los mayores retos globales de nuestro tiempo y requiere una respuesta más contundente.

Considero que el impacto de los Pactos Globales de Migraciones y Refugiados será de un valor limitado si no dan respuesta a la necesidad de protección de millones de personas que están forzosamente desplazadas pero que no quedan amparadas por ningún marco legal internacional al no quedar cubiertas por la definición de refugiado según el Derecho Internacional actual. Me refiero a las víctimas del cambio climático y los desastres naturales, las víctimas de la violencia por el narcotráfico o los migrantes que se desplazan principalmente por razones económicas de peso y que acaban siendo explotados durante sus viajes.

Por último, más allá de una limitada protección ofrecida por los estados, propongo en mi tesis modelos de protección comunitaria como contrapunto al aumento de la negativa percepción social sobre los migrantes y de la xenofobia. Específicamente, definiendo que la experiencia de la comunidad cristiana ecuménica de Taizé puede contribuir como modelo de protección a una nueva forma de entender la protección a nivel comunitario y cómo ésta puede ser un signo de nuestro tiempo: provoca cambios no sólo en la vida de los refugiados, sino en las de aquellos que los acogen y protegen, transfigurando nuestra mirada sobre la realidad y ensanchando nuestra propia identidad.



Syrian refugee family in Jordan. (Kristof Holvenyi/JRS, 2016)

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CHAPTER FIVE - SUSTAINABLE SOLUTIONS FOR REFUGEES

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CHAPTER NINE - A MODEL OF REFUGEE PROTECTION: THE ECUMENICAL COMMUNITY OF TAIZÉ

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ANNEXES

ANNEX I



PONTIFICIA
UNIVERSITÀ
GREGORIANA

Dipartimento di Teologia morale
Facoltà di Teologia

TO WHOMEVER IT MAY CONCERN

This is to certify that Dr. Amaya Valcárcel Silvela, born in San Sebastián (Spain) on the 3rd September 1971, currently residing in Vicolo San Francesco di Sales 51, Roma (Italy), and registered at the Pontifical Gregorian University (Rome) under the matriculation n° 165232:

- Has completed a one-semester stay at the abovementioned university during the autumn (1st) semester of the current academic year (2017-2018), and was registered as a guest student;
- Has done research under my supervision, and successfully completed the course TM2093 which I offer to postgraduate students at the Faculty of Theology. (The course bears the title "Come usare la Bibbia nella riflessione morale e sociale?" and uses the case of the stranger in biblical literature to present a methodology for using Scripture scientifically, honestly and responsibly in contemporary ethical reflection on social issues.)
- The coursework included the writing of an essay which received a grade of 9.4/10. Dr Valcárcel Silvela has informed me that she intends to use this essay (or some parts of it) for a chapter of her doctoral thesis.

I am a Maltese Jesuit priest and associate professor in the Department of Moral Theology at the Pontifical Gregorian University, where I currently serve as coordinator of the licentiate programme. I hold a Doctorate in Sacred Theology from Boston College (USA), a Licentiate in Sacred Theology from Comillas Pontifical University (Spain), a Master of Arts in Philosophy from Heythrop College (University of London) and Bachelor degrees in Theology (Centre Sèvres, Facultés jésuites de Paris), and in Biology and Chemistry (University of Malta). My updated CV can be accessed at <https://unigre.academia.edu/ReneMMicallef>.

Fr. René M. Micallef SJ
Associate Professor in Moral Theology

René
Micallef

Digitally signed by René
Micallef
DN: cn=René Micallef,
o=Pontificia Università
Gregoriana,
ou=Dipartimento di Teologia
morale,
email=micallef@unigre.it,
c=IT
Date: 2019.05.18 00:27:21
+02'00'

Piazza della Pilotta, 4 – 00187 ROMA / micallef@unigre.it / 06 6701 5215

ANNEX II

Protocol for Interviews and visual content

In the conduction of interviews, particularly with the refugees, but also in interviewing people involved in humanitarian work, I have recognized in each one of them an inherent dignity and value that must be protected and promoted.

I have done my utmost to ensure that I treated people with dignity and respect in all my encounters, and this extends to all aspects of information-gathering. The rationale is that I understand that refugees are ordinary people who have survived extraordinary circumstances, and I do not use information, or images, that portray them negatively.

The following is the protocol I have followed when gathering content.

Ethical guidelines

Dignity: The personal dignity of the subject has been the primary consideration for all my work.

Cultural sensitivity: While the gathering of certain information material may be culturally acceptable in one place, the publication of that same material in another place may not be culturally acceptable. The same for images. I have used extreme care and sensitivity when using content and photographs that depict taboo practices or “stigmatized” populations.

Honesty: No information or photo has been used that portrays a refugee or an asylum seeker in a dishonest way, such as publishing a portrait, and then attaching to it a fictitious story, or a story about another person.

Guidelines for reporting on children

I have worked in line with the United Nations Convention on the Rights of the Child, which makes the best interests of the child a primary consideration (Art. 3), states that every child has the right to privacy (Art. 16), and to protection from all forms of exploitation (Art. 36).

The best interests of each child are to be protected over any other consideration, including over advocacy for children’s issues and the promotion of children’s rights. The dignity and rights of every child are to be respected in every circumstance.

I have not asked children to tell a story that is not part of their own history.

Before the interview or photograph, I have informed the intended subjects – both beneficiaries and humanitarian staff - about the implications, purpose, and intended use of the information. I made clear to the subjects that the information and images would have been used for a dissertation, and thus with not a wide circulation. Information has been provided, as far as possible, in the subject’s native language, or in a language in which the subject has been demonstrably fluent. Consent is voluntary and can be revoked at any time.

The written consent of individuals to be interviewed or photographed has been used as described below. Written consent has not been used for photographing of:

- non-recognisable individuals in public (faces and all other identifying features are obscured)
- public figures in a public context or environment
- large crowds in public (including the audience at a conference, students in class, attendees at a workshop, etc.)

Written consent has been used for interviews or photographs of:

- all recognisable individuals in all settings
- recognisable or non-recognisable individuals in any setting where personal and/or sensitive information is revealed in the photograph, video footage, or corresponding caption
- survivors of sexual assault and/or abuse, exploitation, and gender-based violence
- individuals who may be put at risk of reprisal, violence, or rejection in their communities, as a result of having their identity exposed
- all children: when photographing a child (any person under 18), consent has been obtained from the person with legal guardianship of the child, in my dissertation has been the principal of the school (Lebanon).

Prior to interview

Preparation of:

- Outline of data: eg. Conditions of protection; length of refugee status determination procedures; access to lawyer, etc.
- List of key informants
- Preparation of material for interviews, ie. For registration, writing script, etc.
- Identification of points of interviews (geographical) and preparation of the places for interviews, in order to guarantee confidentiality.

During the interview

- Explanation of the reasons for the interview, background of interviewer, main objective, expected results, confidentiality of the interview.
- Preparation of atmosphere: trust, interest, respect, active listening.
- First questions, easy responses. Later, questions on specific issues of interest.
- Interview length: no more than 40 minutes.

After the interview

- Notebook gathering data, organized with order, dates, structure, discipline. The notebook together with the interview: primary sources of information.
- Complementary information included photographs (with the consent form below), drawings, sketches or any other information gathered during the interview.

ANNEX III

Sample of Informed Consent Form

This form is what I have used when interviewing people who have agreed to the publication of material about them or featuring their image, photographic still or video, or voice recording fully aware of their rights to have their dignity and security protected.

I have used photos and testimonies responsibly, taking into account the subject’s experience, protection concerns and possible consequences. I have changed the real name of interviewees and subject of stories.

I have been responsible for informing the interviewee about the implications, purpose, and intended use of his/her story. I have made clear to the interviewee that the testimonies could be circulated widely. Information should be provided, as far as possible, in the subject’s native language, or in a language in which the subject is demonstrably fluent. No interviewee should feel pressured or be coerced into granting consent.

Consent Name:

.....Status:.....

Country of Origin:

Country/Place of asylum/current residence:

.....

Country and place where interview took place/photo was taken:.....

I herewith give my consent to Amaya Valcarcel to use my testimony and/or image or voice recording for its use in her doctoral thesis.

..... Date and place

Signature

..... Full name and signature (interviewer/photographer)

* For the purposes of consent, a child is defined as being under the age of 18 years. In case this form is not available, consent can be recorded via video or through voice recording.

ANNEX IV

Interviews

1. Interviews to Refugees and Key Informants

1.1 Interviews to refugees in Taizé, France (Chapter Nine)

N°	Nationality	Gender	Age	Other
6	Sudan (Darfur)	Men	19-21: 4 >21: 10	1 asylum seeker, 1 humanitarian protection 3 refugee status
1	Eritrea	Man	18	Asylum seeker
1	Afghanistan	Man	>21	
4	Iraq/Egypt	2 men/2 women	>21	2 Families with children
1	South Sudan	Man	>21	Asylum seeker
2	Syria	Man/Woman	>21	Refugee family with 4 children

1.2 Interviews in India (Chapter Five)-informal group interviews

N°	Nationality	Gender	Age	Other
14	Sri Lankan Tamil refugees	10 women/4 men	19-21: 4 >21: 10	11 teachers/ 3 livelihoods programs
14	Indian	6 women/7 men	>21: 11	9 Humanitarian workers/ 5 Academics

1.3 Interviews to refugees in Lebanon (Chapter Seven)- informal group interviews

N°	Nationality	Gender	Age	Other
15	Syrians	10 women/5 men	19-21: 5 >21: 10	10 teachers/5 beneficiaries
13	Lebanese	9 women/4 men	>21: 12	Humanitarian workers

2. Key informant Interviews

2.1 Key informants in India

Jesuit Refugee Service (officers, 2/teachers, 2)

Catholic Relief Services (officers, 1)

UNHCR (officers, 2)

OfERR (officers, 2)

Academics (5)

2.2 Key informants in Lebanon

Jesuit Refugee Service (officers, 5/teachers, 7)
University (1)

2.3 Key informants in Andalucía, Spain, and Tangiers, Morocco

Cruz Roja Española (officers, 1)
Neighbors of Punta Paloma (5)
Caminando Fronteras, Tangiers (officers, 1)
Journalists (2)

2.4 Key informants in Taizé, France

Brothers of the Community of Taizé (5)
Lay members of the Community involved in the asylum process (2)
Neighbors, members of the “Reseau” (7)
French teachers (1)
Volunteers (3)
Office Français de Protection des Réfugiés et Apatrides (2)
Mayor of Taizé (1)

3. Interview process and questions on Protection conditions

Questions were identified initially, while I wrote my research questions and developed the methodology, but were also acquired through participatory observation techniques, namely they arose out of my participative observation of protection conditions of refugees in four places around the world, namely India, Lebanon, Spain and France.

Personal Data (all)

1. Date and place of birth
2. Gender
3. Civil status
4. Studies
5. Place of residence
6. Family situation, number of children
7. Work situation at origin
8. Present status/documentation
9. Ethnic origin

Protection and Durable solutions (Tamil refugees in India)

1. Reasons of flight
2. Place of origin in Sri Lanka
3. Social networks at origin
4. Fears for return
5. Main obstacles for repatriation
6. Aspirations of returning
7. Links in place of origin
8. Alternative place of destination in country of origin

Protection and Access to Education (Syrian refugees in Lebanon)

1. Duration of stay in Lebanon
2. Studies in Syria
3. Access to school (primary/secondary)
4. Conditions in school (bullying, social integration)
5. Relationship with teachers
6. Cost of studies
7. Alternatives for education
8. Violence or discrimination by local students
9. Relationship with civil society groups
10. Relationship with public administration

Protection and Integration process (Refugees and key informants in Taizé, France)

1. Country of origin persecution, reasons of flight
2. Route
3. Entry in France, conditions of stay
4. Welcome in Taizé
5. Protection process-asylum request, conditions
6. Length of asylum process
7. Details of asylum request and refugee status determination procedures
8. Access to lawyers/translators
9. Result of asylum request
10. Social networks in the community and villages around Taizé
11. Integration process: Education (formal/informal); Language; Free time
12. Access to employment (obstacles to employment)

Difficulties when interviewing refugees and asylum seekers

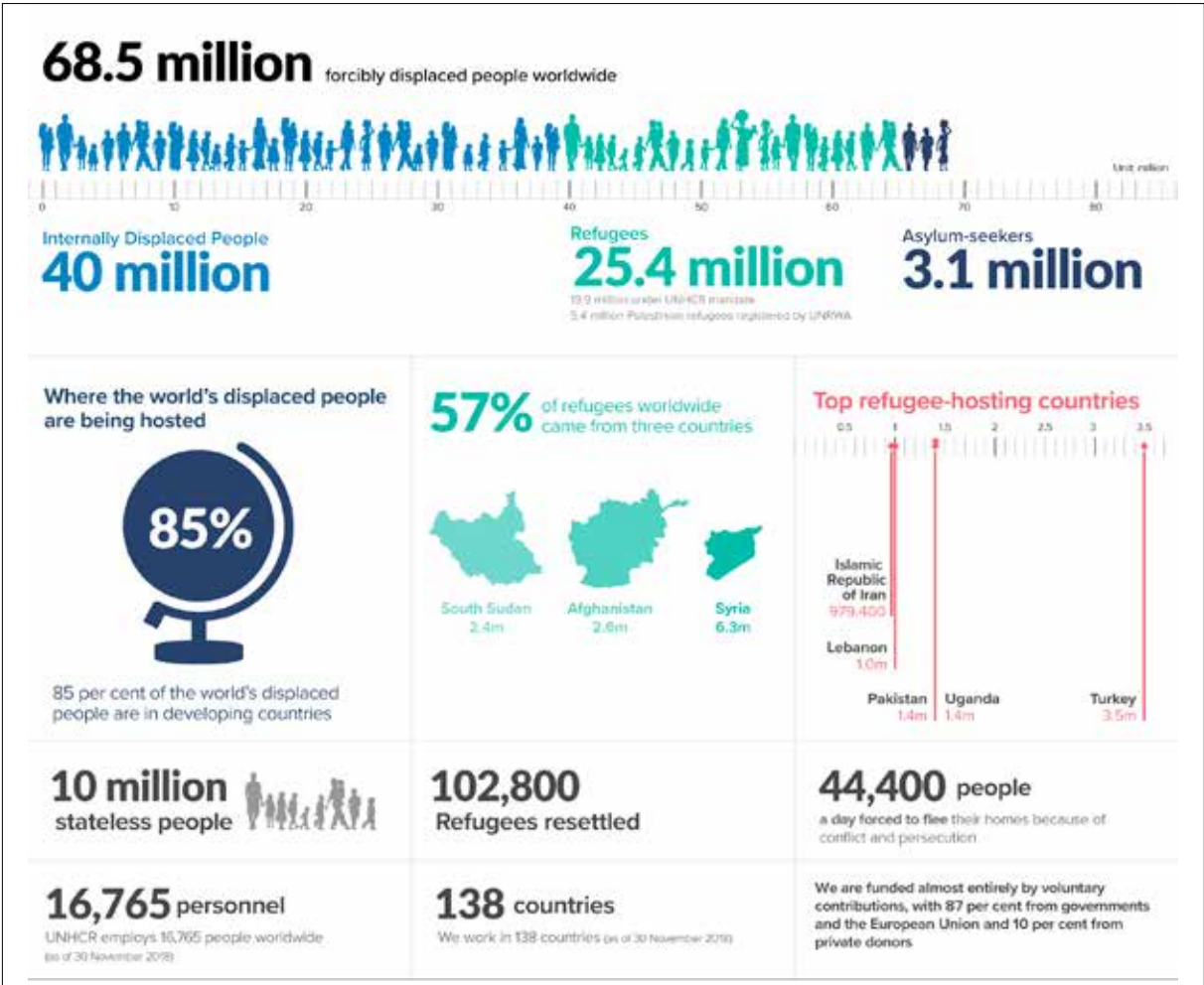
In India, the element of confidentiality is very strong, given that in principle it is difficult, almost impossible, to access the camps. The interviews and observations were made during meetings of refugees and humanitarian workers outside the camps. For Chapter Five (durable solutions) it was difficult to understand their real aspirations since many have never been in Sri Lanka, their country of origin. Hopes, fears and aspirations are based in the news they get from others who have returned.

In Lebanon, Syrian refugees are sensitive to interviews and questions. I only asked questions regarding their access to education and the impact education has in the lives of their children, namely their protection (Chapter Seven).

The context in which refugees and asylum seekers find themselves in Taizé is very tense. They have been exposed to media due to their situation in Calais and therefore I was not able to deepen in detail about their reasons for leaving their countries or their integration process. Also, they are afraid of explaining their persecution to someone totally unknown to them, let aside cultural elements such as gender (interviewer) and the fact of asking many personal questions.

ANNEX V

UNHCR statistics, as of 19 June 2018



Source: UNHCR

