Church asylum

Birgit Neufert

Church asylum, or sanctuary, is a practice to support, counsel and give shelter to refugees who are threatened with deportation to inhumane living conditions, torture or even death. This practice can be located at the interface of benevolence and politics.

Giving refuge, or more specifically, giving sanctuary or church asylum, is a specific form of benevolence that has a centuries-long tradition. What is known in Germany as ‘church asylum’ has mostly been inspired by the American Sanctuary Movement and by movements in other European countries, leading to the Charta of Groningen in 1987 and eventually to a common Charta of the New Sanctuary Movement in Europe in 2010.1

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.

A snapshot: In the small town of Braunschweig lives a family of eight: mother, father, six children. The children go to school and to vocational training. All of a sudden – after eight years in Germany – the family receives a letter from the Aliens Authority (Ausländerbehörde): they are requested to leave the country a few days later. They will be deported back to Pakistan, back to the country where they have been and will be persecuted, because they belong to the Muslim minority of Ahmadiyyah. One day before their planned deportation a small protestant congregation opens the church to the family. The next day the Aliens’ Authority will receive a letter from the church: “This is to announce that the family is now in church asylum and is therefore protected by our congregation.”

Church asylum is very hands-on and tangible. People are challenged to forget about their plans and everyday routines, to react immediately and in a most practical manner: to open doors, to create spaces to sleep and eat, to spend time with people, to simply be there. Church asylum protects people from the authorities, from police officers who come at the crack of dawn to pick up and deport people. This protection happens not in a symbolic but in a physical way. It is the closed doors of churches and parsonages that stand in the way of state power; it is church grounds that are – usually – respected by state authorities as a space not to be entered; and it is volunteers – church members and neighbours – and pastors who keep these doors shut, who talk to police officers and authorities, and who do whatever is necessary to protect this safe space and by doing so protect people whom the state does not regard as deserving of protection.

Although there is no official right to church asylum, the state most often respects sanctuary. But there are exceptions and police might, after all, enter and clear a church. However, this never happens without public attention – without press releases and negotiations between church and state officials. Usually, there are extensive discussions between the pastor of a church and the bishop on the one hand, and the political authorities on the other. In doing so, they try to make sure that in future the police will neither enter church grounds nor forcibly remove people. However, for individuals and families who have been deported despite being in church asylum, these negotiations come too late.

In consequence, church asylum is to a certain degree based on the church as a powerful institution. It is the institution of the church that is respected by the state when agreeing not to invade church sites and when the church demands negotiations. However, it is also a grassroots church practice. Furthermore, sanctuary is not
Only a place, and not only a practice; it is a community that is not provided for in the laws by which refugees are accommodated in detention centres rather than allowed to live independently. It is this community that supports and accompanies refugees in their struggle for “the right to have rights”.1

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Offering sanctuary to failed refugee claimants in Canada
Kristin Marshall

The term sanctuary connotes the medieval practice where fugitives from justice could take refuge in a church to avoid prosecution. The abolition of this practice in the sixteenth century was largely celebrated as a sign of progress and a triumph of the rule of law. The resurgence of the practice of offering sanctuary in recent decades turns the original notion on its head; instead of fugitives from justice seeking shelter, fugitives from injustice within the refugee determination system seek protection from deportation within a church, with support from the congregation.

Immigration authorities in Canada still do not enter church property to apprehend individuals living in sanctuary (and in fact have written a policy directive to Canada Border Services Agency officers indicating that entering places of worship should be reserved only for cases involving security threats and serious criminality) but neither do they engage in negotiation about these cases. The result is increasingly lengthy stays in confinement – which serves as a means to discourage the practice of sanctuary.

Congregations undertake extensive scrutiny of failed refugee decisions before accepting someone into sanctuary, in essence acting as an informal merit review in order to safeguard against removal to torture, persecution and human rights abuses. Most churches justified their use of sanctuary on the basis that refused claimants had no right of appeal on the merits to challenge an incorrect decision, so they do the review. An appeal was recently implemented, but it is not available to all claimants.

It is precisely the fact that recent changes to refugee legislation stand in such stark contrast to Canada’s international obligations that lends support to the view that sanctuary providers are taking a civil initiative to uphold Canada’s obligations, rather than acting in civil disobedience to flout Canadian law. Providing sanctuary is an effective mechanism to safeguard lives, yet at quite a cost to the individuals and communities involved due to the lengthy delays in close quarters and the uncertainty surrounding the outcome.

With little legal foundation to support the practice of sanctuary, one wonders what stops immigration authorities from entering churches to arrest such people. The answer is the negative publicity: clearly it looks bad to break down a church door, push past a pastor, and drag out refugees that the church claims ought to be protected. One thing for certain is that if a group of concerned individuals decided to shelter a failed refugee claimant slated for deportation, that person would not have the same protection from arrest and deportation that a person invited into the sanctity of a church (synagogue, mosque or temple) currently does. Escaping deportation by going ‘underground’, rather than seeking sanctuary, is often not looked upon favourably by either the immigration authorities or the Federal Court, both of whom view such an act as disrespect for the law.

Sanctuary has been invaluable in the validation that congregations have provided to families and individuals as they pursue justice, confirming that they are cherished, believed and supported. It also serves to bring the congregation and wider community together, to find meaning and focus around what is right and just.

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