

**Contemporary Sanctuary in Germany: Bavaria and the Intricacies of Church
Asylum**

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Abstract

Contemporary Sanctuary in Germany: Bavaria and the Intricacies of Church Asylum

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This thesis analyzes the case study of Germany and explains why there is a larger prevalence of church asylum in Bavaria than in other German states. Due to a variety of factors, this research examines how church asylum in Bavaria is created and sustained. The specific factors of geography, identity, money, and courts in Bavaria presents in depth knowledge of why there is more church asylum within this southern state.

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Introduction

With over 65 million people displaced throughout the world by conflict and persecution in 2015¹, the 21st century is experiencing a global phenomenon. The mass migration has forced world powers to come to terms with the movement of people and scrape together plans for action. In 2015 alone, there were roughly 1,322,820 asylum and first time asylum applications that were submitted throughout the 28 European Union states². Of these arrivals, 476,510, or 36% of the total, filed for asylum and first time asylum in Germany³. Migrants were arriving on packed trains, busses, airplanes, and many on foot. Reports show that Germany had over 1 million asylum seekers physically arrive in 2015⁴, more than any other European Union country. This mass migration to Germany was met with Angela Merkel's open door policy⁵ and welcoming stance on migrants in 2015. This led to Germany becoming the second most popular immigration destination in the world, second to only the U.S.⁶

Comparatively, the German resident population stood around 81 million people in 2015⁷ and the arrival of 1 million migrants equals 1.2% of the population. While in terms of sheer

¹ Edwards, Adrian (2016, June 20). *Global Forced Displacement Hits Record Highs*. Retrieved from <http://www.unhcr.org/en-us/news/latest/2016/6/5763b65a4/global-forced-displacement-hits-record-high.html>

² Eurostat. (2015). Retrieved from <http://ec.europa.eu/eurostat/data/database>

³ Ibid.

⁴ International Organization for Migration (2016, January). "Migration, asylum and refugees in Germany: Understanding the Data". *Global Migration Data Analysis Center Data Briefing Series*, (1), 1-6.

⁵ Hill, Jenny (2015, October 1). *Migrant Crisis: How long can Merkel keep German doors open?*. Retrieved from <http://www.bbc.com/news/world-europe-34402001>

⁶ United Nations Population Division (2015). *International Migrant stock 2015: graphs*. Retrieved from <http://www.un.org/en/development/desa/population/migration/data/estimates2/estimatesgraphs.shtml?0g0>

⁷ European Commission. (n.d.). Eurostat. Retrieved from <http://ec.europa.eu/eurostat/data/database>

numbers, that seems small, add the physical size of Germany, which is about 348,672 square kilometers⁸, or in other terms, slightly smaller than Montana⁹. These close quarters, Merkel's welcome policy, and the unexpected movement of 1 million people into Germany within a single year, indicates the circumstances Germany has been facing.

However, Germany is also in the European Union and has a contractual obligation to abide by its regulations. This creates tension and concerns of human rights in regards to migrants. Along with Schengen and the idea of free movement throughout Europe, the E.U. also instilled the policies of the European Union Dublin III Regulation. This regulation "...lays down the criteria and mechanisms for determining which EU country is responsible for examining an asylum application."¹⁰ The "criteria" and "mechanisms" for determining which EU country is responsible for asylum applications is on the EU first country of entry for migrants. The countries of first entry typically include Italy, Greece, Bulgaria, or Romania. The concern then in regards to human rights, is that some applicants who apply for asylum in Germany are denied asylum and deported back to the EU country they first entered. The main concern here is that Italy and Greece were both suffering from lack of food and resources for migrants, and therefore, it is endangering the life of a migrant if a government sends them back to EU countries with no resources for migrant survival. Perhaps even more detrimental is the deportation of asylum seekers sent back to Bulgaria or Romania, where both countries suffer from general human rights

⁸ Central Intelligence Agency. *The World Factbook, Europe: Germany*. Retrieved from <https://www.cia.gov/library/publications/resources/the-world-factbook/geos/gm.html>

⁹ Central Intelligence Agency. *The World Factbook, Field Listing: Area – Comparative*. Retrieved from <https://www.cia.gov/library/publications/resources/the-world-factbook/fields/2023.html>

¹⁰ EUR-lex (2015, January 3). "EU asylum policy: EU Country responsible for examining applications". Retrieved from <http://eur-lex.europa.eu/legal-content/EN/LSU/?uri=CELEX:32013R0604>

abuses to migrants¹¹. The German national asylum process is working simultaneously with these EU regulations and there were a number of migrants who were unable to get asylum status within Germany specifically because of these regulations.

The crossroad of the influx of migrants into Germany with the follow up of EU regulations brought to surface the power and advocacy behind churches within Germany. There was of course, the warm welcome of German volunteers waiting for about 8,000 migrants to arrive in Munich in early September 2015 providing tea, food, some toys, and of course cheers¹². And other Germans were able to be more heavily involved volunteer wise, following the mass movement of migrants into Germany, whether that be providing legal help, to housing a refugee¹³. Much of the media throughout the 2014-2015 migrant crisis, showed all migrants as refugees. The categorization of migrants is a complex subject that is entrenched in power dynamics, state influences, and global impacts¹⁴. However, for my research I focused specifically on migrants moving into Germany seeking asylum, going through the asylum process, and then having their asylum status denied by the German state. I refer to these specific migrants as “failed asylum seekers” throughout this thesis because they have failed the asylum process in

¹¹ Eddy, Melissa (2015, May 9). “Rift Forms in Germany Over Asylum”. *New York Times*. Retrieved from https://www.nytimes.com/2015/05/10/world/europe/rift-forms-in-germany-over-asylum.html?_r=1

¹² Bennhold, K., Erlanger, S., Smale, A. (2015, September 5). “Germans Welcome Migrants After Long Journey Through Hungary and Austria”. *New York Times*. Retrieved from <https://www.nytimes.com/2015/09/06/world/europe/migrant-crisis-austria-hungary-germany.html>

¹³ Gopalakrishnan, M. (2016, August 22). “German volunteer finds his calling helping refugees”. *Deutsche Welle*. Retrieved from <http://www.dw.com/en/german-volunteer-finds-his-calling-helping-refugees/a-19456138>

¹⁴ Zetter, R. (2007). More labels, fewer refugees: Remaking the refugee label in an era of globalization. *Journal of Refugee Studies*. 20(2), 172-192.

Germany and are legally not allowed to reside in Germany and therefore are housed within church asylum.

Church Asylum, or sanctuary, has the basic definition of “.a practice to support, counsel and give shelter to refugees who are threatened with deportation to inhumane living conditions, torture or even death. This practice can be located at the interface of benevolence and politics.”¹⁵

More recently, the concept of sanctuary has also evolved to include college campuses and cities as is being seen within the United States. However, in Germany, the influence and power of the church still make it the ideal candidate for housing migrants. The church views church asylum as “filling in the cracks” in which the failed asylum seekers are falling through on the federal level¹⁶. As was discussed, the human rights issues regarding the EU Dublin III Regulation play a large role in failed asylum seekers who seek church asylum in Germany. There are also failed asylum seekers in church asylum who are facing outright deportation back to their home country because it has been deemed “safe” or there are no concerns for persecution by the federal government. This is the primary group of people that church asylum strives to serve.

The difficulty that church asylum encounters is that the German federal agency for migration, BAMF, has made it clear that church asylum is not German law and therefore, has no right or authority to go against the decisions made at the federal level. However, churches practicing sanctuary do not see themselves as doing anything illegal, but rather they are “filling the gap” that the federal government is not filling. Churches view their activity of sanctuary as more of a “grey zone” than illegal¹⁷. However, the German government sees it the other way

¹⁵ Neufert, B. (2014). “Church Asylum”. *Forced Migration Review*, no. 48 (2014): 36.

¹⁶ Brummer, Peter [Personal Interview]. (2016, September 17th).

¹⁷ Sister Geraldine [Personal Interview]. (2016, September 10th).

around. In the churches' perspective, they view the current German Basic Law (Germany's constitution) has the unnecessary Article 16a on asylum that was placed in the constitution in the 1990s after the fall of the Berlin Wall and the massive migration of Eastern Europeans into Western Germany¹⁸. Churches argue that church asylum is not a grey zone, but legal in the sense that these churches providing asylum are protecting failed asylum seekers who would have been protected if Article 16a was not added in the 1990s¹⁹. This creates tension between churches and the state of Germany because, as will be discussed further, there is substantially greater power churches have in Germany than that of other countries.

The terms "church asylum" and "sanctuary" are used interchangeably throughout this thesis. The term "Sanctuary" originates out of the medieval era and was an established law that granted criminals who fled to churches protection from forcible removal and corporal and capital punishment²⁰. In present time, the word "sanctuary" is more in line with the idea of a safe space for oppressed individuals. Comparatively, the term "church asylum" also still holds true to the idea of providing a safe space for oppressed individuals, but it is also incorporating a 20th century law component of asylum. Granting a migrant asylum is enacted by national governments through their constitution and law. There is no involvement of the church from a basic legal standpoint. The term "church asylum" incorporates the original basis of sanctuary providing

¹⁸ Just, Wolf-Dieter D. (2012). The Rise and Features of Church Asylum in Germany: "I Will Take Refuge in the Shadow of Thy Wings until the Storms Are Past". In *Sanctuary Practices in International Perspectives: Migration, Citizenship and Social Movements* (pp. 135-47). Taylor and Francis.

¹⁹ Reichel, Stephen [Personal Interview]. (2016, September 15th).

²⁰ Lippert, R. K. (2013). *Sanctuary practices in international perspectives: migration, citizenship, and social movements*. (S. Rehaag, Ed.). Abington, Oxon: New York: Routledge.

safety by the church as well as incorporating the legality of what church activists feel they are doing, while it is technically considered a grey zone within the German government²¹.

The main network that is taking on the church asylum cause in Germany is the German Ecumenical Committee on Church Asylum (GECCA). This network is comprised of German Protestant, Catholic, and Free Churches all willing to offer church asylum²². Service and advocacy is truly at the center of this network. As they explain, “Parishes offering asylum to refugees feel bound by their Christian faith to protect people from deportation from the territory, if there is reasonable doubt concerning a safe return. These parishes place themselves between refugees and the authorities in order to bring about a re-examination of cases and to prevent deportation²³.” GECCA organizes churches for accepting the failed asylum seekers, the organization will communicate and encourage other churches to join, and the organization works hard in providing the necessary help for the failed asylum seekers. More and more Protestant, Catholic, and Free Churches have been joining the cause to provide shelter for failed asylum seekers. From the statistics that I was able to find on the distribution of church asylum in Germany, as will be discussed in Chapter 2, there is no equal dispersal of church asylum throughout the German states. Instead, there has been great variation as to which German states take up church asylum.

As will be examined further on, a quick example of the difference in distribution can be seen with the German state of Saarland that has only one case of church asylum and this one case has three people within it. In contrast, it is the German state of Bavaria that has far more cases of

²¹ Reichel, Stephen [Personal Interview]. (2016, September 15th).

²² German Ecumenical Committee on Church Asylum. (2017). Welcome: German Ecumenical Committee on Church Asylum. Retrieved from <http://www.kirchenasyl.de/herzlich-willkommen/welcome/>

²³ Ibid.

church asylum and people within church asylum in both 2014 and 2015. This difference in occurrence leads me to my main research question. Why is contemporary church asylum more prevalent in Bavaria than in other German states?

Hypothesis

The current situation on church asylum in Germany is filled with many facets and intricacies. My hypothesis is that the larger frequency of church asylum in Bavaria is due to four specific factors. These include 1) the geographical location of the state, 2) the identity and culture that is unique to Bavaria, 3) the economic prosperity of the state, and 4) the conservatism of asylum courts within Bavaria. This hypothesis is derived from various qualitative methodologies and materials using academic sources, databases, current newspapers, and in-person interviews. Combined there is indication that there are specific factors that Bavaria possesses in which it enables a larger prevalence of church asylum.

Below is a brief summary of my argument that these factors, and not others, will be able to give a clear picture and reasoning for why church asylum is more prevalent in Bavaria.

Geography – The geography factor is important to analyze because of the migrant patterns into Germany during the 2014-2015 mass migration into Europe. The factor of geography will be a composite of modern migrant routes into Europe with a focus on the borders that migrants crossed on route to Germany. In turn, the mass movement and location of people crossing the border into Germany has influenced the response of church asylum within Bavaria more so than in other German states.

Bavarian Identity & Culture – The concept of identity is a large and ever expanding idea. However, for the purpose of this thesis, I will only be analyzing the religious makeup of Bavaria along with the conservatism seen in the southern state. This will include specifically the

religious makeup of the Protestant and Catholic population of Bavaria, as well as the conservatism seen throughout Bavaria's politics and general culture. This factor helps enable Bavaria to sustain church asylum while also contributing to the need of it.

Bavarian Economy – While at the surface, this factor perhaps doesn't seem relevant to the research, it is, in fact, similar to that of the Bavarian identity & culture factor. The Bavarian economy is able to help sustain the growing and established church asylum within the state. For this factor, I will be looking at specific statistics that illustrate the overall wealth of the state, as well as the German church tax in Bavaria. With the factor of Bavarian economy, I will be analyzing the religious makeup of Bavaria from a purely monetary angle. The movement of money into religious institutions in Bavaria will again, provide the necessary understanding of how church asylum is able to endure within the state.

Bavarian Courts - This factor along with geography, specifically showcases how church asylum in Bavaria has crept up as a response and need within society. The conservatism of the asylum courts in Bavaria specifically creates a larger population of migrants who have “fallen through the cracks” and face deportation out of Germany. This is where it is church asylum that steps in and attempt to “fill the gap” by providing sanctuary.

Methodology

I will use a combination of qualitative methodologies in order to fully answer my question. This research incorporates interviews, as well as a case study of church asylum in Bavaria as part of the qualitative methodology. I will be analyzing secondary sources and newspaper articles as sources because this is such a modern phenomenon and newspaper articles are going to be extremely useful in determining events and credibility of the interviews. Working

with the above four factors, I am completing a case study while also doing process tracing to determine the validity of my given hypothesis.

Data & Material

Since I have outlined factors that link a causal relationship for the greater prevalence of church asylum in Bavaria, I will be using interviews and secondary sources to analyze these associations²⁴. While my focus is on contemporary church asylum in Bavaria during the 2014-2015 migrant crisis, I also draw on U.S., Canadian, and other European cases sourced from scholarly books and articles. I am using a combination of scholarly migrant related journals, such as the *Forced Migration Review* and the *Migration Policy Institute*, etc., as well as databases from a combination of governmental and nongovernmental organizations. A major data source is the German Ecumenical Committee on Church Asylum (GECCA). This network of churches has statistical data that includes past and current operating church asylum cases throughout all 16 states of Germany, including the number of migrants within sanctuary, and information on whether migrants are “Dublin” cases or not. Other databases include Eurostat, the International Organization for Migration, Bundesamt für Migration und Flüchtlinge, and more. The newspaper articles used throughout this research are far more recent and help depict the current state of church asylum in Bavaria. The primary newspaper sources include the New York Times, BBC, Süddeutsche Zeitung, along with others.

Throughout this thesis I will be relying heavily on semi-structured interviews I conducted in Berlin, Mainz, and Bavaria in August and September of 2016. I conducted a total of 15

²⁴ Tansey, Oisin (2007). “Process Tracing and Elite Interviewing: A Case for Non-Probability Sampling.” *PS: Political Science & Politics* 40.04 (2007): 765-772.

interviews over the span of 3 weeks with various actors of church asylum in Germany, and will be using the interviews in relevant chapters of this thesis.

While in Berlin, there were a total of 3 interviews with higher administration organizers of church asylum and local political actors. One interview was with Jan Rouven Drunkenmölle, the Speaker of the German Ecumenical Committee on Church Asylum. He was able to give a more in depth understanding of the process of how migrants come into church asylum and the struggles that communities and churches face when accepting the failed asylum seekers into sanctuary. I was also able to interview the Pastor of Heilig Kreuz Kirche (Holy Cross Church), Ute Gniewoß, and delve into the deeper community ties the church has with its patrons while housing a migrant in sanctuary and the intricacies of the situation. Lastly in Berlin, I interviewed Hanno Bachman, the head of the Migration Policy Committee for the Alternative für Deutschland (AfD) political party chapter of Berlin. He was able to give insight into the role of politics and sanctuary, as well as the role of this rising right-wing party in Germany and what this means for sanctuary and migrants.

In Mainz I stepped away from looking purely at contemporary church asylum and interviewed 1 refugee who had been processed by the German government, BAMF, and was waiting for their interview with officials to determine if they were going to be granted asylum or not. I was also able to sit down with a Syrian family who had gone through the German asylum process and were now trying to find their place in German society. Through them I was able to get a first-hand look at the troubles that refugees have coming into Germany and the extreme backlog that German migration officials have to deal with.

Bavaria is where I did a majority of my interviews; 9 interviews in total were conducted in this southern German state. From a reading in a New York Times article, I was able to get the

contact info and schedule a meeting with Rev. Peter Brummer, a Catholic Priest in Tutzing, a small town on the outskirts of Munich. He provided explanations of why he has chosen to support the people in sanctuary and what it has meant for his congregation. I also traveled out to small villages in Bavaria and was able to interview 2 Protestant nuns who were in charge of the failed asylum seekers housed in sanctuary at their convent. At the time, they had recently received a Yazidi girl from Iraq who was trying to cope with the change and heartbreak of home. I was also able to interview Sister Geraldine of the Dominican Missionaries at the Strahlfeld Monastery, a Catholic church, who is the second in command nun at the monastery and is directly working with another interviewee, Stephan Reichel. There were subtle differences between the Catholic and Protestant churches who were housing the failed asylum seekers. Each congregation had a specific way of handling the migrants who stayed within sanctuary. While at the Stahlfeld monastery, I was able to interview 4 failed asylum seekers who were staying for varying lengths in sanctuary. 3 of the asylum seekers were from Syria, the other was from Afghanistan. The person who placed these asylum seekers in sanctuary at the Stahlfeld monastery and who worked closely with them on their legal appeals to the German BAMF, was Stephan Reichel. Stephan Reichel is the GECCA director of Bavaria. I was able to sit down with him and discuss the role he plays in the organization and how he is one of the key figures in settling migrants in sanctuary in Bavaria and who also plays a mediator role with the Bavarian and federal government on fostering a more unified relationship with church asylum actors²⁵.

²⁵ Interviews were done in compliance with the University of Washington IRB. IRB ID: STUDY00000060, Category 7 (“minimal risk”). Documentation of Consent: Waived for all subjects. IRB Review Administrator Katy Sharrock, Committee EJ. List of interviews is found in the Appendix.

Chapter 1 will consist of background information on the German asylum process and the asylum policies regarding Germany and the European Union. Chapter 2 is an overview of church asylum in Germany including the historical development of it and a deeper analysis of GECCA and the current distribution of church asylum throughout Germany. Chapter 3 will focus on the factor of geography and how that shapes and influences church asylum within Bavaria. Chapter 4 discusses the factor of Bavarian identity and culture specifically analyzing the religious makeup of the state and the conservative views of Bavaria's politics. Chapter 5 is dedicated to analyzing the impact the Bavarian economy has on the sustainability of church asylum within the state. Chapter 6 discusses the conservatism of Bavaria further but in the context of the courts. This chapter will have a brief background of the court system within Germany and then will focus on analyzing the impacts that the conservative courts of Bavaria have on church asylum within the state. The conclusion will incorporate all the factors and show how these 4 factors work together specifically to influence the larger prevalence of church asylum within Bavaria. Additionally, there will be a brief conclusion discussing the possible future of church asylum within Germany and the political climate that migrants and these churches helping migrants are currently facing.

Chapter 1: The German Asylum Process

To understand the creation and development of sanctuary, it is imperative to understand the process a failed asylum seeker takes getting to sanctuary. This chapter will provide background information on the German asylum process, the process of the asylum within the European Union, and how it influences sanctuary in Germany. This background information is crucial in understanding the intricacies of Bavarian sanctuary and the processes that failed asylum seekers go through to get there.

German Asylum Process

Similar to other western states, the asylum process is long and complicated in Germany. When an asylum seeker enters Germany by foot and declares “I need asylum”, this starts a legal process for the migrant to stay within German borders. Immediately after crossing the border in Germany, the asylum seeker must report to a state organization²⁶; this is generally reported at the border of entry. As will be discussed in the chapter on geography, it is here that the German border becomes a critical component in the Bavarian sanctuary process.

Once a report of asylum is made the federal authority on migration into Germany, the Bundesamt für Migration und Flüchtlinge (BAMF), will send the migrant to the closest reception facility. While all states have at least one reception facility, Bavaria is one of three states that have multiple reception facilities²⁷; the other two states being Lower Saxony and North Rhine-Westphalia. It is in these reception facilities that asylum seekers must register to receive a

²⁶ Federal Office for Migration and Refugees (2016, October 1). “The stages of the asylum procedure: Arrival and Registration”. *Federal Office for Migration and Refugees*. Retrieved from <http://www.bamf.de/EN/Fluechtlingsschutz/AblaufAsylv/AnkunftUndRegistrierung/ankunft-und-registrierung-node.html>

²⁷ Asylum Information Database. (2017). Reception Conditions: Germany. Retrieved from <http://www.asylumineurope.org/reports/country/germany/reception-conditions/>

temporary ID card for Germany. The reception facilities are responsible for both short and long term accommodation²⁸ before and after registration. However, this process does become complicated, as BAMF explains “Depending on the country of origin, asylum-seekers can be accommodated in reception facilities for up to six months, or until their application is decided on. They can also be allocated to another facility during this period under certain circumstances, for instance for family reunification.” The difficulty then happens when there is a mass influx of people into Germany and the application decision on granting an asylum seeker asylum or not then takes longer, slowing down the reception accommodation availability, and the asylum process in general.

Once settled at the reception facility, the asylum seeker files a personal application with the Federal Office. In this stage, the asylum seeker has their photograph taken, they get fingerprinted, and their documents (passport, birth certificate, etc.) are checked with the Federal Criminal Police Office and EURODAC²⁹. EURODAC is the database in which all European Union asylum seeker applicants’ fingerprints are held³⁰. German officials will cross check applications with the system to make sure the asylum seeker is not being processed in another EU member state. If the asylum seeker is found to have no fingerprints within the EURODAC system, then the asylum process continues. The federal authority, BAMF, will then be subject to

²⁸ Federal Office for Migration and Refugees (2016, October 1). “The stages of the asylum procedure”. *Federal Office for Migration and Refugees*. Retrieved from <http://www.bamf.de/EN/Fluechtlingsschutz/AblaufAsylv/Erstverteilung/erstverteilung-node.html>

²⁹ Ibid.

³⁰ Identification of Applicants (EURODAC). (2017). Retrieved March 20, 2017, from https://ec.europa.eu/home-affairs/what-we-do/policies/asylum/identification-of-applicants_en

an interview. The decision for asylum will rely heavily on this interview³¹. The interview gives the asylum seeker the opportunity to explain why he or she fled their country of origin and why they are seeking asylum in Germany. As explained by BAMF, “Applicants are afforded sufficient time during the interview to present their respective reasons for taking flight. They describe their biographies and situations, tell of their travel route and of the persecution which they have personally suffered.³²” These interviewers are the “decision-makers” for the asylum application. Therefore, it is a crucial interview for asylum seekers entering Germany. The picture below is the BAMF headquarters located in Nuremberg, Bavaria.



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³¹ Federal Office for Migration and Refugees (2016, October 1). “The stages of the asylum procedure”. *Federal Office for Migration and Refugees*. Retrieved from <http://www.bamf.de/EN/Fluechtlingsschutz/AblaufAsylv/Erstverteilung/erstverteilung-node.html>

³² Ibid.

³³ Photo by Randy Siebert. Retrieved September 2016.

The process of asylum up to the interview portion generally takes about 5-7 months³⁴, however, in more recent years those averages have fluctuated depending on which country the asylum seeker is originating from. For instance, in Mainz, I interviewed a Syrian who was waiting to hear when the interview would be scheduled. He had been waiting for over 1 year³⁵. This in part was due to the mass migration into Germany because of the Syrian war. As mentioned in the introduction, Germany experienced hundreds of thousands of migrants cross its border in one year alone³⁶.

The general asylum process is laid out as a clear step-by-step program. However, there are steps within the German asylum process that can have serious consequences for the asylum seeker. The influx of people seeking asylum put strain on the German asylum process. What generally took 5-7 months, quickly turned into 1 year when more than 400,000 people applied for the process in a short amount of time³⁷. And of the 400,000+ people who applied, this does not count the other hundreds of thousands who had not yet entered the process, but were still crossing the border into Germany. What was once thought as a simple, coordinated process becomes completely overwhelmed.

Another one of those steps within the process that affects asylum seekers in Germany includes the cross checking of the EURODAC fingerprint system. This is where the processes for asylum in Germany intersect with the processes of the European Union. The national and

³⁴ Asylum Information Database. (2017). Regular Procedure: Germany. Retrieved from <http://www.asylumineurope.org/reports/country/germany/asylum-procedure/procedures/regular-procedure>

³⁵ Asylum Seeker Fathi [Personal Interview]. (2016, September 5th).

³⁶ International Organization for Migration (2016, January). "Migration, asylum and refugees in Germany: Understanding the Data". *Global Migration Data Analysis Center Data Briefing Series*, (1), 1-6.

³⁷ European Commission. (n.d.). Eurostat. Retrieved from <http://ec.europa.eu/eurostat/data/database>

supranational regulations of asylum within Germany and the European Union inadvertently play significant roles in determining the fate of an asylum seeker and in turn the fate of who is in sanctuary and for how long. In order to understand this, it is necessary to discuss the European Union supranational process on asylum.

European Union Asylum Procedures

Since Germany and 27 other nations are joined together in the supranational organization of the European Union, there are regulations and processes that this organization has created in an effort to coordinate migration into the geographical space of the EU's 28 member countries³⁸. The EU regulation that designates which member state processes the asylum application is known as the Dublin Regulations from (all three?). By definition the Dublin Regulation is "...to determine which state is responsible for examining an asylum application – normally the State where the asylum seeker first entered the EU – and to make sure that each claim gets a fair examination in one Member State³⁹." As will be explored further in this chapter, this regulation poses challenges to asylum seekers and the failed asylum seekers in sanctuary.

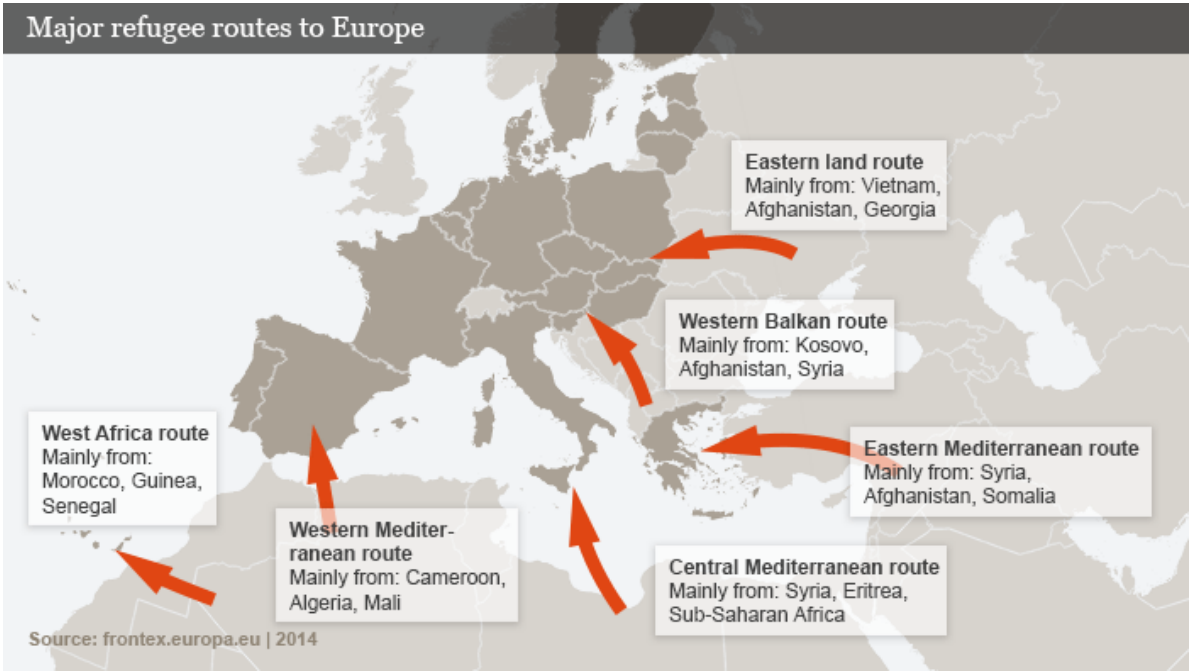
The Dublin regulations determine which EU member state processes the asylum application⁴⁰. While the Dublin Regulation migration policy is accepted as a supranational policy among EU member states, it is the reality of specific member states that have to handle thousands of asylum seekers through processing them into the EU system, as well as caring for them with basic food, water, housing, and more. This is explicitly stated in chapter III, article 13 of the Dublin Regulation, which stipulates "Where it is established, on the basis of proof or

³⁸ European Union. (2017). The 28 member countries of the EU. Retrieved from https://europa.eu/european-union/about-eu/countries_en

³⁹ United Nations High Commissioner for Refugees. (2008). The Dublin Regulation. Retrieved from <http://www.unhcr.org/4a9d13d59.pdf>

⁴⁰ Ibid.

circumstantial evidence as described in the two lists mentioned in Article 22(3) of this Regulation, including the data referred to in Regulation (EU) No 603/2013, that an applicant has irregularly crossed the border into a Member State by land, sea or air having come from a third country, the Member State thus entered shall be responsible for examining the application for international protection. That responsibility shall cease 12 months after the date on which the irregular border crossing took place.⁴¹ This law requires that whatever EU member state the asylum seeker crosses into, that state must process the application. This regulation saw intense scrutiny during the mass migration into the EU in 2014 and especially in 2015⁴². As shown in the map below, many migrants enter the EU through the southern nations of Greece, Italy, Bulgaria, and Romania.



⁴¹ The European Parliament & The Council of the European Union (2013). Regulation (EU) No 604/2013 of The European Parliament and of the Council, (604), 31-59.

⁴² Fratzke, S. (2015). *Not Adding Up: The Fading Promise of Europe’s Dublin System*. Migration Policy Institute.

These states faced immense pressure in handling the influx of people in 2014 and 2015. Multiple factors, which will be discussed below, caused many asylum seekers to continue moving past the member state of entry and on to other member states such as Germany and Sweden. It is common knowledge among asylum seekers, that Germany and Sweden have open and friendly asylum procedures and therefore, many asylum seekers make their way to these countries⁴³. However, when entering the EU, the asylum seekers had to take fingerprints and enter their information into the EURODAC system. If an asylum seeker takes the migrant route from Afghanistan to Turkey and then enters the EU in Greece, he or she must submit fingerprints and information at the Greek border. This information would stay within the system and when the asylum seeker would move on to Germany and apply for asylum, this is where the German asylum process would check his or her information within the EURODAC system. Seeing that this asylum seeker entered through Greece, Germany would then have the authority to send the asylum seeker back to Greece for asylum because of the Dublin Regulations. This is precisely what happened to the failed asylum seeker, Hadi, introduced in the beginning of this thesis. Except he was supposed to be sent back to Bulgaria, which was his European Union country of entry.

This is problematic for the asylum seeker because of the human rights violations that four entry EU member states, Greece, Italy, Bulgaria, and Romania, are accused of by Human Rights Watch and other human rights NGOs. In terms of Greece and Italy, because of the infrastructure and lack of funding for migrant reception centers within the countries, there is an enormous lack of accommodation, food, water, and long processing times that asylum seekers face when they

⁴³ Failed Asylum Seeker Hadi [Personal Interview]. (2016, September 12th).

land on their shores⁴⁴. Comparatively, Bulgaria and Romania, are accused of gross human rights violations of asylum seekers including police beatings, bribery, starvation, and dehydration in multiple migrant camps⁴⁵. Again, this is where Hadi's story is necessary to discuss because after the German asylum process found Hadi's fingerprints within the EURODAC system, abiding by the regulations meant sending him back to Bulgaria where he would have been faced again with these conditions as an asylum seeker in the European Union. Therefore, the lack of provisions for asylum seekers in Italy and Greece, and the gross human rights violations in Bulgaria and Romania, contribute to the severe consequences asylum seekers face when they are not granted asylum in Germany.

The Dublin Regulations have been met with criticism and uncertainty following the substantial movement of people into the European Union⁴⁶. However, as of now the regulations are still in place and are still affecting migrants throughout all of the EU. While on paper the German asylum process seems efficient and stable, reality shows another picture. The initial massive influx of people into Germany created strain on the German asylum system as a whole. Reception centers and accommodation filled quickly and processing times drastically slowed. In accordance with EU regulation, BAMF did send failed asylum seekers back to member states in which they entered including Italy, Greece, Bulgaria, and Romania, regardless of these states' human rights violations. For the failed asylum seekers like Hadi, who did not make it through the German asylum process and who were faced with transfer back to other EU member states or

⁴⁴ United States Department of State. (2015). *Greece 2015 Human Rights Report*.

⁴⁵ Frelick, B. (2014). "Containment Plan: Bulgaria's Pushbacks and Detention of Syrian and Other Asylum Seekers and Migrants. *Human Rights Watch*.

⁴⁶ Fratzke, S. (2015). *Not Adding Up: The Fading Promise of Europe's Dublin System*. Migration Policy Institute.

deportation to their home country, entering German church asylum was a last resort.

Asylum Processes & Sanctuary

The asylum procedures of Germany and the European Union greatly influence the failed asylum seekers in sanctuary. For starters, the failed asylum seekers simply would not be in sanctuary had they not failed either the German asylum system or the EU asylum processes. Thus, if these systems were not in place, then the concept of church asylum could potentially be nonexistent because German churches only accept failed asylum seekers to stay within sanctuary of the church. This will be further discussed in the next chapter. However, this is not the only way in which the German asylum process or the EU process affects German sanctuary.

The length of time which a failed asylum seeker spends in church asylum is determined by these processes. The failed asylum seeker cases that the churches are involved in fall into two categories: 1) the Dublin Cases, in which the failed asylum seeker is being forced by the German government to transfer back to the European Union country through which they entered and 2) general cases. The general cases may lack a “Dublin Case” status because the failed asylum seeker was able to make their way to Germany without any paperwork or fingerprints put into the EURODAC system. Because of this, these non-Dublin cases tend to be more difficult to reapply for asylum and therefore have no specific end date of sanctuary. In contrast, for Dublin Cases, there is the stipulation that if a failed asylum seeker is in Germany for 6 months with no deportations, is not caught by the police, or did not commit any crimes, etc. then the failed asylum seeker may reapply for asylum status.

A majority of those in sanctuary in 2015 entered the EU on foot through Bulgaria, Romania, Italy, and Greece and are considered “Dublin Cases”. In 2014, there was a total of 430

church asylum cases with 378 of them being classified as Dublin Cases⁴⁷. Again, in 2015 there was a total of 620 church asylum cases with 567 of those cases considered as Dublin Cases⁴⁸. This indicates the drastic increase in church asylum, and how a majority of failed asylum seekers within church asylum are considered Dublin Cases.

The issue the churches have with Germany deporting failed asylum seekers back to the EU countries of entry is the potential danger and lack of basic human necessities, as mentioned above. Again, in the case of Greece and Italy, these two countries were overwhelmed with asylum seekers and their state infrastructure couldn't handle the amount of people entering their borders on a daily basis in 2015. This led to a shortage of food and clean water for asylum seekers within these countries and therefore, a prime reason to not deport them back, but rather place these failed asylum seekers into German sanctuary. In the case of Bulgaria and Romania, these countries have a multitude of human rights abuses towards asylum seekers and the churches are seriously concerned about deporting failed asylum seekers from Germany back to these countries.

In an interview with a failed asylum seeker from Syria staying within a Catholic Monastery in the small town of Strahlfeld, Germany, he explained how when he was traveling on foot through Bulgaria to Germany, he was arrested, beaten, had his money taken, and his cell phone confiscated by the Bulgarian police. He was placed in a migrant camp within Bulgaria and it was here that they gave him water and food once a day and he was forced to drink toilet water because there was not enough clean water to go around⁴⁹. Another interviewee within the same

⁴⁷ German Ecumenical Committee on Church Asylum. (2016). Aktuelle Zahlen: Kirchenasyle bundesweit. Retrieved from <http://www.kirchenasyl.de/aktuelles/>

⁴⁸ Ibid.

⁴⁹ Failed Asylum Seeker Mustafa [Personal Interview]. (2016, September 12th).

monastery, a failed asylum seeker from Afghanistan, shared a similar story of his journey when he entered the EU through Romania trying to make his way to Germany⁵⁰. The only difference between these countries was that he was able to sleep on a bed in the Romanian migrant camps, whereas the Syrian man had to sleep on the floor in the Bulgarian camps. The Dublin Cases of sanctuary are just as pertinent and as important as the general cases are.

In terms of general cases, this is when the failed asylum seeker has gone through the German asylum process and while BAMF found no fingerprints within the EURODAC system, German officials deemed the asylum seeker's reason for seeking asylum as not credible. Therefore, the failed asylum seeker is not faced with being sent back to the EU country of entry, but rather is deported back to his or her country of origin.

This was the fate the failed asylum seeker, Shugal, when German officials denied his asylum status. He was sent back to Afghanistan. After this decision, he was placed in church asylum in Bavaria. While Mohammed from Syria was facing deportation back to Bulgaria and was considered a "Dublin Case" in church asylum and was faced with 6 months in church asylum before he could reapply; Shugal was considered a general case and was facing deportation back to Afghanistan. The duration of Shugal's church asylum was unknown. He could potentially be in church asylum from 6 months to an unknown number of years⁵¹.

Both types of cases in German church asylum face extreme potential dangers if the failed asylum seeker was to be sent back to their home country or the country of entrance into the EU. The asylum processes between the national German system and the European Union

⁵⁰ Failed Asylum Seeker Shugal [Personal Interview]. (2016, September 12th).

⁵¹ Reichel, Stephen [Personal Interview]. (2016, September 15th).

supranational regulations influence German sanctuary not only through the creation of failed asylum seekers to stay within church asylum, but also the duration of their time spent in sanctuary. These complicated, overlapping systems are necessary to understand in order to see the influence they have on the creation of failed asylum seekers for German church asylum and the duration in which each failed asylum seeker must stay in church asylum.

Chapter 2: Church Asylum in Germany

Sanctuary in Germany can be dated back to medieval times. As present day Germany was ruled by the Roman empire along with German tribes, the idea of sanctuary took shape, “Roman and German concepts of sanctuary merged: Criminals could find refuge from private vengeance and severe punishments but remained subject to the public legal system. The sanctuary seeker who was delivered to the secular court was protected from capital punishment and brutal treatment⁵².” While the original wording and application has changed, the principles remain the same. This includes the protection of a sanctuary seeker from cruel treatment and the church serving as a place of refuge and safety for the sanctuary seeker. These two main concepts are what we see today in contemporary German Church Asylum.

Contemporary church asylum in Germany is organized as a network of churches and regional leaders known as the German Ecumenical Committee on Church Asylum (GECCA). The headquarters of this organization is housed in Berlin where the first contemporary migrant sanctuary was granted by the Heilig Kreuz Kirche, to a Lebanese family in 1983⁵³. In addition to providing sanctuary, this church also provides information, and works on getting more churches involved in the network on a continuous basis⁵⁴. Furthermore, every 2 years there is a large conference held in Berlin by the Heilig Kreuz Kirche about how sanctuary is going in each state

⁵² Rabben, L. (2017). Sanctuary and Asylum: A Thousand Years of Medieval Sanctuary. *Project Muse*, 42.

⁵³ Just, Wolf-Dieter D. (2012). The Rise and Features of Church Asylum in Germany: “I Will Take Refuge in the Shadow of Thy Wings until the Storms Are Past”. In *Sanctuary Practices in International Perspectives: Migration, Citizenship and Social Movements* (pp. 135-47). Taylor and Francis.

⁵⁴ Drunkenmolle, Jan Rouven [Personal Interview]. (2016, August 31st). Gneiss, Ute [Personal Interview]. (2016, August 31st).

and what more can be done for advocacy of migrant rights⁵⁵.

In order to answer the research question of why there is a larger prevalence of church asylum in Bavaria, it is necessary to gain a deeper understanding of the basic function of church asylum and general information about it. This chapter analyzes the process of entering church asylum, what happens during church asylum, and the distribution of church asylum in Germany through the German Ecumenical Committee on Church Asylum network.

Church Asylum Process

As mentioned in the introduction, GECCA is a network of Protestant, Catholic, and Free Churches who are providing sanctuary for failed asylum seekers in Germany. Operating in all 16 Bundesländer (German States), the network has provided over 1,000 migrants sanctuary in the year 2015 alone⁵⁶. Each state has a GECCA representative that works with the failed asylum seeker in finding a church to take them in. This representative has a list of churches he or she relies on and asks if they have room to spare. If they don't, many churches will often call other churches (whether they are on the original list or not) to see if there is space to help. Once a church is willing to provide housing, food & water for the failed asylum seeker, the GECCA representative will then work with the failed asylum seeker in refiling his or her application for asylum in Germany.

Church Asylum in Action

Sister Geraldine has a modest office at the end of a hallway lined with a variety of

⁵⁵ Ibid.

⁵⁶ German Ecumenical Committee on Church Asylum. (2016). Aktuelle Zahlen: Kirchenasyle bundesweit. Retrieved from <http://www.kirchenasyl.de/aktuelles/>

pictures of Jesus Christ. She is the head nun of a Catholic Monastery that is comprised of about 85 nuns young and old. This specific Catholic Monastery in Strahfeld, located in the rolling hills of the Bavarian landscape, has 20 nuns visiting from the sister monastery in South Africa, where Sister Geraldine spent a previous decade. Her office overlooks the courtyard pictured below.



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In this office she has binders and binders filled with German asylum applications from both current failed asylum seekers and those who have stayed at the monastery for sanctuary in the past⁵⁷. Out of the 13 failed asylum seekers who have completed church asylum at this monastery, all 13 were able to reapply and were granted asylum status within Germany with the help of Herr

⁵⁷ Photo by Randy Siebert. Retrieved September, 2016.

⁵⁸ Sister Geraldine [Personal Interview]. (2016, September 10th).

Reichel. Herr Reichel is the regional leader of the GECCA network in Bavaria. He is the one who called Sister Geraldine 3 weeks earlier asking if she had room for one more failed asylum seeker. Luckily she did, and Hadi was granted church asylum at Sister Geraldine's Catholic monastery.

Including Hadi, there are currently 4 failed asylum seekers staying within church asylum here. They are all male and they all practice the faith of Islam⁵⁹. This doesn't bother Sister Geraldine at all. She declares that it is the responsibility as a Catholic to take in those who need help, and providing church asylum to these 4 failed asylum seekers is both the Christian and Bavarian way. The Catholic Monastery owns what most resembles a duplex down the street. This is where Sister Geraldine used to rent out both apartments to local Germans. However, 3 years ago, after one couple moved on, herself and the congregation agreed to partake in providing church asylum in this extra apartment⁶⁰. Below is a picture of the apartment the 4 failed asylum seekers share:

⁵⁹ Failed Asylum Seeker Hadi [Personal Interview]. (2016, September 12th). Failed Asylum Seeker Mustafa [Personal Interview]. (2016, September 12th). Failed Asylum Seeker Shugal [Personal Interview]. (2016, September 12th). Failed Asylum Seeker Mohammed [Personal Interview]. (2016, September 12th).

⁶⁰ Sister Geraldine [Personal Interview]. (2016, September 10th).



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The apartment is only a 2-bedroom apartment and therefore, each of the 4 have to share a room with one another. The Catholic church of the town in addition to the apartment, provides all of the failed asylum seekers with basic housing accommodations (toothbrushes, bedding, towels, etc.), and groceries.

Once a failed asylum seeker is within church asylum, that person may not leave church grounds. If the failed asylum seeker does leave church grounds during their duration of church asylum, then the German police have the authority to arrest them and have them deported⁶².

While Sister Geraldine's Catholic monastery provides substantial housing for the 4 failed asylum

⁶¹ Photo by Randy Siebert. Retrieved September, 2016.

⁶² Reichel, Stephen [Personal Interview]. (2016, September 15th).

seekers, the apartment is actually down the city street by about 2 blocks. Both the monastery and the duplex it owns are considered a part of the church's property and therefore, the German police may not enter those properties and arrest the failed asylum seekers within church asylum. However, the 2 blocks that the 4 failed asylum seekers walk to get between the church and the apartment are considered public property and therefore, the police have the authority to arrest them along the street. This presents challenges to the church as they provide a variety of services for the migrants on the church grounds. Typically, a nun will walk the failed asylum seekers between the church and the apartment when possible.

While the threat of the public street is very real, Sister Geraldine and the church have gone to great lengths to work with their congregation and the community in housing the failed asylum seekers. With community outreach by the nuns and Sister Geraldine herself, the congregation and the community support the church's actions with providing sanctuary. Sister Geraldine explains that no matter what the community believes, this church will continue to do what they believe is right and that includes providing sanctuary. If there is a problem that the community has with it, she does go out of her way to work with those community members and even schedules times for those in doubt, to meet the failed asylum seekers that they are helping. Participating in church asylum is ultimately up to the leaders of the church, whether that be a head nun, a priest, or a pastor, as the leaders of their respective institutions, they have the power to decide to participate or not. However, since the church generally relies on donations or community involvement, many churches include their congregations and community in the decision making process for participating in church asylum. It is this community involvement that can make a church asylum case successful, in that the community members can watch out for police following or looking for failed asylum seekers, or provide volunteer time or donations

for church asylum. At the Catholic Monastery, Sister Maria teaches German to the 4 failed asylum seekers. The materials were donated to the church by a grade school teacher at the local elementary school. This example and the looking out for police by the community provide insight into the complex relationships and interactions with church asylum.

While the 4 failed asylum seekers are staying within church asylum, they are not allowed to be paid for any work, and are not allowed to take any language classes outside of the church (for instance, a program taught at a school). There are ways around these rules and Sister Geraldine's Catholic monastery is fairly progressive in how they provide church asylum and relax these rules to the 4 failed asylum seekers. As mentioned above, Sister Maria volunteered to teach German to the failed asylum seekers. It is difficult because each of the 4 have different levels of German and different languages in which they are learning German from. For example, Hadi, Mohammed, and Mustafa are all from Syria and speak Arabic and some English. They help each other and can translate better between German and Arabic. However, Shugal is from Afghanistan and only speaks Pashto. Sister Maria is having a difficult time teaching him German because no one in the church or community speaks Pashto. Perhaps someone at Bavarian university could help, but because of church asylum regulations and the threat of arrest, Shugal cannot travel to a university and has to make due with the church's resources available. The language barrier is very difficult for Shugal because he cannot communicate with anyone in the church or community. This is a very real challenge churches face when housing failed asylum seekers from Afghanistan. Aside from language training, each of the 4 failed asylum seekers have specific duties within the Catholic monastery. Hadi and Mohammed act as janitorial staff; Mustafa and Shugal prefer grounds work and trim the apple trees in the church's orchard. Since they are doing labor intensive work, Sister Geraldine insists on paying them a wage. It's not

much, but at 5 Euros an hour, it gives the failed asylum seekers a sense of independence, responsibility, and routine that can be lost when required to stay within one place as church asylum does. In addition to the Catholic monastery paying the failed asylum seekers a wage, Sister Geraldine respects their Islamic religion. While the men are invited to Sunday Mass, it is by no means required. Additionally, Sister Geraldine has created a type of break room within the monastery, separate from their apartment, where they can come for lunch and pray in between their language learning and work. Each church operates the church asylum as they see fit and Sister Geraldine's church operates in a specific way that involves paying the failed asylum seekers for work around the church, accepting and respecting that the failed asylum seekers practice a different religion, and constantly trying to overcome language barriers.

While this Catholic monastery is a part of the GECCA organization, there is no church asylum like it. Each church organizes and operates their asylum in different ways. Sister Geraldine's church is comprised of open spaces and trees and gardens. For church asylum that is occurring within a city, a church may not have the large property to wander and therefore, the failed asylum seekers would be required to stay within the church itself and not leave. Providing church asylum is an intensive process that requires dedication and organization on behalf of the church. Community involvement, while not necessary, is highly encouraged when a church participates in church asylum. The story of Sister Geraldine and the Catholic monastery of Strahlfeld showcase the challenges and responsibilities that the church has when giving church asylum. While participating in church asylum is considered the right thing to do by Sister Geraldine and her Christian faith, it is by no means an easy thing to do.

Church Asylum Distribution

The distribution of church asylum in the southern state of Bavaria, is what this thesis examines more closely. As this thesis focuses solely on church asylum in Bavaria in 2014 and 2015, below are tables depicting the dispersal of church asylum in 2014 and 2015 by each German state.

Table 2/2014: distribution by provinces

The largest number of church asylums in 2014 in Bavaria (131 KA) listed, followed by Hesse (66 KA) and Hamburg (56 KA).

federal state	Number of cases	people
Baden-Wurttemberg	3	8
Bayern	131	240
Berlin	10	23
Brandenburg	6	9
Bremen	3	4
Hamburg	56	106
Hessen	66	101
Mecklenburg-Vorpommern	17	39
Lower Saxony	37	59
North Rhine-Westphalia	41	64
Rheinland-Pfalz	4	14
Saarland	3	7
Saxony	2	3
Saxony-Anhalt	8	17
Schleswig-Holstein	27	57
Thuringia	16	37
total	430	788

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⁶³ German Ecumenical Committee on Church Asylum. (2016). Aktuelle Zahlen: Kirchenasyle bundesweit. Retrieved from <http://www.kirchenasyl.de/aktuelles/>

Table 2/2015: distribution by provinces

The largest number of church asylums in 2015 in Bavaria (125 KA) listed, followed by Hesse (96 KA) and North Rhine-Westphalia (87 KA).

federal state	Number of cases	persons
Bayern	125	190
Hessen	96	130
North Rhine-Westphalia	87	131
Hamburg	63	117
Schleswig-Holstein	50	84
Mecklenburg-Vorpommern	44	109
Lower Saxony	31	48
Thuringia	31	45
Brandenburg	25	27
Baden-Wuerttemberg	19	26
Saxony-Anhalt	18	44
Berlin	12	31
Bremen	8	13
Saxony	6	8
Rheinland-Pfalz	4	9
Saarland	1	3
total	620	1.015

From the charts, there is an overall increase in the total number of failed asylum seekers within church asylum from 2014 to 2015. There is also a growing trend showing Bavaria having continually held more cases and people within church asylum. The reason the charts have a separation between cases and people is because 1 case can have anywhere from a single person to a family of 5 or more. The cases are determined by how the asylum seeker filed their asylum application. In 2015, Bavaria saw a large decrease of 50 in the number of people given sanctuary, however, the total decline in cases was only 6. While the number did drop in 2015, there were still 125 cases total in Bavaria, which is 29 more cases than the second most in the state of Hesse. The decline could be attributed to different factors including that church asylum simply ended for many of the failed asylum seekers in 2015, or perhaps the failed asylum seekers left church sanctuary, or they moved to “ghost” sanctuaries. “Ghost” sanctuary refers to when

churches are providing sanctuary outside of the GECCA network. But again, Bavaria still provided the most church asylum at 125 cases with 190 people in the last year with data, 2015.

All in all, there are many reasons as to why there was a decline in total number of cases and people, however, Bavaria has still consistently held the first position for providing the most church sanctuary in terms of cases and people. The following chapters depict why Bavaria has provided so much church sanctuary in the past few years, and why it is successful at doing so.

Chapter 3: Geography: The Impact of Borders & Routes on Bavarian Church Asylum

The 2015 Refugee Crisis more than 1 million people crossing multiple borders and taking dangerous routes all to reach the European Union. By train, boat, plane, bus, or by foot, the media was quick to capture this movement of migrants. The journey for many was long, difficult, expensive, and more. There were a few routes migrants took to get to specific European countries having to cross various borders, either attempting to get through “proper channels” or go undetected. This mass migration was unprecedented and created cracks within existing institutions. The impact of the routes taken and the borders crossed greatly influenced and affected church asylum in Bavaria. This chapter will analyze the migrant routes taken to get Germany, the borders that these migrants had to cross, and the ultimate impact that this had on church asylum in Bavaria.

Migrant Routes

There are eight primary routes taken by migrants to get to the European Union.⁶⁴ These include the Western African route, Western Mediterranean route, Central Mediterranean route, Apulia and Calabria route, the circular route from Albania to Greece, Western Balkan route, Eastern Mediterranean route, and the Eastern Borders route.⁶⁵ The migrant routes are all determined by the migrant’s departure country or country of origin. The top two arrival countries into the EU by asylum seeker migrants are Italy and Greece, which has put a lot of strain on the systems and infrastructure within these countries as explained in the previous chapter on asylum.⁶⁶ While these are EU entrance countries for asylum seekers, many of them want to

⁶⁴ Frontex. (2017). Migratory Routes. Retrieved from <http://frontex.europa.eu/trends-and-routes/migratory-routes-map>

⁶⁵ Ibid.

⁶⁶ European Commission. (2016). The EU and the Refugee Crisis. Retrieved from <http://publications.europa.eu/webpub/com/factsheets/refugee-crisis/en/>

continue moving through Europe on to EU countries that are known to have more welcoming refugee and asylum policies. The top two EU countries among migrants that have these policies in place are Sweden and Germany.⁶⁷ During the interviews I conducted, all of the asylum seekers, including the ones who had been denied by the state, had come to the EU to reach Germany. One of the asylum seekers in Mainz, who was waiting for their asylum interview, explained to me that even along his travels to the EU all the migrants traveling with him talked about making it to Germany and how welcoming the people were. Additionally, even the migrants within a Catholic church sanctuary that I interviewed, who had been denied asylum by the German government, said how happy they were to be in Germany and were so thankful for the hospitality and help that everyone, even before they were in sanctuary, had given them in Bavaria. All in all, while there are several migrant routes, many of these routes do not always end upon entrance within the EU, but rather upon reaching the final destination of Germany.

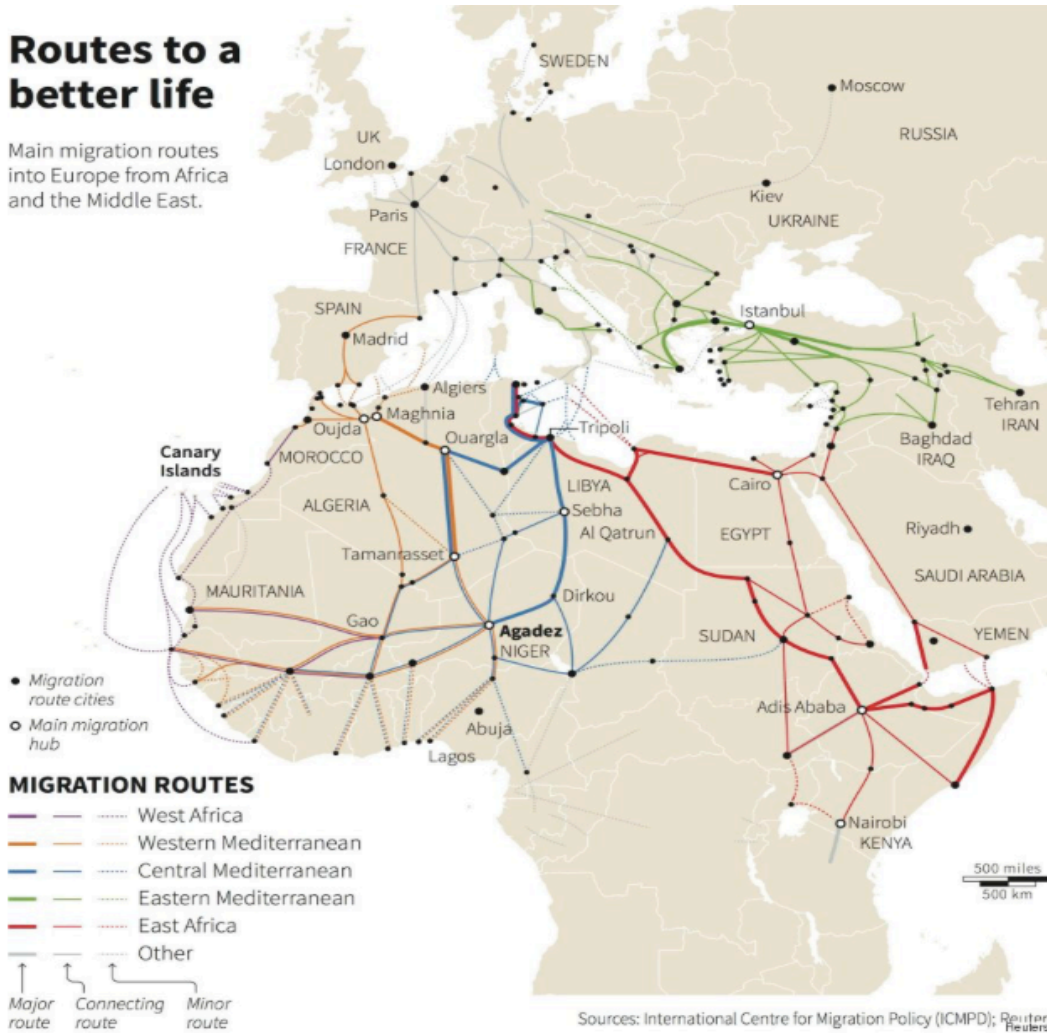
Out of the eight routes listed above, the primary routes used by asylum seekers to get to Germany include the Western Balkan route and the Eastern Mediterranean route. These two routes both pass through Turkey which is surrounded by Syria, Iraq, and Iran; three countries over the past few years that have been involved in heavy emigration of its citizens. In 2015, 54% of all refugees (discounting asylum seekers) came from Syria, Afghanistan, and Somalia⁶⁸. All three of these countries have migrant routes that lead into the EU. Below is a map detailing the routes into the European Union from Africa and the Middle East.

⁶⁷ Ibid.

⁶⁸ United Nations High Commissioner for Refugees. (2016). *Global Trends: Forced Displacement 2015*.

Routes to a better life

Main migration routes into Europe from Africa and the Middle East.



As seen from the map above, the migrant routes are complex, but once the route reaches Germany, it slows and becomes far less complex essentially because many migrants have reached their destination. While it has been determined that many migrants take routes into the EU in hopes of reaching Germany, enabling the mass movement of people into the country; these migrant routes also specifically enter Germany through its southern border of Bavaria.

The Western Balkan route and the Eastern Mediterranean route move through the EU and into Bavaria. Below is a map that details how migrants on these routes enter Germany specifically through Bavaria.

Migrant route to Germany



Source: UNHCR



This map shows that even if migrants are taking different routes, the route to Germany is through the entrance at its southern border of Bavaria. Therefore, during the 2015 Refugee Crisis, the

mass movement of people from various countries in the Middle East and Africa brought them to Germany and more specifically, most of these people entered Germany through the southern border of Bavaria.

The impact that migrant routes have on church asylum is that the migrants who take these routes into Germany and ultimately enter in Bavaria, are in mass numbers that Bavarian communities interact with. The surge of people into Bavaria encountered welcoming Bavarians who clapped at their arrival in the train stations⁶⁹. The back-log of processing asylum seekers within the state required communities to volunteer their time and help with the newly arrived migrants. Churches stepped in to provide volunteering language training for the migrants and various programs to introduce communities to the asylum seekers. As seen within the Catholic Monastery in the countryside of Bavaria, the church provides the asylum seekers with German language training and opens up a space within the monastery once a month to hold an “International Café”, which is a place community members can come and drink a coffee while getting to know the migrants both who are awaiting their interview for asylum and those within sanctuary. The migrant routes that led large numbers of asylum seekers to Germany and into Bavaria, enabled the churches within the southern German state to participate in a meaningful cause and show the hospitality that Bavarians pride themselves on⁷⁰. Migrant routes play an important role in the development of church asylum, however it is not the only actor. As can be

⁶⁹ Huetteman, E., & Johannsen, K. (2015). For Thousands of Exhausted Migrants, a Journey’s End in Munich. *The New York Times*. Retrieved from <https://www.nytimes.com/2015/09/02/world/europe/for-thousands-of-exhausted-migrants-a-journeys-end-in-munich.html>

⁷⁰ Sister Geraldine [Personal Interview]. (2016, September 10th).

seen from the map above, many migrants are crossing not just 1 border, but in most cases are crossing 5 or more borders. The magnitude of border crossing also has significant impact on migrants and church asylum.

Border Crossing

Looking at the Western Balkan route and the Eastern Mediterranean route, both routes require migrants to cross at least 6 borders. Between January and December of 2015, Germany saw 428,468 Syrians registered within the EASY system (a system that registers the receiving German state and the country of origin for the migrant)⁷¹. The route that many Syrians used to get to Germany was the Eastern Mediterranean route. On this route, Syrians crossed the border from Syria into Turkey, then on from Turkey into Bulgaria, Bulgaria to Serbia, Serbia onto Hungary, Hungary into Austria, and finally Austria into Bavaria. This route required a total of at least 6 borders to cross, which translates into at least 6 times that migrants faced detention, deportation back to Syria, deportation back to the EU country from which they entered and on this route that would be Bulgaria, and more. Below is a map that distinguishes the borders that migrants need to cross to get to Germany. While all borders include border crossing locations and centers, in the 2015 Refugee Crisis some borders developed fences to keep these migrants out.

⁷¹ International Organization for Migration. (2016). Migration, asylum and refugees in Germany: Understanding the data. *Global Migration Data Analysis Centre Data Briefing Series*, (1), 1-6.



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The countries of Bulgaria, Hungary, and Serbia all put up fences in response to the 2015 Refugee Crisis. In turn, this made the Eastern Mediterranean route to Germany much more difficult for migrants. As noted in the chapter on sanctuary, Bulgaria and Romania faced serious human rights abuses against migrants. If an asylum seeker was denied by the German state and required to return to the EU country of entry (Dublin Regulations), the border crossings of this migrant play an important role in the development of sanctuary. Since Bulgaria and Romania face gross human rights violations against migrants, and it is these countries in which migrants first cross into the EU along the Eastern Mediterranean route, church asylum in Bavaria is given

⁷² United Nations High Commissioner for Refugees. (2016). *Global Trends: Forced Displacement 2015*.

to these failed asylum seekers who face the return to these countries. The crossing of borders heavily influences sanctuary through the EU country of entry and the Dublin Regulations.

Along with the multiple borders crossed, the route for migrants seeking asylum in Germany is not only difficult but more expensive. In order to avoid Dublin Regulations, many migrants cross EU borders with no paperwork and attempt to not get processed into EURODAC (the system that fingerprints and tracks migrants within the EU). This creates a black market for border crossing. The failed asylum seekers within the Catholic Monastery provided some in depth look at the cost of crossing the borders. One of the failed asylum seekers from Syria reported spending about \$8,000 Euros on tickets and guides to Germany. At each border crossing there was an Arabic guide who took them through forests or bought them train or bus tickets to get across the border. This failed asylum seeker was crossing the Turkish border into Bulgaria through the forest with a group of other Syrian migrants when the Bulgarian police caught them and placed them into camps. Unfortunately for this migrant, his fingerprints were put into the EURODAC system. He was able to leave Bulgaria and carry on to Germany, but was rejected for asylum by the German state and required to go back to the EU country of entry (Bulgaria), which is the reason why he decided to seek church sanctuary. All in all, migrants are spending thousands of dollars to cross borders undetected in order to get to and stay in Germany.

Migrants must cross borders in order to get to Germany. These border crossings are dangerous, expensive, and include not just one border but at least 6 depending on one's route. The geographical toll that border crossings have on migrants is insurmountable. During the 2015 Refugee Crisis, many migrants had to cross all of these borders and then fail at getting asylum within Germany. Just as migrant routes impact the amount of people entering Germany and Bavaria, the crossing of borders also plays a significant role of sanctuary within Bavaria.

Impact on Church Asylum

The geographical impact of migrant routes and crossing borders is significant on church asylum in Bavaria. The routes themselves lead many migrants to enter Germany through the southern border of Bavaria. This puts immense strain on the asylum system that includes reception facilities and housing for the migrants. It is here that one sees communities become involved within the movement and provide services. Churches in Bavaria are known to provide language workshops and cafes for the community to get to know the migrants coming into town. The surge of people from the Western Balkan and Eastern Mediterranean migrant routes displayed a mass movement of people into Germany and more specifically, into Bavaria itself as the entrance to Germany for these migrants.

The crossing of borders plays a significant role in determining sanctuary because of the EU Dublin regulations. There are multiple borders that migrants must cross in order to enter Germany, and with each crossing comes the threat of documentation for the migrant and the possibility of being sent back to the EU country of entry. This is where church sanctuary in Bavaria steps in and houses the failed asylum seekers.

All in all, it is Bavaria that is the entrance point for many migrants taking routes to Germany from the Middle East and Africa. The mass movement of people into Bavaria during the 2015 Refugee Crisis displayed the community involvement by churches for the asylum seekers. The migrant routes that lead the asylum seekers into Bavaria and the dangers of crossing borders along these routes, both influence the substantial amount of church asylum within Bavaria. Being the entry point for Germany and the disapproval the churches have for EU Dublin Regulations, help explain partly why Bavaria has more church asylum than in other German states.

Chapter 4: The Identity of the Southern State: Bavarian Religion & Conservatism and the impact on Sanctuary

The scenery and fashion of the famous Julie Andrews movie, *The Sound of Music*, comes to mind when visiting Bavaria. Rolling green hills, grand views of the Alps, lederhosen, dirndls, quaint villages, and more are invoked when visiting this southern German state. Known for notable dialects, southern hospitality, and traditions, Bavarian culture is unique from that of the rest of Germany. A common greeting in Bavaria, “Grüß Gott!”, that translates to “Let’s Greet God!” in English, provides a glimpse into the ever entwining relationship between culture, religion, and the state. Bavaria has seen centuries of religious domination into government and everyday life that shapes the contemporary culture of the region today. The strong religious ties within the state also bring about a sense of conservatism in politics and general attitudes of Bavaria that is not as prevalent in other German states. It is this Bavarian conservatism that influences action and plays a significant role in creating the need for sanctuary within the region, while at the same time, there is the competing notion that Bavarian religious identity plays an impactful role in the large prevalence of church asylum within the state. This section will analyze Bavarian identity under religion and conservatism and the meaning of these two identities in the realm of contemporary sanctuary within the region.

Religion

In 2014, the Bavarian population reached 12.636 million people⁷³. Of those, about 8.5 million identified as either Catholic or Protestant⁷⁴. Thus, a majority of Bavarian residents

⁷³ Bavarian Ministry of Economic Affairs and Media, Energy, and Technology. (2015). 2015 BAVARIA’S ECONOMY FACTS AND FIGURES.

⁷⁴ Prescher, S. (2010). *The Catholic Church in Germany: Facts & Figures. Benchmarks: Life in the Bishopric.*

participate in Catholic or Protestant communities. These church communities can be anywhere in Bavaria from city centers, to tucked away in rolling hills; and they can play either large roles within the smaller communities or more of a background role in the larger cities of Munich and Nuremberg. Either way, Catholicism and Protestantism are predominant ways of life within the southern region and impact the identity of Bavarians.

Protestantism

The Protestant religion, while more dominant in northern parts of Germany, still incorporates a significant amount of the population. Totaling 2.49 million people in Bavaria in 2013⁷⁵, the Protestant population makes up about 19.7% of Bavaria's total population. The Protestant religion in Germany is structured under the Evangelical Church (EKD) and is a union of Lutheran, Reformed, and United regional churches⁷⁶. Since the EKD is comprised of historical unions, the boundaries of their structures does not match that of federal states within Germany. Therefore, it is difficult to compare each German state in terms of Protestant members. Below is a map detailing the regions of the EKD and the federal states.

⁷⁵ Leser, L. (n.d.). Dr. Heinrich Bedford-Strohm, Vorsitzender des Rates der Evangelischen Kirche in Deutschland.

⁷⁶ Relating, F., & Life, C. (n.d.). Evangelical Church in Germany Facts and Figures Relating to Church Life.



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⁷⁷ Leser, L. (n.d.). Dr. Heinrich Bedford-Strohm, Vorsitzender des Rates der Evangelischen Kirche in Deutschland.

While the distribution of the Protestant church does not align with federal states, the EKD claims, “Church life is mostly experienced in the 14,412 independent local congregations⁷⁸”. Local congregations of the Protestant religion in Germany are the ones who influence the communities and identity of people within various regions. Below is a table detailing the population, church members, and number of congregations.

Population, Church Members and Congregations

Member Church	Population	Church Members	Congregations
Anhalt	291 459	38 744	144
Baden	4 462 364	1 229 879	497
Bavaria	12 604 244	2 489 581	1 538
Berlin-Brandenburg-Silesian Upper Lusatia	5 962 943	1 044 078	1 305
Brunswick	809 172	364 309	401
Bremen	572 325	213 961	64
Hanover*	5 971 499	2 763 633	1 406
Hesse and Nassau	5 052 652	1 658 885	1 168
Hesse-Kassel and Waldeck	1 819 463	872 164	795
Lippe	342 791	173 285	69
Central Germany	4 282 359	790 165	1 973
Northern Germany	6 175 752	2 193 751	1 028
Oldenburg	1 033 044	434 434	117
Palatinate	1 547 651	552 854	413
Reformed Church*	x	181 527	146
Rhineland	12 086 987	2 707 050	739
Saxony	3 699 632	743 567	756
Schaumburg-Lippe	90 779	55 084	22
Westphalia	7 793 433	2 388 521	514
Württemberg	6 168 914	2 144 920	1 317
EKD Total	80 767 463	23 040 392	14 412

Compiled on the basis of the survey of 2013.

* The Evangelical Reformed Church is not a territorial church. It is located mainly on the territory of the Evangelical-Lutheran Church of Hanover. Since the population number for these two churches could only be calculated in total, this table shows the overall population number only in the column of the Evangelical-Lutheran Church of Hanover.

⁷⁸ Relating, F., & Life, C. (n.d.). Evangelical Church in Germany Facts and Figures Relating to Church Life, 8.

From the table, Bavaria is listed as having 1,538 congregations throughout the region. Out of all of the EKD regions mapped above, about 10.6% of all congregations lie within the southern state of Bavaria. These 1,538 congregations are encapsulated within a 43,838 square mile area⁷⁹.

These numbers reflect those who identify as Protestant. While conducting research within Bavaria, the contrast between Catholic Churches and Protestant Churches were apparent. Below is a local Protestant convent located in the town of Selbitz.



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⁷⁹ Bavarian Ministry of Economic Affairs and Media, Energy, and Technology. (2015). 2015 BAVARIA'S ECONOMY FACTS AND FIGURES.

⁸⁰ Photo by Randy Siebert. Retrieved September, 2016.

The convent is modest and surrounded by trees yet is fairly large in size and is able to accommodate up to 3 asylum seekers at a time⁸¹. As was discussed in the previous chapter on church asylum, this Protestant convent feels the support from the community through volunteering or donations towards supporting the failed asylum seekers living within the convent. Even the Mayor of Selbitz is involved and working with the church and community to better the experience for all involved⁸². Therefore, while the building is more modest in appearance, the impact is just as great.

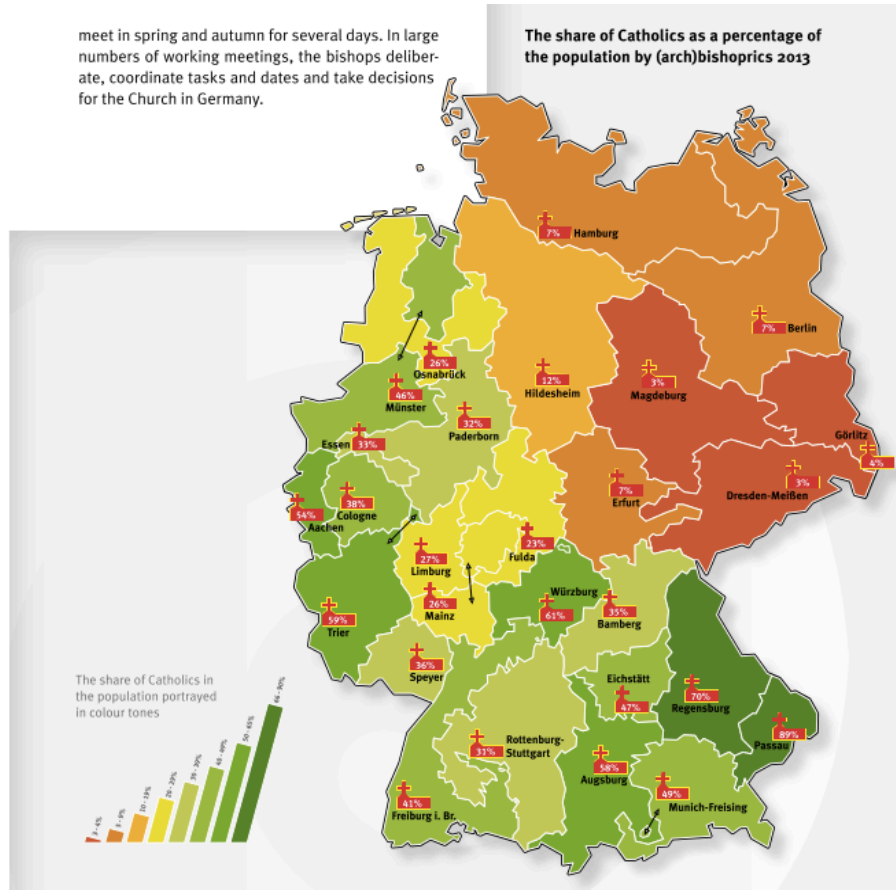
It is these local congregations within Bavaria that are involved within the community and that greatly impact church asylum within the region. As discussed before, the German Ecumenical Committee on Church Asylum is comprised of Protestant and Catholic churches. Therefore, the 1,538 congregations within Bavaria have potential to either be a part of the GECCA network or support other Protestant congregations that are partaking in church asylum. While Protestantism isn't the most predominant religion in Bavaria, it does have an impact on church asylum and the network between the communities involved. There is no data on how many church asylum cases are within Protestant versus Catholic churches and communities, however, the graphs and numbers provided showcase the millions of people who identify with Protestantism within Bavaria and therefore setting the potential that church asylum has within the state.

⁸¹ Sister Mary [Personal Interview]. (2016, September 14th)

⁸² Ibid.

Catholicism

Catholicism has a much more substantial presence and influence in Bavaria. Out of the 12.636 million people within Bavaria, 6,571,256 identify as Catholic⁸³. That is roughly 51.2% of the entire population identify as participating within the Catholic church in Bavaria. Below is a map detailing the density of people identifying as Catholic throughout Germany.



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⁸³ Sekretariat der Deutschen Bischofskonferenz. (2015). Bevölkerung und Katholiken nach Bundesländern 2015. Retrieved from [http://www.dbk.de/fileadmin/redaktion/Zahlen und Fakten/Kirchliche Statistik/Bevoelkerung und Katholiken/BL/2009_Bevoelk_Katholiken_Bundeslaender.pdf](http://www.dbk.de/fileadmin/redaktion/Zahlen_und_Fakten/Kirchliche_Statistik/Bevoelkerung_und_Katholiken/BL/2009_Bevoelk_Katholiken_Bundeslaender.pdf)

⁸⁴ Ibid.

The density, as outlined by the green to darker green regions of the map, of the Catholic population is the most substantial within Bavaria as compared to other German states. Many communities within Bavaria revolve around the Catholic church. This can be seen both figuratively and literally by the Catholic Monastery of Kloster Strahlfeld Oberpfalz. Below is a picture showcasing the monastery and the surrounding community:



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In this photo, the monastery is the large rectangle in the middle. Physically speaking, this Catholic Monastery in the town is literally at the center of town and the houses of the community are built around it. With the church being at the center of town, there is also a visual of how the community surrounds the town and the church is the central place for gatherings or involvement. Similar to that of the Protestant church, this Catholic Monastery communicated with the church congregation and community members about church asylum. Just as the case of Protestant

⁸⁵ NürnbergLuftbild (2015). Retrieved from <https://www.nuernbergluftbild.de/luftbilder/1471-kloster-strahlfeld>

communities, if the community was against church asylum within this Catholic monastery, then the monastery simply would not participate⁸⁶.

As noted earlier, the GECCA network is comprised of Protestant and Catholic churches. Therefore, if 51.2% of the Bavarian population identify as Catholic, then there are more communities within this southern state that could potentially influence and participate in church asylum. The interviews with the Bavarian Protestant convent and the Catholic monastery, as well as the general statistics on people who identify as such, showed the impact that religion has on Bavarian communities' identities and way of life. However, while religion plays a large role in the identity of Bavarians, there is also the influence of conservatism within the southern state.

Conservatism

From an American perspective, Germany in modern times has always personified the age of progressive socialism with marriage equality towards the LGBTQ community and the most recent passing of a federal medicinal marijuana bill⁸⁷. However, Bavaria is almost a complete contrast of this perspective. While the more urban areas of Munich and Augsburg have a variety of diverse populations that would fit this perspective, the rest of Bavaria is filled with a country side that have conservative values and practices that then reflect state level politics. Bavaria is the only German state parliament that never formally voted for the modern German constitution⁸⁸. For the purpose of this thesis, the focus of conservatism within Bavaria will be

⁸⁶ Sister Geraldine [Personal Interview]. (2016, September 10th).

⁸⁷ Senthilingam, M. (2017). Germany joins the global experiment on marijuana legalization. *CNN*. Retrieved from <http://www.cnn.com/2016/12/29/health/global-marijuana-cannabis-laws/>

⁸⁸ A.K. (2013). What Bavaria means for Germany. *The Economist*. Retrieved from <http://www.economist.com/blogs/charlemagne/2013/09/german-election-diary-4>

analyzed through the politics of the state, specifically looking at the conservative political party, the Christian Social Union (CSU).

The Christian Social Union

Considered a sister party of German Chancellor Angela Merkel's Christian Democratic Union (CDU), the Christian Social Union has been the ruling party within the Bavarian parliament for more than 46 years⁸⁹. This party was founded during the postwar period when Bavaria was still an agrarian society and drew a mix of support from Protestant and Catholic Germans⁹⁰. The party commits itself to the values of "...free enterprise, federalism, and a united Europe under Christian principals⁹¹." Known for a largely Catholic and staunchly conservative, the CSU is the only national party that is actually just a state party⁹². The conservatism of this party is seen in their opposition to gay marriage, the opposition towards the legalization of marijuana, and immigration⁹³.

In more recent times of the refugee crisis, there has been a distinct separation between Angela Merkel's sister party of the CDU and the Bavarian party CSU. During the summer period of 2015 when many asylum seekers were making their way into Germany, the CSU publicly criticized Merkel's decision to let asylum seekers in from Hungary as the "wrong decision"⁹⁴.

⁸⁹ Lander, M. (2003). Clinging to Conservatism in the Land of Lederhosen. *The New York Times*. Retrieved from <http://www.nytimes.com/2003/09/21/world/clinging-to-conservatism-in-the-land-of-lederhosen.html>

⁹⁰ Ibid.

⁹¹ Conratt, D. (2013). Christian Social Union. In *Britannica*. Retrieved from <https://www.britannica.com/topic/Christian-Social-Union>

⁹² Christian Social Union. (2013). *Der Spiegel*. Retrieved from <http://www.spiegel.de/international/germany/guide-to-german-political-parties-a-886188-7.html>

⁹³ Conratt, D. (2013). Christian Social Union. In *Britannica*. Retrieved from <https://www.britannica.com/topic/Christian-Social-Union>

⁹⁴ Vasagar, J. (2015). Christian Social Union gets cold feet over refugees. *Financial Times*. Retrieved from <https://www.ft.com/content/33dd35ba-5487-11e5-b029-b9d50a74fd14>

The current leader of the CSU, Horst Seehofer, has written a charter entitled “So that Germany remains Germany” about capping the yearly acceptance of asylum seekers and refugees to 200,000⁹⁵. Angela Merkel has repeatedly rejected this move and there has been tension between the two sister parties over the issues of immigration⁹⁶. The issue of immigration has specifically separated Bavarian politics from the rest of Germany. The conservative stance against the acceptance of asylum seekers and migrants in Bavarian politics has impacted various actors within the state of Bavaria including Bavarian courts and church asylum as a whole.

Church asylum in essence, is technically keeping failed asylum seekers who the federal government feel should be deported back to their EU country of entry or country of origin. Seeing that the CSU is more heavily against immigration into Germany as a whole, church asylum is then operating between what the participating churches feel is right and what the state sees as wrong. This is where the identity of Bavarian conservatism plays an interesting role in church asylum.

Political Conservatism & Bavarian Religion’s Impact on Sanctuary

In relation to the rest of the German states, Bavaria is unique. The conservatism of its politics and society stand out amongst the more left-leaning country. The identity of Bavaria as seen through its religious makeup and conservative politics influence church asylum within the southern state on two levels. The 8.5 million residents who identify as either Protestant or Catholic, equating to about 67% of the total population, shows the potential church participants in church asylum. The churches in Bavaria have the ability to heavily rely on community

⁹⁵ Brady, K. (2017). Bavarian government to release new refugee policy so ‘Germany remains Germany’. *Deutsche Welle*. Retrieved from <http://www.dw.com/en/bavarian-government-to-release-new-refugee-policy-so-germany-remains-germany/a-37044492>

⁹⁶ Ibid.

support, donations, and volunteering for the church asylum cause because of the religious makeup of the state and the strong religious ties seen within society. While the identity of Bavaria through the religious makeup of the state create the necessary resources available for church asylum (the community support and contributions), the conservatism of the state's politics helps enable the creation of church asylum.

As outlined in the chapter describing German church asylum, churches participating within the GECCA network feel that they are serving a need in the community by taking failed asylum seekers into church asylum. However, since Bavarian politics led by the CSU are strongly against immigration efforts, this conservatism impacts the outcomes of courts making asylum decisions as will be seen in a further chapter. This conservatism of the politics influences the society and helps create the need for church asylum by influencing the decisions made on asylum seekers. These decisions tend to be against asylum for asylum seekers therefore enacting churches to house failed asylum seekers whose cases they feel have been mishandled and wrongfully rejected.

Typically, conservatism and religion tend to go hand-in-hand with one another. However, in regards to church asylum, I argue that they are opposing forces in Bavaria. It is the conservative values and anti-immigration stance of CSU politics that influences laws and courts within the southern state that is not seen in other states. Therefore, the conservatism of Bavaria influences asylum seekers by having more failed asylum seekers because of their categorization as an immigrant. Almost simultaneously, the churches involved in church asylum, of which there are many in Bavaria, view the failed asylum seekers as having cases that have been wrongfully rejected. Thus, churches feel the need to step in and help these failed asylum seekers stay in Germany because the churches feel they face harm if sent back to the EU country of entry

(possibly Greece, Italy, Bulgaria, or Romania), or back to their country of origin (possibly Afghanistan, Iran, Iraq, etc.). The factor of Bavarian identity is subtly seen, however, has great influence on church asylum in different capacities through religious makeup and the conservatism of its politics.

Chapter 5: Money: The Impact of the Bavarian Economy on Church Asylum

The economy of Bavaria plays an active role in church asylum within the southern state. To begin church asylum for a failed asylum seeker, the church has to provide housing, food, water, and more for the migrant. It is a costly undertaking for a church. To have the resources to support church asylum, the church needs to be financially sound and have the ability to pay for various necessities for additional occupants. Churches in Bavaria separate themselves from the rest of Germany by the fact that churches in Bavaria have access to greater financial resources. The wealth and economy of Bavaria provides its residents with money to donate to religious organizations. Additionally, in part because of the wealth within the state, more residents have the ability to pay into the state Church Tax. Therefore, church asylum is more prevalent in Bavaria because of the access to financial gain that the churches have. This chapter will analyze the general wealth and economy of the state Bavaria as well as the German Church Tax and how these concepts influence and promote more church asylum within Bavaria.

Bavarian Economy

Since the idea of wealth has many factors that contribute to the meaning of it, for Bavarian wealth, I will be specifically looking at the overall GDP, the variety of job sectors, the average income per person, and unemployment of the state. I argue that these factors will display the general wealth of Bavaria and the financial stability its residents have comparative to other German states and even EU countries.

Overall GDP

Gross Domestic Product (GDP) is important because it provides a benchmark of the size and salience of the economy over time.⁹⁷ The GDP of Bavaria in 2014 was €521.9 billion.⁹⁸ This makes Bavaria's GDP larger than the following EU countries: Belgium, Bulgaria, Czech Republic, Denmark, Estonia, Ireland, Greece, Italy, Cyprus, Latvia, Lithuania, Luxemburg, Hungary, Malta, Austria, Portugal, Romania, Slovenia, Slovakia, Finland, and Sweden.⁹⁹ The stability and size of the Bavarian economy is much larger than that of 21 EU countries. Because of the large GDP, Bavarian residents have far more resources per capita and in their communities compared to that of most other German states or EU countries.

Looking at the 16 other German states, Bavaria ranks second to North-Rhine Westphalia in overall GDP. The state of North-Rhine Westphalia has a total GDP of €624.7 billion compared to Bavaria's €521.9 billion.¹⁰⁰¹⁰¹ Now, while Bavaria is not at the very top in terms of GDP, it still is significantly high representing 18% of the total GDP for the country of Germany.¹⁰² There are other measures that help determine the overall wealth as will be discussed

⁹⁷ Callen, T. (2012). Gross Domestic Product: An Economy's All. *International Monetary Fund: Finance & Development*. Retrieved from <http://www.imf.org/external/pubs/ft/fandd/basics/gdp.htm>

⁹⁸ Bavarian Ministry of Economic Affairs and Media, Energy, and Technology. (2015). 2015 BAVARIA'S ECONOMY FACTS AND FIGURES.

⁹⁹ EUROSTAT. (2016). GDP at current market prices, 2005 and 2013-2015. Retrieved from http://ec.europa.eu/eurostat/statistics-explained/index.php/File:GDP_at_current_market_prices,_2005_and_2013-2015_YB16.png

¹⁰⁰ European Commission. (2017). GROWTH: North Rhine-Westphalia. Retrieved from <https://ec.europa.eu/growth/tools-databases/regional-innovation-monitor/base-profile/north-rhine-westphalia>

¹⁰¹ Bavarian Ministry of Economic Affairs and Media, Energy, and Technology. (2015). 2015 BAVARIA'S ECONOMY FACTS AND FIGURES.

¹⁰² European Commission. (2017). GROWTH: Bavaria. Retrieved from <https://ec.europa.eu/growth/tools-databases/regional-innovation-monitor/base-profile/bavaria>

further. However, the large GDP measurement of Bavaria in comparison to other German states and EU countries, provides basic context of the health and prosperity of the economy overall.

Variety of the Job Sector

Bavaria has transformed from what was once a traditional agricultural state, into a successful financial, automotive, technology, and service competitive region¹⁰³. Home of global corporations such as BMW, Audi, Adidas, Puma, and Siemens that have multi-million dollar profits, these Bavarian created companies do provide economic stability to the region, however, it is the prevalence of small and medium sized businesses that are a key feature of the Bavarian economy¹⁰⁴. Over 50% of all employees work within a company that has fewer than 500 employees.¹⁰⁵ The top three areas of employment within Bavaria include manufacturing (specifically metals and electrical equipment), wholesale and retail trade (including maintenance and repair of motor vehicles), and healthcare which shows the various sectors that have many opportunities available for Bavarian residents.¹⁰⁶ The diversity of the job sector allows Bavaria to still grow its overall economy in the future while also giving its residents a variety of employment opportunities to explore. The variety of the job sector contributes to the overall wealth of Bavaria in that there is no reliance on one specific commodity within the economy, but rather, multiple avenues of growth and opportunity for the residents of this southern state.

¹⁰³ Ibid.

¹⁰⁴ European Commission. (2017). EURES: Labor market information. Retrieved from <https://ec.europa.eu/eures/main.jsp?countryId=DE&acro=lmi&showRegion=true&lang=en&mode=text®ionId=DE0&nuts2Code=%20&nuts3Code=null&catId=374>

¹⁰⁵ Ibid.

¹⁰⁶ Ibid.

Average Income per Person

In 2013, the average income per person in the southern state of Bavaria was €38,429 including those who were unemployed.¹⁰⁷ The German national average was €33,500.¹⁰⁸ Therefore, the average income per person in Bavaria is €4,929 above the national income, which in turn, means that the average resident of Bavaria has access to almost €5,000 more than that of other German residents.

The average income per employed person is even larger at €69,530 in 2013.¹⁰⁹ Both the GDP per capita and the GDP per employed person display the income and wealth that Bavarian citizens are afforded and have access to in comparison to other citizens throughout Germany. Bavarians experience a higher income that enables them to be financially wealthier than that of other German states therefore contributing to the overall wealth of the southern German state.

Unemployment

The rate of unemployment is defined as “...gives the number of unemployed persons as a percentage of the labor force (the total number of people employed plus unemployed).”¹¹⁰ Out of all 16 German states, Bavaria has the lowest rate of unemployment among them. Currently standing at 3.5%, unemployment has remained relatively low in Germany’s geographically largest state.¹¹¹ This feat is impressive considering Bavaria has the second largest population

¹⁰⁷ Bavarian Ministry of Economic Affairs and Media, Energy, and Technology. (2015). 2015 BAVARIA’S ECONOMY FACTS AND FIGURES.

¹⁰⁸ EUROSTAT. (2016). *Real GDP per capita, growth rate and totals*. Retrieved from <http://ec.europa.eu/eurostat/tgm/table.do?tab=table&plugin=1&language=en&pcode=tsdec100>

¹⁰⁹ Bavarian Ministry of Economic Affairs and Media, Energy, and Technology. (2015). 2015 BAVARIA’S ECONOMY FACTS AND FIGURES.

¹¹⁰ OECD. (2001). Unemployment Rate Harmonised. Retrieved from <https://stats.oecd.org/glossary/detail.asp?ID=3094>

¹¹¹ European Commission. (2017). EURES: Labor market information. Retrieved from <https://ec.europa.eu/eures/main.jsp?countryId=DE&acro=lmi&showRegion=true&lang=en&mode=text®ionId=DE0&nuts2Code=%20&nuts3Code=null&catId=374>

with 12.5 million Germans. The national rate of unemployment is almost double at 6.1%.¹¹²

Using these statistics, Bavaria has 437,500 residents currently unemployed, however, there are still 12,062,500 employed within the workforce. The low rate of unemployment in Bavaria shows the stability of the economy and the potential for individuals to earn a living.

All four factors, the GDP, the average income per person, the variety of the job sector, and the rate of unemployment all explain how the Bavarian economy is thriving within Germany. An overall GDP that is larger than 21 other EU countries shows the prosperity of the economy. The average income of €38,429, which is about €5,000 more than the national average, displays the wealth of individual residents within the state. The variety of job sectors that includes everything from manufacturing to technology to agriculture explains the stability and even more potential for growth within the state's economy. Lastly, the low unemployment rate of 3.5% shows the current workforce of Bavaria that are generating income wealth and stability. Economically speaking, Bavaria is an exceptionally wealthy economy both as a whole and individually. This enables citizens to pay the church tax and donate money to churches within the state, as will be discussed further below.

The German Church Tax

The Church Tax is a state imposed tax that dates back to the 19th century.¹¹³ The church tax was one of the few articles to be implemented from the Weimar Republic constitution to the

¹¹² Ibid.

¹¹³ Barker, C. R. (2004). Church and State: Lessons from Germany? *Political Quarterly*, 75(2), 168–176+207. Retrieved from <https://doi.org/10.1111/j.1467-923X.2004.00599.x>

1949 German Basic Law (the present day constitution)¹¹⁴. Under Article 137 Section 5 of the Weimar Republic constitution, it states “Religious bodies remain corporations under public law, insofar as they have been such hitherto.”¹¹⁵ The constitution goes on to further explain in the same article under Section 6, “Religious societies that are corporations under public law shall be entitled to impose on the basis of the civil tax lists in accordance with the regulations applicable taxes.”¹¹⁶ These two sections of Article 137 in the 1919 Weimar Republic constitution enable church organizations to be able to impose a tax on the regional citizens of the state. The current constitution, the German Basic Law, takes the articles from the Weimar Republic word for word under Article 140 “Law of Religious Denominations”.¹¹⁷ The power of churches is seen throughout these laws in that they are embedded within a legal document that gives churches within Germany the ability to impose taxes on its residents as a source of revenue.

Generally the tax is collected by the government and then redistributed to the religious organizations, however, the church may decide to collect the tax themselves.¹¹⁸ The tax itself is an additional 8% of one’s income tax and is only applicable to registered Protestant, Catholic, or

¹¹⁴ German Basic Law Federal Republic of Germany. (2015). *Grundgesetz für die Bundesrepublik Deutschland*, 135. Retrieved from <https://doi.org/10.1017/CBO9781107415324.004>

¹¹⁵ Die Verfassung des Deutschen Reichs. (1919). Retrieved from http://www.documentarchiv.de/wr/wrv.html#DRITTER_ABSCHNITT02

¹¹⁶ Ibid.

¹¹⁷ German Basic Law Federal Republic of Germany. (2015). *Grundgesetz für die Bundesrepublik Deutschland*, 135. Retrieved from <https://doi.org/10.1017/CBO9781107415324.004>

¹¹⁸ Jackson, R. (2012). German Catholics Lose Sacraments Over Church Tax. *Tax Notes International*, 21.

Jewish institutions.¹¹⁹ If a person is not a part of one of these three religious institutions, then they have to submit documentation changing their status.¹²⁰ This tax enables these religious institutions a steady stream of revenue to fund church related expenses. As reported in 2010, this tax brought €5 billion for the Catholic church and €4.3 billion for the Protestant church.¹²¹ While this tax has caused some controversy in terms of Germans wanting to stay apart of the church but not pay the tax, overall the German church tax enables the Catholic and Protestant churches to have a solid income and not entirely rely on donations.

Bavaria: The Economy, the Church Tax, & Sanctuary

Both the economy of Bavaria and the church tax play important roles in the prevalence of sanctuary throughout the southern German state. The wealth of the overall economy as seen by the GDP, the average income per person, the variety of the job sector, and the unemployment rate within the state displays not only the wealth of the individuals of Bavaria, but the potential for many residents to either donate to the church or pay into the church tax. As described in a previous chapter, there are 2.49 million residents of Bavaria who are registered with the Protestant church¹²² and about 6 million who are registered as Catholics.¹²³ This means that there are almost 8.5 million residents of Bavaria paying an 8% church tax for these two religious

¹¹⁹ German Catholics lose church rights for unpaid tax. (2012). *BBC*. Retrieved from <http://www.bbc.com/news/world-europe-19699581>

¹²⁰ Jackson, R. (2012). German Catholics Lose Sacraments Over Church Tax. *Tax Notes International*, 21.

¹²¹ German Catholics lose church rights for unpaid tax (2012). *BBC*. Retrieved from <http://www.bbc.com/news/world-europe-19699581>

¹²² Leser, L. (n.d.). Dr. Heinrich Bedford-Strohm, Vorsitzender des Rates der Evangelischen Kirche in Deutschland.

¹²³ Prescher, S. (2010). The Catholic Church in Germany. Facts & Figures. Benchmarks: Life in the Bishopric.

institutions. The steady stream of revenue, along with some donations, enables the churches within Bavaria to participate more so in sanctuary than in other German states.

Sanctuary is not simply taking in a failed asylum seeker, but requires the church to provide housing, food, clothes, language lessons, medicine, and more for the migrant. Church sanctuary is a financially expensive undertaking. Since Bavaria is such a wealthy economy with many of its residents (more than half of the population) paying into the church tax and potentially donating more money to the church, Protestant and Catholic churches within Bavaria are provided with significant financial resources to house failed asylum seekers. As discussed with the director of the Bavarian network of the German Ecumenical Committee on Church Asylum, money is more available to churches within Bavaria than that of other states and enables churches to provide the necessary resources for the failed asylum seekers to live comfortably within church asylum¹²⁴. Even as seen within the Catholic Monastery in the countryside of Bavaria, the church not only provides housing, food, and clothing, but they also pay the failed asylum seekers for work around the monastery (trimming of fruit trees, cleaning the cafeteria, etc.)¹²⁵. Technically, while in sanctuary, asylum seekers are not permitted to work for money. However, this specific Catholic Monastery feels it is a necessary part of housing a failed asylum seeker. In contrast, a Protestant church in another countryside village of Bavaria requires the failed asylum seeker to take part in a variety of jobs including laundry, sewing, cleaning, and

¹²⁴ Reichel, Stephen [Personal Interview]. (2016, September 15th).

¹²⁵ Sister Geraldine [Personal Interview]. (2016, September 10th).

more for the church but does not pay the migrant partly because this is not permitted and also, this Protestant church does not have the additional funds to do so.¹²⁶

While it is not the only factor in prevalence of sanctuary throughout Bavaria, the economy and overall wealth of the state enables residents to pay into a church tax that then provides a stable and prosperous source of revenue for its churches. Bavaria is unique in that the economy and wealth of its residents empowers its churches to participate more frequently in church asylum then compared to other German states.

¹²⁶ Sister Mary [Personal Interview]. (2016, September 14th).

Chapter 6: Courts: Bavarian Courts & the Effect on Church Asylum

Church asylum in Bavaria is also heavily influenced by the Bavarian courts. The conservative culture of Bavarian politics is also seen within Bavarian courts. Bavarian courts conservatism is seen in the rulings of asylum seekers within the southern state. The conservatism of the courts creates a larger amount of failed asylum seekers and therefore a larger need for church asylum within Bavaria. This chapter will specifically look at Bavarian courts and their relation to the asylum process and how that influences church asylum within the southern state. Through the primary use of interviews and source data, the conservatism of the Bavarian courts that creates a need for church asylum in Bavaria, will be analyzed by examining the background of the German court system and its relation to the asylum process in Germany, the conservatism of the courts in Bavaria, and how Bavarian courts influence church asylum.

Background on the German Court System

The federal office of BAMF decides whether an asylum seeker may seek asylum or refuge in Germany or not. If an asylum seeker is denied by BAMF and is faced with a notice of deportation either to the EU country of entry or their country of origin, the asylum seeker may take court action against the decision¹²⁷. Once an appeal through the courts has been made by the asylum seeker, the courts will look over the decision made by BAMF and rule on if the rejection notice given by BAMF was correct or not¹²⁸.

¹²⁷ Federal Office for Migration and Refugees (2016, October 1). “The stages of the asylum procedure”. *Federal Office for Migration and Refugees*. Retrieved from <http://www.bamf.de/EN/Fluechtlingsschutz/AblaufAsylv/AnkunftUndRegistrierung/ankunft-und-registrierung-node.html>

¹²⁸ Ibid.

Whereas the UK and France have special tribunal courts that decide asylum cases, in Germany the courts that handle these appeals made by the asylum seekers are regular administrative courts¹²⁹. Administrative courts essentially deal with issues specifically between people and the state¹³⁰. There are three levels to the administrative courts in Germany: the first instance with 52 total administrative tribunals, the 15 High administrative courts in the middle with each one in the 16 German states (with Berlin and Brandenburg sharing a court), and one court at the federal level in Leipzig¹³¹. After failing the BAMF asylum process, an asylum seeker typically goes into church asylum and works with the GECCA network in appealing the rejection of asylum.

The first appeal is made to one of the 52 administrative tribunals within the state of which the asylum seeker has been placed. If the administrative court agrees with the rejection decision that BAMF made, then the appeal can go to the state administrative court. Again, if the state administrative court agrees with the rejection decision by BAMF, then the appeal can move up to the federal administrative court in Leipzig. This court has final authority of the decision.

The appeals system and involvement of regional courts in the asylum process influences church asylum within Bavaria. The background knowledge of the process of these courts is essential in order to explain the creation of church asylum in Bavaria.

Conservatism of Bavarian Courts

While the failed asylum seeker enters church asylum after being denied by BAMF, the courts still influence the duration and creation of church asylum. The first two appeal levels of

¹²⁹ Justice Dörig, Harald. (2013). Germany: The Handling of Leading Asylum Cases by National Courts. *International Journal of Refugee Law*, (20)2, 373-376.

¹³⁰ Bundesverwaltungsgericht. The Federal Administrative Court. Retrieved from http://www.bverwg.de/informationen/english/federal_administrative_court.php.

¹³¹ Ibid.

asylum must go through Bavarian courts if the failed asylum seeker is staying within church asylum there. The conservatism of the Bavarian identity seen in politics is also seen in the courts in the sense that the courts are siding more with the BAMF rejection of asylum. As explained in the interviews, GECCA leaders in both Berlin and Bavaria claimed that the Bavarian administrative courts were far more conservative than that of other courts in other German states¹³². Therefore, if an asylum seeker received a rejection notice by BAMF while he or she was in Berlin, the two levels of administrative courts in which that asylum seeker may appeal are potentially more likely to go against the rejection notice by BAMF and provide asylum for the asylum seeker through either the first level of the administrative tribunals, or the Berlin/Brandenburg state high administrative court. This would significantly reduce the time spent in church asylum in Berlin for the asylum seeker.

However, in Bavaria, if an asylum seeker appeals the rejection decision made by BAMF, then the administrative tribunal is likely to support the original rejection decision made by BAMF. Again, when the asylum seeker appeals that decision at the administrative tribunal level, then it goes to the Bavarian administrative High court in Munich¹³³. It is not until the federal level of the German administrative court in Leipzig that the asylum seeker has a better possibility of staying within Germany. Since the process in Bavaria requires more levels to go through than that of other states in regards to an asylum application, this adds time spent in church asylum for the failed asylum seeker.

¹³² Drunkenmolle, Jan Rouven [Personal Interview]. (2016, August 31st). Gneiss, Ute [Personal Interview]. (2016, August 31st). Reichel, Stephen [Personal Interview]. (2016, September 15th). Sister Geraldine [Personal Interview]. (2016, September 10th). Sister Mary [Personal Interview]. (2016, September 14th).

¹³³ Bayerischer Verwaltungsgerichtshof. Wir über uns. Retrieved from <http://www.vgh.bayern.de/bayvgh/wir/>

Bavarian Courts & Church Asylum

Bavarian courts and laws are more strict against asylum seekers and reflect the same conservatism of the Bavarian identity seen in the CSU political party¹³⁴. This effects church asylum because of the timing in which church asylum operates. In Berlin and other places, because the courts are not as strict as those in Bavaria, the appeal on the first level at the administrative tribunal is generally in favor of the asylum seeker¹³⁵. Thus, the time spent in church asylum is fairly short and the church can take in another failed asylum seeker quickly.

In contrast, since Bavarian courts have the conservative views that are in line with the conservative identity of Bavarian politics, the appeal to the first court is generally against the asylum seeker as is the appeal to the state level administrative High court in Munich¹³⁶. This adds time the length of church asylum in which that asylum seeker is confined to and reduces the space available for other asylum seekers who have been failed by BAMF.

Therefore, the conservatism of Bavarian courts requires more churches in Bavaria to provide church asylum for the failed asylum seekers because of the longer duration of church asylum times for the failed asylum seekers. Generally it is not until the appeal made at the federal administrative court in Leipzig that the asylum seeker has the better possibility of staying within Germany¹³⁷.

¹³⁴ Reichel, Stephen [Personal Interview]. (2016, September 15th).

¹³⁵ Drunkenmolle, Jan Rouven [Personal Interview]. (2016, August 31st).

¹³⁶ Reichel, Stephen [Personal Interview]. (2016, September 15th).

¹³⁷ Ibid.

The complex features of church asylum in Bavaria include both subtleties and obvious reasoning's. For Bavarian courts its complicated and subtle in the sense that this feature influences church asylum in the creation of more church asylum within the southern state and the lengthening of the duration in which failed asylum seekers must stay within church asylum. While this isn't the only factor, the conservatism of Bavarian courts is a significant factor in church asylum within Bavaria.

Conclusion: Geography, Culture & Identity, Economy, and Courts: The Factors & Church

Asylum

This thesis has looked at the background for German asylum and the complications migrants face when entering Germany and the European Union; the distribution of church asylum throughout Germany and the larger presence of it in Bavaria; and four specific factors that influence this larger prevalence of church asylum within the southern German state of Bavaria. These four factors include the *geography* of migrant routes and the borders that asylum seekers cross when they make their way to Germany including crossing the border into Bavaria upon first arrival into the country, the *identity and culture* of Bavaria that impacts its society including the Protestant and Catholic religious makeup of the state and the conservative views on politics, the *economy* of Bavaria that is comprised of overall wealth and the impact that the German church tax has on churches within the state, and finally, the *courts* of Bavaria and the conservatism of their rulings in regards to asylum seekers. These four factors independently can be seen throughout all states. However, it is these four factors working in tandem simultaneously with each other that all contribute to the larger prevalence of church asylum within Bavaria. This chapter will explain how other German states may have some or all of these factors, but it is the specific nature of how they work together within Bavaria that creates the large prevalence of church asylum within the state.

The Factors & Church Asylum

Working in a semi-circle pattern, each of the four factors play a specific role in the creation and sustainability of church asylum within Bavaria. Simply put, the mass migration of asylum seekers into Germany during the 2014-2015 crisis creates thousands of asylum seekers crossing German borders specifically into Bavaria. This puts strain on the German asylum

process and the infrastructure in providing necessary resources for them. Once the asylum seekers are within Bavaria and work through the German asylum process, it is the Bavarian courts and their conservative influences that deny more asylum seekers than other states. Both the geography and court factors create, out of a significant portion of failed asylum seekers, a need to provide for them within Bavaria. This is where church asylum fills a gap in which it sees innocent migrants being denied asylum after crossing multiple borders in search for a safe life in Germany.

Bavarian Churches themselves have the necessary tools to provide church asylum for the failed asylum seekers. These tools are seen within the factors on Bavarian identity and economy. The large religious Protestant and Catholic identities within the southern state compel churches and their communities to be involved with this cause because of bible teachings and the hospitality in which they pride themselves on. Simultaneously, while intentions on providing services are always well meaning, one must have the appropriate finances to fund the venture. This is where Bavarian churches have far more wealth spread throughout the region because of the Bavarian economy. The economy and identity work hand in hand on two levels. One, there because a majority of Bavarian residents are employed and have general wealth, the residents are more likely to support and invest in services that they church advocates for; in this case that is church asylum. The other level in which identity and economy interact is on the funding from the German church tax. Since there are 8.5 million people in Bavaria who identify as Protestant or Catholic, then there is a substantial population paying that tax and seeing that money go specifically to Bavarian churches. Therefore, it is the factors of identity and economy that enable churches within Bavaria to sustain the practice of church asylum.

I argue that the four factors of geography, identity, economy, and the courts work simultaneously together in Bavaria and create the large prevalence of church asylum within the state. As from previous chapters, Bavaria has the largest distribution of church asylum cases and people within church asylum. While there may be other factors involved, the research of this thesis involving interviews and process tracing to validate the findings, indicate that these four factors specifically enable the southern state of Bavaria to have the most church asylum and sustain the practice of church asylum within the state.

Church asylum in Bavaria is a complex situation dealing with multiple aspects. While this thesis focuses specifically on the 2014-2015 period of Bavarian church asylum, church asylum is still happening and is very current. Since the 2015 migrant crisis into the European Union, the German Ecumenical Committee on Church Asylum has continued to expand their network and operations. In Bavaria, the regional leader, Stephen Reichel, is still meeting with the Bavarian state government and BAMF in hopes to reach an understanding between churches providing asylum, and local police¹³⁸. Whether there be a crisis or not, church asylum within Bavaria will continue and perhaps even grow unless asylum laws and practices are more open towards asylum seekers entering Germany. As was discussed in the introduction, church asylum participants view themselves as backfilling the injustices by the courts and by the German Basic Law. Therefore, if the law were to change, then perhaps church asylum would come to an end. However, the current political future in Germany suggests otherwise.

Currently, the Bavarian CSU party is still advocating for caps on the number of immigrant refugees and asylum seekers Germany accepts. However, Angela Merkel and the

¹³⁸ Reichel, Stephen [Personal Interview]. (2016, September 15th).

CSU sister party, the CDU, have repeatedly advocated against this measure. The concern is not focused on Bavaria so much in terms of church asylum, but rather the rise of the right in Germany. Since 2013, the right-winged conservative Alternative für Deutschland (AfD) party has gained a number of seats within regional elections¹³⁹. This party is far more vocal in support of anti-immigrant policies than that of the CSU. In an interview with the Berlin chapter of the AfD, Hanno Bachmann, the leader of the Migration Policy Committee, said that as of now church asylum does not have large enough numbers to be of concern¹⁴⁰. However, if those numbers were to increase, the AfD would certainly be against the practice of church asylum and therefore the rise of this populist party is of concern to church asylum as a whole.

As of now, church asylum continues in Bavaria and throughout Germany. While there is significantly less media coverage on the 2014-2015 European migrant crisis, the global migrant crisis has continued to expand. As long as the German government keeps implementing the Dublin regulations and failing asylum seekers, church asylum will continue.

¹³⁹ Berlin state poll: Losses for Merkel's CDU, gains for AfD. (2016). BBC. Retrieved from <http://www.bbc.com/news/world-europe-37403542>

¹⁴⁰ Bachmann, Hanno [Personal Interview]. (2016, September 1st).

Appendix Interviews

This appendix contains the list of all the participant interviews. The researcher had a set list of interview questions for specific positions. For legal purposes and the protection of migrants, the notes on the interviews with Failed Asylum Seekers are using pseudonyms. All other participants gave verbal consent for use of their real names.

Interview 1: Drunkenmolle, Jan Rouven. The researcher sat down with Drunkenmolle on August 31, 2016 at the Heilig Kreuz Kirche in Berlin, Germany. Drunkenmolle is a coordinator for the German Ecumenical Committee on Church Asylum.

Interview 2: Gneiss, Ute. The researcher interviewed Gneiss on August 31, 2016 at the Heilig Kreuz Kirche in Berlin, Germany. Gneiss was the newly named pastor of the Heilig Kreuz Kirche and has been participating in Church Asylum for the past 4 years.

Interview 3: Bachmann, Hanno. The researcher interviewed Bachmann on September 1, 2016 at a local café in Berlin, Germany. Bachmann at the time served as the chair of the committee on migration policy for the Berlin chapter of the Alternative für Deutschland (AfD).

Interview 4: Sister Geraldine. The researcher interviewed the Catholic nun on September 10, 2016 at the Catholic monastery in Strahlfeld in southern Bavaria, Germany. Sister Geraldine was serving as the interim director of the monastery at the time and had personally oversaw 13 church asylum cases within the monastery.

Interview 5: Failed Asylum Seeker Hadi, Mohammed, Mustafa, and Shugal. The researcher conducted a group interview with the failed asylum seekers on September 12, 2016 at the Catholic monastery in Strahlfeld, Bavaria, Germany. The names provided are pseudonyms given by the researcher in order to protect the identity of the failed asylum seekers as they reapply for asylum status in Germany. These four failed asylum seekers were housed within church asylum at the Catholic monastery for varying lengths. Hadi, Mohammed, and Mustafa all came from Syria. Shugal had originally come from Afghanistan.

Interview 6: Sister Mary. The researcher interviewed the Protestant nun Sister Mary on September 14, 2016 at the Protestant church and monastery in Selbitz, Bavaria, Germany. Sister Mary was acting as the primary aid for the current failed asylum seeker housed within church asylum at this Protestant church.

Interview 7: Reichel, Stephen. The researcher interviewed Reichel on September 15, 2016 at the Catholic monastery in Strahlfeld, Bavaria, Germany. Reichel is the regional coordinator for Bavaria in the German Ecumenical Committee on Church Asylum. Reichel has helped failed asylum seekers in Bavaria find church asylum, reapply for church asylum, organize the churches participating in Bavaria into a network, and work with Bavarian authorities

and the Bundesamt für Migration und Flüchtlinge in creating peaceful agreements between churches providing asylum and the authorities.

Interview 8: Brummer, Peter. The researcher interviewed Father Brummer on September 17, 2016 in Tutzing, Bavaria, Germany. Father Brummer was the head of the Catholic church of St. Joseph's near the Austrian border in southern Bavaria. Father Brummer has overseen multiple church asylum cases within this Catholic church.

Bibliography

- A.K. (2013). What Bavaria means for Germany. *The Economist*. Retrieved from <http://www.economist.com/blogs/charlemagne/2013/09/german-election-diary-4>
- Asylum Information Database. (2017). Reception Conditions: Germany. Retrieved from <http://www.asylumineurope.org/reports/country/germany/reception-conditions/>
- Asylum Information Database. (2017). Regular Procedure: Germany. Retrieved from <http://www.asylumineurope.org/reports/country/germany/asylum-procedure/procedures/regular-procedure>
- Bachmann, Hanno [Personal Interview]. (2016, September 1st).
- Barker, C. R. (2004). Church and State: Lessons from Germany? *Political Quarterly*, 75(2), 168–176+207. Retrieved from <https://doi.org/10.1111/j.1467-923X.2004.00599.x>
- Bavarian Ministry of Economic Affairs and Media, Energy, and Technology. (2015). 2015 BAVARIA'S ECONOMY FACTS AND FIGURES.
- Bayerischer Verwaltungsgerichtshof. Wir über uns. Retrieved from <http://www.vgh.bayern.de/bayvgh/wir/>
- Bennhold, K., Erlanger, S., Smale, A. (2015, September 5). “Germans Welcome Migrants After Long Journey Through Hungary and Austria”. *New York Times*. Retrieved from <https://www.nytimes.com/2015/09/06/world/europe/migrant-crisis-austria-hungary-germany.html>
- Berlin state poll: Losses for Merkel's CDU, gains for AfD. (2016). BBC. Retrieved from <http://www.bbc.com/news/world-europe-37403542>
- Brady, K. (2017). Bavarian government to release new refugee policy so ‘Germany remains Germany’. *Deutsche Welle*. Retrieved from <http://www.dw.com/en/bavarian-government-to-release-new-refugee-policy-so-germany-remains-germany/a-37044492>
- Brummer, Peter [Personal Interview]. (2016, September 17th).
- Bundesverwaltungsgericht. The Federal Administrative Court. Retrieved from http://www.bverwg.de/informationen/english/federal_administrative_court.php.
- Callen, T. (2012). Gross Domestic Product: An Economy's All. *International Monetary Fund: Finance & Development*. Retrieved from <http://www.imf.org/external/pubs/ft/fandd/basics/gdp.htm>

- Central Intelligence Agency. *The World Factbook, Europe: Germany*. Retrieved from <https://www.cia.gov/library/publications/resources/the-world-factbook/geos/gm.html>
- Christian Social Union. (2013). *Der Spiegel*. Retrieved from <http://www.spiegel.de/international/germany/guide-to-german-political-parties-a-886188-7.html>
- Conradt, D. (2013). Christian Social Union. In *Britannica*. Retrieved from <https://www.britannica.com/topic/Christian-Social-Union>
- Die Verfassung des Deutschen Reichs. (1919). Retrieved from http://www.documentarchiv.de/wr/wrv.html#DRITTER_ABSCHNITT02
- Drunkenmolle, Jan Rouven [Personal Interview]. (2016, August 31st).
- Eddy, Melissa (2015, May 9). "Rift Forms in Germany Over Asylum". *New York Times*. Retrieved from <https://www.nytimes.com/2015/05/10/world/europe/rift-forms-in-germany-over-asylum.html? r=1>
- Edwards, Adrian (2016, June 20). *Global Forced Displacement Hits Record Highs*. Retrieved from <http://www.unhcr.org/en-us/news/latest/2016/6/5763b65a4/global-forced-displacement-hits-record-high.html>
- EUR-lex (2015, January 3). "EU asylum policy: EU Country responsible for examining applications". Retrieved from <http://eur-lex.europa.eu/legal-content/EN/LSU/?uri=CELEX:32013R0604>
- European Commission. (2017). GROWTH: Bavaria. Retrieved from <https://ec.europa.eu/growth/tools-databases/regional-innovation-monitor/base-profile/bavaria>
- European Commission. (2017). GROWTH: North Rhine-Westphalia. Retrieved from <https://ec.europa.eu/growth/tools-databases/regional-innovation-monitor/base-profile/north-rhine-westphalia>
- European Commission. (2017). EURES: Labor market information. Retrieved from <https://ec.europa.eu/eures/main.jsp?countryId=DE&acro=lmi&showRegion=true&lang=en&mode=text®ionId=DE0&nuts2Code=%20&nuts3Code=null&catId=374>
- European Commission. (n.d.). Eurostat. Retrieved from <http://ec.europa.eu/eurostat/data/database>
- European Commission. (2016). The EU and the Refugee Crisis. Retrieved from <http://publications.europa.eu/webpub/com/factsheets/refugee-crisis/en/>

- European Union. (2017). The 28 member countries of the EU. Retrieved from https://europa.eu/european-union/about-eu/countries_en
- EUROSTAT. (2016). GDP at current market prices, 2005 and 2013-2015. Retrieved from http://ec.europa.eu/eurostat/statistics-explained/index.php/File:GDP_at_current_market_prices,_2005_and_2013-2015_YB16.png
- Failed Asylum Seeker Hadi [Personal Interview]. (2016, September 12th).
- Failed Asylum Seeker Mohammed [Personal Interview]. (2016, September 12th).
- Failed Asylum Seeker Mustafa [Personal Interview]. (2016, September 12th).
- Failed Asylum Seeker Shugal [Personal Interview]. (2016, September 12th).
- Federal Office for Migration and Refugees (2016, October 1). “The stages of the asylum procedure”. *Federal Office for Migration and Refugees*. Retrieved from <http://www.bamf.de/EN/Fluechtlingschutz/AblaufAsylv/AnkunftUndRegistrierung/ankunft-und-registrierung-node.html>
- Fratzke, S. (2015). *Not Adding Up: The Fading Promise of Europe’s Dublin System*. Migration Policy Institute.
- Frelick, B. (2014). “Containment Plan: Bulgaria’s Pushbacks and Detention of Syrian and Other Asylum Seekers and Migrants. *Human Rights Watch*.
- Frontex. (2017). Migratory Routes. Retrieved from <http://frontex.europa.eu/trends-and-routes/migratory-routes-map>
- German Basic Law Federal Republic of Germany. (2015). *Grundgesetz für die Bundesrepublik Deutschland*, 135. Retrieved from <https://doi.org/10.1017/CBO9781107415324.004>
- German Catholics lose church rights for unpaid tax. (2012). *BBC*. Retrieved from <http://www.bbc.com/news/world-europe-19699581>
- German Ecumenical Committee on Church Asylum. (2016). Aktuelle Zahlen: Kirchenasyle bundesweit. Retrieved from <http://www.kirchenasyl.de/aktuelles/>
- German Ecumenical Committee on Church Asylum. (2017). Welcome: German Ecumenical Committee on Church Asylum. Retrieved from <http://www.kirchenasyl.de/herzlich-willkommen/welcome/>
- Gneiss, Ute [Personal Interview]. (2016, August 31st).

- Gopalakrishnan, M. (2016, August 22). "German volunteer finds his calling helping refugees". *Deutsche Welle*. Retrieved from <http://www.dw.com/en/german-volunteer-finds-his-calling-helping-refugees/a-19456138>
- Hill, Jenny (2015, October 1). *Migrant Crisis: How long can Merkel keep German doors open?*. Retrieved from <http://www.bbc.com/news/world-europe-34402001>
- Huetteman, E., & Johannsen, K. (2015). For Thousands of Exhausted Migrants, a Journey's End in Munich. *The New York Times*. Retrieved from <https://www.nytimes.com/2015/09/02/world/europe/for-thousands-of-exhausted-migrants-a-journeys-end-in-munich.html>
- Identification of Applicants (EURODAC). (2017). Retrieved March 20, 2017, from https://ec.europa.eu/home-affairs/what-we-do/policies/asylum/identification-of-applicants_en
- International Organization for Migration (2016, January). "Migration, asylum and refugees in Germany: Understanding the Data". *Global Migration Data Analysis Center Data Briefing Series*, (1), 1-6.
- Jackson, R. (2012). German Catholics Lose Sacraments Over Church Tax. *Tax Notes International*, 21.
- Just, Wolf-Dieter D. (2012). The Rise and Features of Church Asylum in Germany: "I Will Take Refuge in the Shadow of Thy Wings until the Storms Are Past". In *Sanctuary Practices in International Perspectives: Migration, Citizenship and Social Movements* (pp. 135-47). Taylor and Francis.
- Justice Dörig, Harald. (2013). Germany: The Handling of Leading Asylum Cases by National Courts. *International Journal of Refugee Law*, (20)2, 373-376.
- Lander, M. (2003). Clinging to Conservatism in the Land of Lederhosen. *The New York Times*. Retrieved from <http://www.nytimes.com/2003/09/21/world/clinging-to-conservatism-in-the-land-of-lederhosen.html>
- Leserin, L. (n.d.). Dr. Heinrich Bedford-Strohm, Vorsitzender des Rates der Evangelischen Kirche in Deutschland.
- Lippert, R. K. (2013). Sanctuary practices in international perspectives: migration, citizenship, and social movements. (S. Rehaag, Ed.). Abington, Oxon: New York: Routledge.
- Neufert, Birgit (2014). "Church Asylum". *Forced Migration Review*, no. 48 (2014): 36.
- NürnbergLuftbild (2015). Retrieved from <https://www.nuernbergluftbild.de/luftbilder/1471-kloster-strahlfeld>

- OECD. (2001). Unemployment Rate Harmonised. Retrieved from <https://stats.oecd.org/glossary/detail.asp?ID=3094>
- Prescher, S. (2010). The Catholic Church in Germany: Facts & Figures. *Benchmarks: Life in the Bishopric*.
- Rabben, L. (2017). Sanctuary and Asylum: A Thousand Years of Medieval Sanctuary. *Project Muse*, 42.
- Reichel, Stephen [Personal Interview]. (2016, September 15th).
- Relating, F., & Life, C. (n.d.). Evangelical Church in Germany Facts and Figures Relating to Church Life.
- Sekretariat der Deutschen Bischofskonferenz. (2015). Bevölkerung und Katholiken nach Bundesländern 2015. Retrieved from [http://www.dbk.de/fileadmin/redaktion/Zahlen und Fakten/Kirchliche Statistik/Bevoelkerung und Katholiken/BL/2009 Bevoelk Katholiken Bundeslaender.pdf](http://www.dbk.de/fileadmin/redaktion/Zahlen_und_Fakten/Kirchliche_Statistik/Bevoelkerung_und_Katholiken/BL/2009_Bevoelk_Katholiken_Bundeslaender.pdf)
- Senthilingam, M. (2017). Germany joins the global experiment on marijuana legalization. *CNN*. Retrieved from <http://www.cnn.com/2016/12/29/health/global-marijuana-cannabis-laws/>
- Sister Geraldine [Personal Interview]. (2016, September 10th).
- Sister Mary [Personal Interview]. (2016, September 14th).
- Tansey, Oisín (2007). "Process Tracing and Elite Interviewing: A Case for Non-Probability Sampling." *PS: Political Science & Politics* 40.04 (2007): 765-772.
- The European Parliament & The Council of the European Union (2013). Regulation (EU) No 604/2013 of The European Parliament and of the Council, (604), 31-59.
- United Nations High Commissioner for Refugees. (2016). *Global Trends: Forced Displacement 2015*.
- United Nations High Commissioner for Refugees. (2008). The Dublin Regulation. Retrieved from <http://www.unhcr.org/4a9d13d59.pdf>
- United Nations Population Division (2015). *International Migrant stock 2015: graphs*. Retrieved from <http://www.un.org/en/development/desa/population/migration/data/estimates2/estimatesgraphs.shtml?0g0>
- United States Department of State. (2015). *Greece 2015 Human Rights Report*.

Vasagar, J. (2015). Christian Social Union gets cold feet over refugees. *Financial Times*. Retrieved from <https://www.ft.com/content/33dd35ba-5487-11e5-b029-b9d50a74fd14>

Zetter, R. (2007). More labels, fewer refugees: Remaking the refugee label in an era of globalization. *Journal of Refugee Studies*. 20(2), 172-192.