



**DIALOG  
UE/PERS  
PECTIVES**

Discussing  
Religions and  
World Views

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**AS A GLOBAL COMMUNITY, WE FACE A CHOICE. DO  
WE WANT MIGRATION TO BE A SOURCE OF  
PROSPERITY AND INTERNATIONAL SOLIDARITY, OR A  
BYWORD FOR INHUMANITY AND SOCIAL FRICTION?  
(ANTONIO GUTERRES)**

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## **Preamble**

This policy brief was developed in collaboration with Dialogue Perspectives. Discussing Religions and World Views. Dialogue Perspectives is a programme dedicated to the development and establishment of new and innovative forms of interreligious/worldview dialogue. Its mission is to meaningfully contribute to European understanding and collaboration, to the strengthening and defence of European civil society, and to the shaping of a pluralistic and democratic Europe grounded in the principle of solidarity.

Dialogue Perspectives launched its first European Leadership Workshop in 2021, where present and former participants in the programme with a proven track record in interreligious/worldview practice worked together to learn the core principles of policy writing. In this task they were supported by several inputs by and discussions with experts in the field of policy advocacy.

The European Leadership Workshop participants implemented their newly gained knowledge by producing three thematically diverse briefs on policy topics that are situated at the intersection of core societal questions and their relevance for a constructive, socially oriented, religious and worldview dialogue. They speak to central issues of European society such as combating discrimination, racism, and anti-Semitism by advocating a pluralistic remembrance culture, strengthening the democratic process by empowering irregular migrants and recognizing pluralistic co-living through the concept of care communities.

## **Contextualising irregular migrants and human rights**

The term irregular and/or undocumented migration is applied to and described as ‘movement of persons to a new place of residence or transit that takes place outside the regulatory norms of the sending, transit and receiving countries’.<sup>1</sup> According to the European Commission:

There is no universally accepted definition of irregular migration. From the perspective of destination countries, it is entry, stay or work in a country without the necessary authorisation or documents required under immigration regulations. From the perspective of the sending country, the irregularity is, for example, seen in cases in which a person crosses an international boundary without a valid passport or travel document or does not fulfil the administrative requirements for leaving the country.<sup>2</sup>

In this brief we choose to use the term irregular as per EU terminology.

Matters and arguments on migration – whether rights-based, border-control issues or economic/fiscal effects – are generally addressed from the perspective of political implications and government obligations. However, this brief suggests a different lens and frame needs to be applied to the dialogue and conversations that could provide a unique perspective that represents a different obligation. The obligation proposed is a moral obligation that explores, and addresses needs and rights that are more conducive to integration and inclusion as per the UN Human Rights charter – Articles 2, 3, 5,6, 7, 21, 22, 23, 25, 26 and 28.<sup>3</sup>

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<sup>1</sup> European Commission, Irregular Migration, undated. [https://home-affairs.ec.europa.eu/pages/glossary/irregular-migration\\_en](https://home-affairs.ec.europa.eu/pages/glossary/irregular-migration_en)

<sup>2</sup> Ibid.

<sup>3</sup> United Nations, Universal Declaration of Human Rights, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

## Migration journeys

The journey towards a perceived new beginning and a better everyday life can be remarkably different for irregular migrants. Irregular migration for men, women, children, and their families can be fraught with dangers associated with exploitation. During the journey to a perceived place of safety, the dangers faced by many include trafficking and gender-based violence. There is also a significant gender dimension in terms of the vulnerability of irregular women and girls.

The reality of the experience of irregular migrants does not fit into the general public's understanding of migration as a process that is steeped in legal frameworks, national treaties, and international laws. The collective response to our understanding, knowledge and research into this area created an urgency for the need to raise awareness and to lobby for a fairer and equal treatment of those in the most vulnerable position in our society. Particularly, the Covid-19 pandemic exposed the needs irregular migrants are lacking and the border crises in 2021 demanded for a more humanitarian response.

Our request is based within the rights-based approach of incorporating human rights guidelines as well as UN and EU values of fair play and equality. We argue that a fair solution addresses the ongoing exploitation, criminality and harm experienced by irregular migrants and their children as well as our unwitting collusion in what is a human rights violation. This brief recommends some clear measures that not only accords safety and protection of irregular migrants but also civil rights that enable their integration into everyday society via education, employment, political participation, and advocacy.

## Why is it urgent now?

In times of extreme right-wing revival and populism, irregular migrants within Europe are being excluded, disregarded, and treated with intolerance due to their status, gender, ethnicity, culture, and faith. They are also subjected to ethnocentric and xenophobic values and attitudes due to their precarious and irregular situation. The same values and beliefs are then incorporated into language and communication that is applied within education, the media and in political rhetoric. Often those subjected to the resultant microaggressions are migrants from the BAME (Black, Asian, and Minority Ethnic) communities. These microaggressions can and have led to acts of violence and abuse that are often unrecorded as irregular migrants are afraid and unsure of the actions of policing and other authorities when their status is known. Deportation is a constant and present fear for irregular migrants. The Covid-19 pandemic exposed the needs that irregular migrants require and the urgent support lacking in their everyday lives, creating greater marginalization and invisibility. There are further ways in which irregular migrants are discriminated against, marginalized, or ignored in everyday life and specifically within the Covid-19 context (see Table 1).

<b><u>GENERAL</u></b>	<b><u>Covid-19</u></b>
Irregular migrants are subjected to the EU's Return Directive causing return to their country	Impossibility to keep social distance as many irregular migrants live in crowded precarious

of origin, raising fear of the persecution that they may have faced being revisited upon return	settings, including detention centres and informal camps
Lack of safe and supportive policies for children and families, including regarding lack of access to education, employment, health, and social care	Restrictions during lockdowns made it hard to carry out community support (particularly for mental health and well-being) for irregular migrants
Exacerbated pre-existing conditions of social exclusion and deprivation, and exclusion from the democratic process with no access to social, political, economic, and civil liberties	Fear of exposure to immigration control, and checks or arrests at vaccination centres preventing irregular migrants from accessing services
Exploitation of young adults and adults in the employment sector	Loss of income due to the interruption of work and impossibility for irregular migrants to access state support, including unemployment benefits
Access to asylum and immigration procedures, which were suspended during Covid-19	The pandemic exposed further risks and widening inequalities in health care and access to vaccination.

### Interfaith work and migration

Contemporary transformations in the welfare state were the main reason for the increasing interest in faith-based organisations (FBOs),<sup>4</sup> with an increasing engagement between local authorities, health services and voluntary and community associations in the delivery of public services. Since then, governments across Europe have seen FBOs as innovators in solving persistent social problems and creating ‘compassionate communities’,<sup>5</sup> in particular irregular migrants. The potential of FBOs to support ‘hard-to-reach groups’ is very attractive. State – as well as market - collaboration with FBOs has benefit such as giving resources to local social action projects, offering a level of scale and impact that otherwise would be impossible.<sup>6</sup>

Faith-based organisations (FBOs) are anchor institutions at the local community and are often the sole supporters of their irregular migrant members. FBOs are often the ones on the front line of the issue, a safety net for these communities and a support system for those invisible to official services. Many FBOs depend on government and trust funding to deliver services and activities for those in need. However, government funding increasingly has a ‘deficit-focus DNA of the state’,<sup>7</sup> leading FBOs to reshape their services away from the ones that are core to their mission into those that are more bureaucratic and with relentless targets. FBOs then are co-opted into carrying out duties (explicitly or implicitly) that are the responsibility of the state.

<sup>4</sup> İpek Göçmen, ‘The Role of Faith-Based Organizations in Social Welfare Systems: A comparison of France, Germany, Sweden, and the United Kingdom’, *Nonprofit and Voluntary Sector Quarterly*, 42(3), 2013.

<sup>5</sup> Margaret Harris, ‘Civil Society and the Role of UK Churches: An Exploration’, *Studies in Christian Ethics*, 15(2), 2022.

<sup>6</sup> Russell Rook and Sam Wells, *For Good: The Church and the Future of Welfare*, Canterbury Press, 2017, p. 74.

<sup>7</sup> *Ibid.*

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The presence of FBOs in social welfare is not new in Europe, and governments are gradually appreciative of opportunities to work with them. However, FBOs need to be treated as equal players, collaborators, and advisors as they are often the experts in the delivery of particular services. A good example of co-constructed work is the Community Sponsorship Scheme to resettle refugee families in the United Kingdom, which was developed in collaboration with the Home Office and civil society organisations such as FBOs.<sup>8</sup>

### Pathways to access for irregular migrants

There have been calls by lobbying groups including faith and interfaith organisations to accelerate the pathways to papers by regularizing irregular migrants in Europe. Several countries have regularised or implemented processes to support irregular migrants (see Table 2).

<b>France</b>	Entitlement to full health coverage free of charge
<b>Ireland</b>	Does not detain any children for immigration purposes Has provided pathways to regularization from January 2022
<b>Italy, Portugal, and Luxembourg</b>	Implemented measures to minimize the informal economy and to widen social safety nets in response to Covid-19 <sup>9</sup>
<b>Spain</b>	Law specifically states that irregular children can go to school, access subsidies for low- income families and do internships

### Conclusion

To further this discourse, we recommend a paradigm shift. We believe this opens the debate on the core components of human rights legislation, based on advocacy for fair play and equality and moral obligation for duty of care. Migration is and will be a topic of great interest and ongoing deliberation among the EU/EEA, the United Kingdom, and their strategic partners. This brief recommends that their approach, which is often humanitarian, should also be applied to the policy process in ensuring a long-term solution to the needs of irregular migrants. Much of the research on irregular migration has very parallel recommendations but there is a lack of an intersectional approach to the exploration of recommendation to solutions. There is a lacuna here that may be better addressed with the collaboration of faith and socially conscious communities/organisations. This provides the opportunity to implement a unique approach and create an Interfaith Inquiry Committee that can apply their humanitarian lens and experience of providing frontline service to provide critical but pragmatic recommendations.

<sup>8</sup> Rook and Wells, For Good.

<sup>9</sup> Caritas Europa, Statement by the Migration Working Group of the International Forum of Catholic-Inspired Organizations on the Occasion of the 107<sup>th</sup> World Day of Migrants and Refugees. 26 September 2021.

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The EU's Committee on Immigration and Asylum should explore via the Interfaith Inquiry Committee possible helpful measures as many grassroots organisations supporting irregular migrants have links to and are supported by FBOs in Europe. The authors' recommendations are:

**1) To consider the examples of pathways to rights and access to services for irregular migrants as an equitable norm in Europe**

While Europe is still behind in considering the pathways for irregular migrants, some countries took it upon themselves to offer access to health, education, and social care (see Table 2). This shows that good practice is already in place in some countries and extending it to a European level is the next step. For a long time, issues of migration have been dealt with in a reactionary way rather than in a proactive way.

As such, the European Committee of Immigration and Asylum together with the Interfaith Inquiry Committee must develop options of pathways to the regularisation of irregular migrants based on current good practice. European countries will receive financial and social incentives to lead the way on different pathways for rights and regularization offers, sharing learnings with the wider continent. The committees' responsibility should be to develop a long-term strategy with real-time targets for the European Union to address the regularization of irregular migrants. The strategy will support countries wishing to adhere to the programme as well as champion good practices of countries that are leading the way.

**2) To expedite the rights of irregular migrants in Europe**

a) Improving legislative policy:

In the city of Ghent in Belgium, free legal advice is offered to all migrants, documented or not. This legal advice is supplied by Information Point Migration, which is organised by the Integration Service of the city of Ghent, and it is funded by the local government. The role played by civil society and social partners, sometimes in cooperation with LRAs, in access to justice has been recently recognised by the FRA (Fundamental Rights Agency).<sup>10</sup> This is a proven effective measure.

b) Temporary documentation: This provides a three-pronged approach

- I. We also recommend that a temporary visa is developed to ensure irregular migrants are supported and protected during the review and decision-making process of their migration status.
- II. We also call for this process to be expedited and concluded within a reasonable timeline – 6–12 months maximum.
- III. The temporary documentation enables and ensures access to services and provisions – such as health, education, and employment – within the EU state where they are temporarily based, which can then be updated to permanent residency documentation on successful review.

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<sup>10</sup> Sergio Carrera and Joanna Parkin, Protecting and Delivering Fundamental Rights of Irregular Migrants at Local and Regional Levels in the European Union, EU Committee of the Regions, p. 22.

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**3) To reconsider present policies with a humanitarian lens and a human rights-based approach. The primary goal is to save lives, alleviate suffering and ensure that vulnerable and crisis-affected individuals receive assistance and protection.**

Besides adopting legislation that is human rights-based and serves as legal framework, a more humanitarian policy at a (supra)national level can be conducted by:

- I. Providing frontline service and critical and pragmatic solutions for newly arrived migrants.
- II. Prohibiting detention and protecting from arbitrary behaviour and decisions.
- III. Providing free access to health coverage, education, and social care as basic needs of human life.
- IV. Providing families and individuals with subsidies as part of social welfare programs and widening social safety nets.

We request the ideas we put forward to be given due consideration for FBOs to be partners for resolving the ongoing crises of irregular migration.

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### **The Authors**

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