



JULY 2012

AUSTRALIAN CATHOLIC MIGRANT & REFUGEE OFFICE

News

Special Interest

- 60th Anniversary of the Apostolic Constitution *Exul Familia Nazarethana*
- Bishop Joseph Grech Memorial Colloquium
- ACMRO Submission to the Expert Panel on Asylum Seekers
- Third National Conference on the Pastoral Care of Migrants and Refugees



Source: <http://catholicwelsh.blogspot.com.au/2011/10/pope-pius-xii-empty-tabernacles.html>

Welcome one another as Christ has welcomed you.

August 1, 1952 marks the 60th anniversary of the Apostolic Constitution *Exul Familia Nazarethana* on the Pastoral Care of People on the Move by Pope Pius XII.

May the God of steadfastness and encouragement grant you to live in such harmony with one another, in accord with Christ Jesus that together you may with one voice glorify the God and Father of our Lord Jesus Christ. Welcome one another, therefore, as Christ has welcomed you, for the glory of God. (Rom 15:1-7)

Chapter 15 of the *Epistle to the Romans* gives Christians the unnegotiable reason and the modalities of why and how to welcome others. The welcome must be *Christian*, in the sense that it must reflect the same welcoming one has received from Christ; ("*Welcome one another, therefore, as Christ has welcomed you*"); thus: Christ is the reason, Christ is the model and Christ sets the modalities such " *as Christ has welcomed you*". All of this is to be done "*for the glory of God*". God is made manifest and given glory through the duty of welcoming which becomes, therefore, at the core of the Church's ministry of evangelization.

The end of the Second World War saw massive migration due the destruction brought about by the conflict, the new European political geography and the displacement of refugees and prisoners of war. This massive exodus did not go unnoticed by the

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Church. Local Churches were challenged and forced to quickly find solutions and provide pastoral care for the newcomers. The phenomenon of migration was nothing new to the Church. In 1800, the Bishops of the United States of America were confronted with a massive presence of migrants in their Dioceses and in their Parishes. The Bishops of the United States of America all agree that immigrants needed special pastoral care, but had different ideas about how this should be implemented. From 1800 to 1952, from Pope Leo XIII to Pope Pius XII various instructions were emanated by the Popes that stated the necessity to provide any form of assistance to the many migrants going abroad. These many ideas and different pastoral approach needed to be systematized so that there could be a clear set of principles and pastoral indications for the proper pastoral care to migrants.

This is the scenario which welcomed, on August 1 1952, the Apostolic Constitution on the Spiritual care of migrants, *Exul Familia Nazarethana*. (EF)

The Constitution invites the Church to look back at the experience of the family of Jesus, Mary and Joseph, to empathize with them as they are journeying towards Egypt and to ask why they had to flee home and seek asylum in a new country.

The Constitution makes it clear since its very start that this Holy Family is forced to seek asylum because of some form of tyranny. How can we not see in this Holy Family the many families who, forced by the new forms of tyranny, are forced to seek asylum to other countries and even to our own?

New forms of tyranny such as political persecution, the fear for one's life and the tyranny of economic want are, today, as it was then, at the hearth of massive forced migration in present times.

Pius XII presents the Holy Family as a methodological understanding of every refugee family and gives a clear understanding of who this family is in every situation, across time, borders and cultures.

The émigré Holy family of Nazareth, fleeing into Egypt, is the archetype of every refugee family. Jesus, Mary and Joseph, living in exile in Egypt to escape the fury of an evil king, are, for all times and places the models and protectors of every migrant, alien and refugee of whatever kind who, whether compelled by fear, or persecution, or want, is forced to leave his/her native land, his/her beloved parents and relatives, his/her close friends and to seek a foreign soil. (EF, Intro.)

Exul Familia is made up of two principal parts. The first part takes the reader through the history of the pastoral practice of the church towards migrants and refugees. This is a rather exhaustive compendium of all the official documents published over a long period of time.

The second part intends to offer pastoral guidelines and clear norms to make the pastoral care to migrants and refugees a global Church response to be implemented locally. The role of the local Bishops is a fundamental one. The Bishop is the responsible for the pastoral care of all who reside in the territory of his Diocese. *Exul Familia* establishes the responsibilities of the Ordinaries of the Diocese of arrival and departure. The Constitution clarifies the role of what was then called Sacred Consistorial Congregation, now Sacred Congregation for Bishops, the competence and the function of the missionaries to migrants and of the chaplains on board. It also defines the task of the Pontifical College of Priests for Italian Migrants entrusted the care of the Scalabrinian Missionaries.

Pius XII sees pastoral care as part of his own ministry as successor of Peter and states that *"because of our supreme and universal ministry, we must continue to look with the greatest love after our sons who are caught in the trials and misfortunes of exile, and to strive with all our resources to help them"* (EF).

The icon of the fleeing *Familia Nazarethana* has become a common image in many parts of the world and it is so even in Australia where people come *"from across the sea"* asking for asylum and to live a dignified life.

The gift of hospitality when offered in service to Christ reveals how the "love of neighbor is a path that leads to the encounter with God".(DCE, 16) *"If only you knew what God gives and who it is that is asking you for a drink, you would ask him, and he would give you life-giving water"* (John 4:10). In asking for asylum, our exiled brothers and sisters turn up unexpectedly as Christ does to call on our kindness. Our welcome, compassion and assistance to those in need, is not only pleasing to God it brings us closer to Him. Those who show such generosity will live full lives. Extending hospitality is therefore a blessing not only for asylum seekers but more so for the host community who is given the great privilege to serve God in this special way (cf. Mt 25: 38).

Exul Familia affirmed two seemingly conflicting rights: the right to seek asylum and also recognises the right of nations to manage migration flows across their borders. It is important to understand that both of these rights serve the same purpose - "devotion to humanity". The right to live a dignified life in ones homeland is the ultimate goal. The Church demands that all persons have the right to be part of a community and nation. The right of Nations to protect



their borders is an extension of the right of all persons to live a dignified life in their community. It is not the protection of borders per se but the protection of community which in turn serves human dignity.

Sixty years on, *Exul Familia* continues to be a point of reference to understanding the moral obligation that we have towards people seeking asylum.

Pope Benedict XVI calls on the moral responsibility of individual states and the international community to avoid discrimination, to create a culture of solidarity and to make provision for hospitality and programs of resettlement: *"Asylum seekers, who fled from persecution, violence and situations that put their life at risk, stand in need of our understanding and welcome, of respect for their human dignity and rights, as well as awareness of their duties. Their suffering pleads with individual states and the international community to adopt attitudes of reciprocal acceptance, overcoming fears and avoiding forms of discrimination, and to make provisions for concrete solidarity also through appropriate structures for hospitality and resettlement programmes. All this entails mutual help between the suffering regions and those which, already for years, have accepted a large number of fleeing people, as well as a greater sharing of responsibilities among States."* 98 Migrant and Refugee Message).

As we celebrate the 60th anniversary of *Exul Familia*, we in fact celebrate the pastoral concern the Church has always had for migrants and refugees. While trying to reflect upon the pastoral care for migrants in today's Australia, in light of *Exul Familia*, we can experience on a daily basis the impact our migrant communities continue to have. Through the pastoral care of the Bishops, made vital in the ministry of many migrant chaplains, missionary priests, sisters and lay pastoral workers, we become aware of the permanent character of the migratory phenomenon through the implementation of pastoral structures both at local and national levels. *Exul Familia* contributed to the understanding that migrants and refugees represent a gift and an asset for the Church and made provision to create a synergy among the various Dioceses with the contribution of many Religious Congregations. The relationship between faith and culture is another pastoral point of great importance where upon the same shared faith becomes the universality where many different cultures find a common place to call home. *Exul Familia* insisted the first responsible of the pastoral care to migrants and refugees is the local Bishop and that pastoral care should always be made visible in the communion with the Diocesan Bishop, in communion with the Holy See.

Let this anniversary be an occasion for a renewed commitment and passion for the cause of migrants and refugees and the contemporary relevance of the mission of the Church and the project of the Father to reconcile all in Christ in whom no one is a stranger. (Gal 3:28)

For further reflection see:

For the translation in English of *Exul Familia*, see: Baggio, F., and Pettenà, M., (Ed) *Caring For Migrants. A Collection of Church Documents on the Pastoral care of Migrants*, St Paul Publications, Sydney 2009, pp 13 – 80.

Baggio, Fabio, *Theology of Migration*, Exodus Series 3, SMC, QC, 2005.

Bentoglio, Gabriele, *Stranieri e Pellegrini, Icone Bibliche per una Pedagogia dell'Incontro*, Paoline Ed. Torino, 2007, pp. 178 – 182.

Pettenà, Maurizio, *The Teaching of the Church on Migration*, Exodus Series 4, SMC, QC, 2005.



Source: Batik painting of the Holy Family's flight into Egypt



HMAS Albany boarding SEV 38
(Source: Department of Defence)

AUSTRALIA'S MORAL OBLIGATIONS TO PEOPLE SEEKING ASYLUM



Australian Catholic Migrant and Refugee Office, in association with Australian Catholic University, invite you to attend the Second annual

BISHOP JOSEPH GRECH MEMORIAL COLLOQUIUM ON ETHICS AND MIGRATION

WELCOME

Fr Maurizio Pettenà

Director of Australian Catholic
Migrant and Refugee Office



AUSTRALIAN CATHOLIC
MIGRANT & REFUGEE OFFICE

KEY NOTE SPEAKERS

Archbishop Denis J Hart DD

President of the Australian Catholic
Bishops Conference

The Hon Chris Bowen

Minister for Immigration and Citizenship



MY STORY

The journey of an unaccompanied minor
seeking asylum in Australia.

FACILITATOR

Santilla Chingaibe

SBS Radio Presenter

for more information:
info@acmro.catholic.org.au

THURSDAY 30 AUGUST 2012 : 7PM- 9PM

CENTRAL HALL MELBOURNE CAMPUS : AUSTRALIAN CATHOLIC UNIVERSITY,
24 BRUNSWICK STREET, FITZROY

CAR PARKING IS AVAILABLE AT KINGS PARKING, YOUNG STREET, FITZROY [OFF VICTORIA PARADE]
TRAM ROUTES 109 [BOX HILL VIA VICTORIA PARADE] AND 112 [WEST PRESTON VIA BRUNSWICK Street]
METRO TRAIN TO PARLIAMENT STATION



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Australian Catholic Migrant and Refugee Office



Submission to the Expert Panel on Asylum Seekers

19 July 2012

Summary of key points

- Create an alternative pathway to allow for the orderly departure of asylum seekers from regions of immediate conflict
- Increase the refugee intake
- End the use of harsh deterrence measures

Introduction

1. The Australian Catholic Migrant and Refugee Office recommends the Australian Government establish an Orderly Departure Program modeled on the Fraser Government's response to Indochinese refugees in the late 1970s and early 1980s. An Orderly Departure Program provides an alternative pathway for asylum seekers and refugees who are currently threatened by heightened conflict and who desire to come to Australia. An Orderly Departure Program would take pressure off both source and transit countries as it takes away the need to journey to Australia by boat. Such a program would involve accepting at least a further 10,000 to 15,000 refugees each year directly from countries such as Afghanistan, Iraq, Iran and Sri Lanka.

Australia can save lives and stop the boats without harsh deterrence measures

2. Australia successfully stopped the boats during the period 1981 to 1989. This is the only period since 1976 where not one single boat arrived. This was achieved through the generous resettlement of Indochinese refugees escaping the Vietnam War. This program, established by the Fraser Government, provided asylum seekers and refugees a safe alternative pathway to fly to Australia. This policy response to the Indochinese refugees stopped the boats without the use of the following deterrence measures;

a. Mandatory Detention (1992)

e. The Tampa Incident (2001)

b. Indefinite Detention (1994)

f. The use of Nauru (2001)

c. Temporary Protection Visas (1999)

g. The Excision Policy (2001)

d. Turning Boats Back (2001)



If given an alternative to fly, there would be no boat journeys to Australia

3. The Fraser government policy was successful in stopping the boats because it provided an alternative route for asylum seekers and refugees to reach Australia.
4. The decision to travel to Australia by boat is a very difficult one. Since 1976 estimates suggest 1500 people have died making the journey to Australia by boat. The prospect of a boat journey to Christmas Island is frightening. Those preparing to make this journey know that it is incredibly dangerous and that they are risking their life and the lives of their children. They can often see the boats are in poor condition, with inadequate safety gear and overloaded. Many have little water and food to make the three to four-day journey. In desperation, many people seeking refuge in Australia believe that if they are to have any sort of a life, they have no other choice but to get on board and pray.
5. The journey by boat to Australia is frightening and is itself the greatest deterrent. If given an alternative, no one would attempt the boat journey to Australia in the manner we see today.

Deterrent measures are ineffective, inhumane, expensive and divert funds from better policies

6. This year is the 20th anniversary of the introduction of mandatory detention for asylum seekers who arrive by boat. This policy is inhumane. In the last two years there have been nine deaths and more than 386 self-harm incidents.¹ The estimated cost of held immigration detention facilities last year was \$772.17 million. Since the introduction of this policy in 1992, more than 34,500 asylum seekers have arrived by boat. It is fair to say this policy is ineffective, expensive and the funds would be better spent helping refugees in resettlement.
7. The deterrence policies of the Howard era may have reduced the number of boat arrivals, but this policy did not completely stop the boats. Policies such as Temporary Protection Visas and offshore processing on Nauru are also less likely to be effective today. Asylum seekers know that the majority of those who were placed on Nauru and/or given temporary protection were eventually received into Australia as permanent refugees. What asylum seekers have to go through is not as important as securing their long-term future. This is why deterrent measures are ineffective.

1 Joint Select Committee on Australia's Immigration Detention Network final report, March 2012, p105-6.

8. More importantly, deterrence policies which prevent asylum seekers from making a dangerous boat journey to Australia do not save them from vulnerable and precarious situation.

Australia saves lives when we accept asylum seekers by boat or by air

9. Most asylum seekers do not die at sea. Most die as a consequence of the war and violence perpetrated in their home country.
10. Recent waves of asylum seekers by boat have been from Afghanistan, Iraq, Iran and Sri Lanka. These four countries are among the top 10 countries worldwide where the population is at risk of suffering serious human rights violations and mass killings. Last year in Afghanistan estimates suggest between 3,000 to 15,000 civilians were killed. In Iraq, since 2003, estimates suggest more than 110,000 civilians have been killed. In this month alone 191 people have been killed in Iraq already, either by gunfire or explosives. In Sri Lanka, May 2009 saw 27 years of civil war come to a horrific end with the deaths of an estimated 40,000 Tamils; their situation remains precarious.
11. Since 1976, more than 37,000 people, who may otherwise have been killed during war, have saved their lives by reaching Australia by boat. Last year more than 160,000 worldwide escaped armed conflict and violence by boat. It is not ideal, but boat journeys are a regular occurrence and a relatively common way to seek asylum.

Increasing our humanitarian intake

12. The refugee and asylum seeker phenomenon will only improve if the situation improves at the source. Australia helps by providing foreign aid which targets accelerated peace initiatives, education and development. The recent government announcement of \$1 billion in aid to Afghanistan over four years will greatly contribute from 2015 onwards.
13. However, money is not enough. Developed nations like Australia need to accept a greater number of refugees from war-torn countries. These additional places would immediately provide security, peace and safety, but more importantly they would offer the opportunity for education and employment - something that is generally lacking in war affected areas. Host countries expect that refugees will eventually get a job and support themselves and their family. Refugees also have that expectation. Often refugees have family back home in desperate need of money, which is extra incentive to find employment. In 2010 worldwide remittance flows are estimated to have exceeded \$440 billion and of this amount developing countries received more than \$325 billion. In many developing countries remittance flows represents more than 10 per cent of GDP. Remittances flows are nearly three times higher than the amount of official aid and almost as large as foreign direct investment in developing countries. Remittance flows, unlike foreign aid and foreign investment, have proved to be more resilient during the recent global financial crisis making them not only a larger source of funding but also a more stable source of income.



14. Re-establishing the Orderly Departure Program is one way to increase the intake of people caught up in, or escaping the immediate region of armed conflict and violence. The program would involve Australia working closely with international organisations such as the United Nations High Commissioner for Refugees (UNHCR) and exploring the possibility through Australia's embassies and diplomatic relations. The UNHCR has been very effective at identifying populations at risk and has experience with orderly departure programs. The ACMRO notes that the Expert Panel on Asylum and Refugees has received a submission from John Menadue and Arja Keski-Nummi, who outline in much greater detail the opportunities and practicalities of an orderly departure program.
15. Another way to increase our intake is indirectly through other existing visas, particularly through student and work visas. The Department of Immigration could fast track valid applications from countries experiencing conflict, or give priority to applicants in great humanitarian need.

Asylum seekers currently in Indonesia

16. Our understanding is that most asylum seekers passing through Indonesia do so very quickly. Generally asylum seekers will spend between four days to a month before getting on a boat to Australia. With the introduction of an orderly departure program taking away the need to travel to Indonesia, we would expect boat journeys would recede after some time depending on how well the orderly departure program can be communicated to those who are considering the journey. During the implementation phase of the orderly departure program provisions should be made for the estimated 5,000 asylum seekers currently in Indonesia.
17. For inquiries relating to this submission please contact Joe Moloney, Research and Information Officer ACMRO joe.moloney@acmro.catholic.org.au or on (02) 6201 9848.

Sincerely yours in Christ,

Fr Maurizio Pettenà

National Director

Australian Catholic Migrant & Refugee Office

“I Have Heard them Crying Out” Ex 3:7

Third National Conference on the Pastoral Care of Migrants and Refugees

5-7 December 2012

For twenty years the policy of mandatory detention has caused much suffering for our brothers and sisters who, exiled from their homes “*by fear of persecution or by want*”, have journeyed by boat to ask **us** for refuge.

Their journey begins with great suffering, often with the loss of loved ones, parents, siblings, and children. They often lose their beloved homeland forever and may never be able to return. They then risk their own lives all for the slight hope that their situation could be improved.

In response to their plight, many people and organisations in Australia have gone to great lengths to extend the hand of welcome and hospitality to those in great need. The warmth of their compassion ensures that Australia remains ***“a comfort for the afflicted, a refuge for the persecuted, a homeland for the exiled.”***

The Third National Conference on the Pastoral Care of Migrants and Refugees is designed to shed light on the forces driving asylum seekers from their homes, their journey to Australia, and their reception once they arrive.

We are seeking like-minded organisations who would like to be a part of our conference.

If your organisation is interested in sponsoring the Third National Conference please contact Joe Moloney, Research and Information Officer, ACMRO on (02) 6201 9848 or joe.moloney@acmro.catholic.org.au



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