

CONFERENCE REPORT

Religion and Immigration

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The twenty-first meeting of the European Consortium for Church and State Research gathered scholars from twenty member states of the European Union in Madrid at the invitation of Professor Agustín Motilla of the University of Charles III, and was devoted to the question of religion and immigration. In the first session, its chair Professor Axel Frhr von Campenhausen proposed a set of common denominators for the further discussions. In recent years many countries traditionally of emigration became countries of immigration. Immigration law in all countries is complex and controversial, and member states have recently had to amend their national laws in order to ensure conformity with the European directives: Directive 2003/9 of 27 January 2003 which laid down minimum standards for the reception of asylum seekers; Directive 2003/109 of 25 November 2003 concerning the status of third-country nationals who are long-term residents; and Directive 2003/86/EC of 22 September 2003 on the right to family reunification. Despite the complexity of EC law and the national laws, it seems that no major problems of fundamental rights have been encountered so far, although relevant data are not always readily available.

Professor Silvio Ferrari raised the issue of respect from immigrants towards the values of the host country or merely towards its legal order. Professor Gerhard Robbers advocated a careful and balanced approach requiring respect for values, broadly defined. As long interested parties solve their internal problems through legal means such as judicial remedies and not violence (eg honour killings), the basic requirements are met. Several countries have introduced special courses or tests for the immigrants. Austria offers a reading and writing course (if needed), a German language course, and also an integration course concerning democratic institutions of the country. Italy introduced a manifesto, which every potential migrant should read before arriving in Italy: the text is available in Italian consulates and diplomatic missions. In

Germany people applying for German citizenship must pass a special test: questions seeking out liberal beliefs, such as those concerning homosexual marriage, have not been allowed (per Professor Hans Michael Heinig). A French law in January 2007 introduced an institution of a *contrat d'accueil et d'intégration*, the signing of which is compulsory for all intending to live in France. According to this law the State obliges itself to give one-day training on the institutions of the Republic, and on basic principles of life, such as equal treatment between men and women, and on the principle of *laïcité*. Immigrants undertake to respect French rules and principles. Between 1 January 2007 and 31 December 2008, 439,000 immigrants signed this contract.

Professor Francesco Margiotta Broglio underlined the fact that immigrants are not only subject to the provisions of national and European law, but also international law. In this perspective one of the most important issues becomes determining whether and when immigrants constitute a 'minority' within the meaning of international law. Balazs Schanda underlined the complexity of the question: in Hungary besides the ancient minority of Armenians, there is also a wave of new immigrants from Armenia, who have almost nothing in common with those that had settled in Hungary centuries ago. The first group does not speak Armenian any more, but their confession is still Armenian Catholic, while the latter group has hardly any links with the Church. It is difficult to determine whether both are to be regarded as one homogenous group. The notion of national minorities in Member States is understood in different ways: the Cypriot law recognises Roman Catholics as a national minority.

The afternoon session, chaired by Professor Charalambos Papasthatis, raised the issue of the internal legal system of immigrants and its relationship to the law of the host country. The Archbishop of Canterbury referred to this matter in his lecture in February 2008.¹ In Greece, following the Treaty of Lausanne in 1923, Sharia is the state law of Western Thrace. In Italy the State recognises judgments of ecclesiastical courts, provided they adhere to certain procedures and values. In this respect, Professor Marco Ventura sees an opportunity: the State by recognising the ecclesiastical courts and their judgments, imposes on these courts a *de facto* duty to respect Italian law. As regards religious conversion by asylum seekers, it was pointed that the Cypriot authorities investigate whether such change was genuine or a sham, designed to improve the immigrant's prospect of asylum.

The third session, chaired by Professor Richard Potz, brought to light other issues. The participants discussed whether and how immigrants are used for political aims. The general conclusion of this interesting discussion is that

1 R Williams, *Civil and Religious Law in England: a religious perspective*, reproduced at (2008) 10 Ecc LJ 262–282.

indeed, they are used, but mainly during political campaigns before elections. Certain priorities or prejudices of immigrants are well known and therefore it is easier for political parties to manipulate them. Other matters raised during this session concerned the financial contribution of the French Ministry of the Interior to organisations which take care of illegal immigrants (some €20 million a year).

Finally, the legal position of immigrant clergy was discussed. In Germany a phenomenon of imams not speaking any German has been discernible for years. The intention of the Turkish Presidency of Religious Affairs in sending the imams from Turkey was to maintain the Turkish character of Turks living abroad, particularly in Germany. However, this tendency has changed in recent years. Professor Potz wondered whether in other states there are any provisions relating to the immigrant clergy. Such provisions are foreseen in Polish legislation, which explicitly grants permits to clergy of churches and religious communities listed in a Register kept by the Minister of the Interior and Administration. As regards the level of intervention of the State in the question of religion and immigration, one should bear in mind that States should not trespass too far into their activities: Austria was refusing to acknowledge the fact that women may be Islamic ministers.

At the Annual Assembly of European Consortium for Church and State Research, Professor Norman Doe, Director of the Centre for Law and Religion at Cardiff University, was elected President of the Consortium for 2010.

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