

Advocacy on the removal issue

I was asked to speak to you concerning our work on the removal issue. “Removal”: What an ugly word when used for human beings! I prefer to use it for furniture: “International Removal” is written on larger or smaller vans that carry the belongings of the expatriates who staff the embassies and consulates or work in the international corporations of Geneva where I live. Those are the privileged few among the millions of migrants in our world today. They are given diplomatic status or receive other legal documents to do the work assigned to them.

I shall be talking to you from the perspective of a Swiss pastor who has been in charge of the Latin American Christian Community of the United Methodist Church in Geneva for the past twelve years.

Max Frisch, the Swiss author who described the plight of some of the more common migrants to our country wrote: “Wir riefen Arbeiter und es kamen Menschen” – “We called for workers, and we got human beings.” We used to give them so-called seasonal permits for their particular occupation: in agriculture, on construction sites, for restaurants that catered to tourists, and so on. They were hired as individuals, not allowed to bring their families who were supposed to remain in Italy, Spain, Portugal, Yugoslavia, Turkey or wherever else they had their home. But many refused this separation and nevertheless brought wives and children. The latter were often locked in the apartments or closets while both parents went to work. It took a courageous woman minister of education in Geneva to get them educated: The Swiss Constitution guarantees every child from age 6 to 15 a free education. It does not make an exception for children who lack legal status. However, even though the practice has official approval since 1990, actual access to schools may still vary today depending on implementation by local authorities.

According to estimates, some 3,000 such undocumented children attend school in the canton of Geneva alone. This brings estimates of the total number of “Sans Papiers” in Geneva up to anywhere from 20-50 000 and in the whole of Switzerland from 90-200 000. Most of them come from Latin America; lately the largest numbers have arrived from Brazil.

Until after the Second World War Switzerland was largely a country of emigration. Some of the first foreign workers were called to build the railway tunnels through the Alps:

dirty and dangerous work that many Swiss were unwilling or unable to do. The birth of the BGB party dates from those days: The abbreviation stands for “Bauern, Gewerbe und Bürgerpartei”, the party of Swiss citizens active in agriculture or trades. In order to prevent the foreign workers from access to the general employment market, the BGB wanted to make sure that they would return home once their “seasonal” jobs were done. In the meantime, the party changed its name and is now called UDC in French – Union of the Democratic Centre - or SVP – Swiss People’s Party - in German. “Removal” of foreigners from our soil is still a high priority on its program; at present its political thrust is directed specifically against minarets, depicted on one of its propaganda posters as rockets marking a Muslim claim to Swiss soil. The vote is to take place the coming weekend. I continue to call for your intercessory prayers, so that a majority will vote to uphold the freedom of religion guaranteed by our Constitution.¹

Intercessory prayer is my first instrument in advocacy. Of course, it needs to be informed and coupled with concrete action directed towards changing political and economic systems that oppress human beings and exploit the earth. The section concerning the Rights of Immigrants in the “Social Principles” of the United Methodist Church² reads as follows: The UMC “recognizes, embraces, and affirms all persons, regardless of country of origin, as members of the family of God.”

Thus the Federation of Swiss Protestant Churches of which the United Methodist Church is a member is taking action against the Popular Initiative of the Swiss People’s Party demanding the automatic removal of foreigners guilty of specific crimes including theft, or cheating on social security benefits. The Federation of Swiss Protestant Churches not only opposes this initiative, but it also voices objections to the counter project of the Swiss government.³ The churches demand equal treatment for all foreigners, citizens of the

¹ The arguments put forward by the Federation of Swiss Protestant Churches concerning this issue can be downloaded in German and in French on its website <sek-feps.ch>: www.sek-feps.ch/media/pdf/stellungnahme/Argumentarium_Zwischen_Glockenturm_und_Minarett.pdf and www.sek-feps.ch/media/pdf/stellungnahme/Argumentaire_Entre_clocher_et_minaret.pdf

²http://www.umc.org/site/apps/nlnet/content.aspx?c=lwL4KnN1LtH&b=5117167&content_id={E62CC7A9-1897-4171-9590-4FF7F776314A}¬oc=1

³ Vernehmlassungsantwort des Rates des Schweizerischen Evangelischen Kirchenbundes SEK zum indirekten Gegenvorschlag zur eidgenössischen Volksinitiative «für die Ausschaffung krimineller Ausländer (Ausschaffungsinitiative)»

European Union, as well as for those from other parts of the world. Moreover, all such withdrawals of legal status must abide by the standards of the European Court of Human Rights and notably take into consideration the particular situation of the individual and of his or her family. The Federation also insists on the principle of “non-refoulement,” meaning that no one be sent back to a country where he or she would be subjected to torture or other cruel and inhumane punishment.

The Federation of Swiss Protestant Churches coordinates the chaplaincy services at the airports and in the Reception Centres⁴ for asylum seekers. Living conditions in these centres, documented in an excellent film by Fernand Melgar called “La Forteresse”,⁵ are a matter of grave concern. The film received the Golden Leopard Award at the Locarno film festival and does a lot to raise awareness among the general public for the plight of asylum seekers. Chaplains are allowed to see prisoners awaiting forced returns, but so far, they are not present at the actual departure. Although European guidelines calling for monitoring of forced returns apply to Switzerland, it is not yet clear who will be in charge of such monitoring, neither what role Swiss churches will be allowed to play.

The Conference of Protestant Churches in the French-speaking part of Switzerland supports advocacy for migrants’ rights through a special commission that publishes studies on particular issues. This year, the focus is on bi-national marriages. Under the guise of preventing marriages for the sole purpose of legalizing one’s residence in Switzerland, regulations have become so strict that it is practically impossible for foreigners, especially for citizens of some African countries, to marry a Swiss. Foreigners without legal residence in Switzerland must leave the country to obtain the necessary papers, a lengthy process at best, but impossible when civil war ravages your home country, or you are fleeing from persecution there.

Churches are among the four most important sponsors of legal services to migrants, not provided by the State. As clergy we are often asked to intervene and get expert advice for migrants confronted with official documents and decisions. A recent example in my

⁴ EVZ – Empfangs- und Verfahrenszentrum

⁵Order at: <http://www.artfilm.ch/forteresse.php?lang=en>

congregation: When the mother of an 11-year-old daughter born in Switzerland asked for a legal separation from her husband, she was told by the authorities that she and her daughter had to return to her home country - since her current permit to reside in Switzerland was linked to her marital status - even though she had lived in Geneva legally for over a dozen years and the daughter had spent her whole life in Switzerland. I wrote an appeal citing an article from the current legislation that was applicable in her case.⁶ The official reversal of the decision was not long in arriving, citing the very same article that my letter had mentioned, as if the authorities had just discovered that it figured on their books!

However, a considerable number of migrants lack legal status.⁷ They often work for years as domestic helpers, in restaurants, on construction sites or in the agricultural sector. Without them, the economy in Geneva, and many other places, would not function. So far, churches, workers' unions, and even the Cantonal Government have pleaded in vain with Federal authorities to legalize the situation of these workers. Now that, due to the financial crisis, jobs are becoming scarce, the least we as Christians can do, is offer a safe journey to those among them wishing to return home. For problems arise not only when undocumented workers are caught by the police and deported, but also when they intend to leave on their own initiative. Since their passports lack the necessary visas or the latter expired, authorities detain them for lengthy interrogations before embarkation in an attempt to find out who gave them employment or housing. Thus not only do the unfortunate travellers miss their flight, but they also lose their hard-earned savings, because any cash and valuables they carry with them are confiscated. In cooperation with an aid organization of the Federation of the Swiss Protestant Churches⁸ the local Red Cross offers protection to foreigners without legal status planning a voluntary return. Four months ago, the Cantonal government in Geneva decided to offer undocumented workers the same benefits that it extends to asylum seekers agreeing to a voluntary return. This may include the price of the airfare as well as a grant of CHF 3000.00 to start a small business at home. The money is not given in cash but administered upon arrival by the local representative of the International Organization for Migration in the home country. Thank you for your attention. (Budapest, November 27, 2009 Roswitha Golder)

⁶ Art. 77 OASA (Ordonnance relative à l'admission, au séjour et à l'exercice d'une activité lucrative)

⁷ Estimates vary from 90'000 to 300'00 "Sans Papiers" (undocumented workers) currently living in Switzerland

⁸ Hilfswerk Evangelischer Kirchen der Schweiz, HEKS, called: Entraide Proestante, EPER in French