

BRIEFING NOTE FOR THE BISHOPS OF CANADA CONCERNING SANCTUARY FOR REFUGEES IN CATHOLIC CHURCHES

Background to the Current Controversy

1. March 5, 2004, marked the first time in Canadian history that the state breached the sanctity of a church sanctuary. Quebec City police entered the St-Pierre United Church where a refugee claimant from Algeria had sought sanctuary for almost a month. Pushing past the minister, officers arrested Mr. Mohamed Cherfi and removed him from the church premises. The charges were immediately dropped as Mr. Cherfi was released into the custody of the Canadian Border Service Agency. He was then driven to the border and jailed by U.S. officials there.
2. In a Canadian Press article dated July 26, 2004, Immigration Minister Judy Sgro announced that she wanted churches to abandon the time-honoured practice of providing sanctuary to refugees under the threat of deportation. The Minister was quoted as saying, "...frankly if we start using the churches as the back door to enter Canada, we're going to have huge problems"... and "the protection of our country and of Canadians has to be the No. 1 concern. And people shouldn't be allowed to hide anywhere." Ms. Sgro also stated that she would be meeting Church leaders to discuss the issue. As an alternative to sanctuary, Ms. Sgro requested that Church leaders come to her directly with troublesome cases related to immigration.
3. Several Church leaders were quoted in subsequent media reports in response to the Minister's statements. The following points were highlighted: refugees are not a threat to Canada's security, but refugees who face the threat of deportation often have significant security concerns; Christian communities do not take the decision to offer sanctuary lightly, nor do failed claimants lightly choose this option – rather, sanctuary is most often a last resort when they perceive a wrong has been done and where a hope of rectifying that wrong exists.
4. Most significantly, the Churches' main argument is that the problem is not recourse to sanctuary, but the flawed refugee determination system that fails to protect some refugees. Refugees should not have to take sanctuary in churches. In particular, a refugee whose claim is turned down by a single person at the Immigration and Refugee Board hearing deserves the right to appeal that decision. (The United Nations High Commissioner for Refugees and the Inter-American Commission on Human Rights have criticized Canada for its failure to provide refused refugee claimants with a merits-based review in accordance with our country's international legal obligations.) Parliament recognized the need for and provided such an appeal in the Immigration and Refugee Protection Act (as approved in June 2002), but the government refused to implement the appeal system. Then-Minister Denis Coderre promised to implement the appeal within one year. Ms. Sgro has not acted to implement the Appeal Division either.

Actual Situation

5. There has never been a large number of refugees seeking sanctuary in Canadian churches. Press reports state that since 1993, roughly 250 people involved in 35 immigration and refugee cases have sought and received sanctuary from churches (*Globe and Mail*, July 27, 2004, editorial). At this time of writing, only one Catholic parish in Canada (Notre-Dame-de-Grâce in Montreal) is offering sanctuary. There, three Palestinians in their 60s have taken up residence since January 30 after their refugee application was refused. They fear for their safety if deported to a refugee camp in Lebanon. As well, a United church in Montreal providing refuge for a family from Colombia. An Anglican shelter in Halifax housed a Serbian woman for 441 days but she recently gained an opportunity to re-enter Canada if she agrees to apply from another country. As well, an Iranian asylum-seeker is in sanctuary in an Anglican church in Vancouver.^[1]

The Historical Response of the Canadian Bishops

6. Some two dozen dioceses throughout English-speaking Canada have sponsorship agreements with Canada Immigration to receive and settle refugees. While recognizing that each Christian community will take its own decisions about matters related to refugee reception and protection issues, the CCCB members have mandated their Social Affairs Commission to speak out on matters related to the federal government refugee policy as a priority. The CCCB will, as a rule, not comment on specific cases of individual refugee claimants. Although the CCCB has not commented directly on sanctuary itself, pronouncements have been made by Catholic leaders on issues that are importantly related.
7. As long ago as June 28, 1993, the Social Affairs Commission of the Ontario Conference of Catholic Bishops made reference to the question of sanctuary for refugees (although not specifically referring to sanctuary in church buildings) by stating, “The initiatives on the part of Canadians of providing sanctuary demonstrates the extent to which Canada’s refugee system is failing the genuine protection needs of refugees. We wish to affirm our support for these women and men of courage and conviction who stand by some of the most vulnerable in our society. We add our voices to those calling on the Government of Canada to provide for the protection needs of those men, women and children in need of sanctuary by allowing them to stay in Canada. We also urge the government to institute a meaningful appeal process.”
8. On March 7, 2003, then-Chairman of the Episcopal Commission for Social Affairs Bishop Jean Gagnon wrote to then-Minister of Citizenship and Immigration, the Hon. Denis Coderre, stating in part, “...we would ask that you implement the Immigration and Refugee Protection Act, passed on June 28, 2002, by announcing the long-promised appeal process for refugee claimants. We believe that your action to implement a feasible appeal process would greatly improve the Canadian refugee determination process, one of the few in the Western nations still to lack such an important mechanism.”

Mr. Coderre's response in a letter of April 1, 2003, was that the government was "continuing to study" the question of the promised appeal, but that action would be determined "in the broader context of pressures on the refugee determination system." In other words, the government: a) fears the financial cost of the promised appeal system, and b) prefers to focus on reducing the backlog of claims awaiting determination (approximately 30,000 at present, down from 52,000 at the end of 2002) rather than granting failed claimants access to an appeal. In an ecumenical campaign organized by KAIROS over the February-May 2003 period, Church members sent over 1,000 letters to the Minister on this question, yet the appeal was never implemented.

9. On October 9, 2003, the Interfaith Sanctuary Coalition organized a day of action on Parliament Hill, praying for refugees and visiting political parties. Archbishop Roger Ébacher, a member of the Episcopal Commission for Social Affairs, spoke on behalf of the CCCB at a press conference. The CCCB Commission for Social Affairs supported the Declaration of the Interfaith Sanctuary Coalition, which read in part, "We call on the Canadian government to protect refugees in Canada by ensuring that all claimants have access to a fair hearing before a well-qualified decision-maker, by implementing the appeal on the merits and by offering a meaningful review of the cases of refused claimants currently in Canada whose claims appear to have been wrongly rejected."
10. Immediately following the invasion of sanctuary in the Quebec City United church, Cardinal Marc Ouellet issued a public statement to add his protest to the deportation of Mr. Cherfi to that of the United Church of Canada, citing "the highly debatable maneuvers of the authorities of Immigration Canada". The Cardinal's statement continued, "To the concern of the Church for threatened people, we must now add the violation of the immunity of religious sanctuary. The treatment Mr. Cherfi suffered raises many questions of our refugee policy as well as the application of disciplinary measures against persons who are refugees" (March 6, 2004; see <http://www.diocesequebec.qc.ca/accueil/index.htm>). In an ecumenical response, KAIROS wrote to Minister Sgro and the Hon. Anne McLellan (Minister of Public Safety and Emergency Preparedness) on March 15, 2004, asking that the government respect sanctuary and negotiate with persons seeking sanctuary in church buildings.
11. On August 4, 2004, in Toronto, a press conference organized by KAIROS – Canadian Ecumenical Justice Initiatives - featured senior Church leaders responding to Minister Sgro's remarks on sanctuary. Moderators of the United and Presbyterian Churches, and the Anglican Primate, among others, spoke. Representing the CCCB, OCCB General Secretary Mr. Tom Reilly stated that the Minister's comments were "insensitive and demeaning". The next day, the *Toronto Star* reported Mr. Reilly as saying, "To suggest that refugees are somehow dangerous, that they are a threat to security, foments an unacceptable prejudice against some of the most vulnerable individuals in our society."
12. In August 2004, Canadian Church leaders, including the CCCB President, sent a letter to the Minister of Citizenship and Immigration Canada concerning sanctuary. A meeting with the Minister, facilitated by KAIROS, took place on September 29, 2004, with Archbishop Brendan O'Brien in attendance. The Minister offered the Church leaders a

confidential deal, asking that asylum cases needing her intervention be directly brought by Church officials to her office, where they would receive a response in 10 days. In a subsequent mid-October meeting of some Church representatives and the Minister's staff, the Churches declined the Minister's offer for several reasons: 1) refugee determination is the job of the Minister and her officials, not the Churches; 2) the offer was exclusive to the Christian Churches, and was meant to deal with a dozen cases per year; 3) such a "deal" could actually lead to more asylum-seekers taking sanctuary in Christian churches; and, most importantly, 4) the preferred solution would be for the government to abide by its own legislation and implement the promised Refugee Appeal Division.

13. On November 2, 2004, a few Church officials from the Unitarian and United denominations (who have refugee claimants in sanctuary situations) met with members of the Minister's political staff and were offered a revised "understanding". The Churches were asked to respond by early December, and the CCCB Permanent Council also gave the matter consideration on December 2.

The Guidance of Catholic Social Teaching

14. The experience of Israel during the Exodus (living as strangers in a foreign land) was definitive in this community's understanding of itself and its relationship to God. Jesus and his family were refugees themselves, fleeing the violence of Herod to exile in Egypt (Mt 2: 13-14). Pope John Paul II on February 2, 1999, wrote that the Church, "expert in humanity" (*Populorum Progressio*, 13) is in solidarity with migrants because they, "in their variety of languages, races, cultures and customs, remind her of her condition as a pilgrim people from all parts of the earth towards the definitive homeland".
15. The Universal Declaration on Human Rights recognizes the right of every person "to leave any country, including his own, and to return" (Article 13,2) without, however, saying anything about the right to enter another country different from one's own. The Church defends the human right to migrate (*Catechism of the Catholic Church*, No. 2241), but does not encourage its exercise, knowing the migrant pays a high cost by moving.
16. In Matthew's Gospel, a prerequisite for inheriting the Kingdom of God is related to our acceptance of refugees: "For I was a stranger and you welcomed me" (Mt 25: 35). Recognizing that all persons are endowed with human dignity as children of God, and thus possess inalienable rights, the Church accepts and assists newcomers and recognizes migration as a factor of economic, social and cultural development.
17. Not only must the immediate needs of migrants be attended to, however. "Migration today is practically an expression of the violation of the primary human right to live in one's own country." When this happens, "It is necessary to carry out urgent corrective measures to the present economic and financial system, dominated and manipulated by

the industrialized countries. These very same countries are presently threatening to annul even the right to emigrate, which has always been considered an alternative to the impossibility of living in one's own country."^[2]

18. In summary, "The problem of refugees must be confronted at its roots, that is, at the level of the very causes of exile. The first point of reference should not be the interests of the State or national security but the human person, so that the need to live in community, a basic requirement of the very nature of human beings, will be safeguarded."^[3] Consequently, Catholic teaching sees laws and policies that place national interests or security before the protection of human dignity of refugees or asylum seekers as reflecting a fundamental inversion of values.^[4]

Toward a Stance Concerning Sanctuary for Refugees

- A. **Sanctuary is never a solution for asylum seekers, but may be a step along their journey toward social justice. Each Christian community, after an in-depth study of refugee policies and prayerful discernment, in consultation with diocesan authorities, is called to act in a spirit of hospitality as the Gospel demands.**
- B. **According to the *Catechism of the Catholic Church*, No. 2242, "The citizen is obliged in conscience not to follow the directives of civil authorities when they are contrary to the demands of the moral order, to the fundamental rights of persons or the teachings of the Gospel." As an Episcopal Conference, the CCCB acknowledges the importance of the recourse to sanctuary in order to protect asylum seekers whose safety may be placed in jeopardy. Even though it may not be officially recognized in law, we call upon Canadian authorities to respect the sanctity of sanctuaries.**
- C. **In the context of a flawed Canadian refugee determination process that is, for example, based on the decision of a single individual and lacks a merit-based appeal system, sanctuary is not the problem. The failings of the refugee determination process demand correction so that the need for sanctuary for asylum seekers becomes less compelling. We believe that an ecumenical (and perhaps eventually, an inter-faith) response is the preferred course of action in order to achieve the required governmental reforms (i.e., we support the KAIROS petition to the Minister of Citizenship and Immigration calling for the implementation of the Appeal Division).**
- D. **The Social Affairs Commission has decided to make its major project in 2005 the preparation of a pastoral reflection on immigration and refugee concerns. (The last major statement on this issue was produced in 1993 by the Commission for Theology, entitled *A Prophetic Mission for the Church: Pastoral Message on the***

Acceptance and Integration of Immigrants and Refugees to Build a Community of Togetherness.)

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Canadian Conference of Catholic Bishops**

^[1] The press also reported that a Nigerian woman and her daughters were being harboured in St. Cecilia's parish in Calgary. A conversation with the parish priest on August 4, 2004, confirmed that the traumatized family had indeed stayed in the parish for a period of time, but were never in a situation of sanctuary. Due to their fear that the daughters will suffer female circumcision should they be returned to Nigeria, the family's lawyer is attempting to appeal their failed demand for refugee status.

^[2] Pontifical Council for the Care of Migrants and Itinerant People, *The Solidarity of the Church with Migrants and Itinerant People*, Rome, 2000, page 23.

^[3] Pontifical Councils *Cor Unum* and the Pastoral Care of Migrants and Itinerant People, *Refugees: A Challenge to Solidarity*, St. Paul Publications, 1993, Section 9.

^[4] *Ibid.* See also, Sandie Cornish, *The Call to Hospitality: Catholic Teaching on Refugees*, Catholic Social Justice Series, No. 44, Australian Catholic Social Justice Council of the Australian Catholic Bishops' Conference, 2002, page 8.