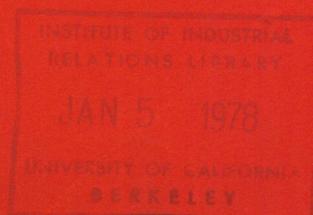


Migrant labor ✓

**PRINCIPLES AND GUIDELINES**  
**FOR THE ELABORATION OF A STATUTE FOR MIGRANTS.**

*presented by*  
*the International Catholic Migration Commission*  
*(ICMC)*

**Second Edition.**



**GENEVA**  
**1976**

P R I N C I P L E S   A N D   G U I D E L I N E S

FOR THE ELABORATION OF A STATUTE FOR MIGRANTS

presented by

the International Catholic Migration Commission  
(ICMC)

(Second Edition)

G e n e v a

1976

This document was drafted as a result of a Recommendation of the 24th Session of the Council of the International Catholic Migration Commission (ICMC), voted on in Geneva on October 3, 1974.

It is the result of a written enquiry carried out in several European countries from November 1974 to May 1975. A first report on this enquiry, entitled 'Observations received on the ICMC Draft of the International Statute for Migrant Workers', was presented to and discussed in detail by the meeting of the Catholic Committee for Intra-European Migration (CCIEM), which took place in Malta from June 10 to 12, 1975.

Each article is accompanied by a selection of references, taken, on the one hand from international legislation, such as conventions, recommendations and declarations of the United Nations (UN), the Organisation of American States (OAS), the International Labour Organisation (ILO), the OECD, UNESCO, the Council of Europe and the recent Conference in Helsinki on Security and Cooperation in Europe (CSCE), and on the other from the statements, addresses and encyclicals of several popes, (Leo XIII, Pius XI, Pius XII, John XXIII and Paul VI), from the Constitutions of Vatican Council II and from the Pastoral Letters of Episcopal Conferences and Bishops.

The present second edition is the result of the updating of the text, following the discussion and acceptance of this document by the ICMC Council in its 25th Session on 2 October 1975.

P R I N C I P L E S   A N D   G U I D E L I N E S  
FOR THE ELABORATION OF A STATUTE FOR MIGRANTS

presented by the  
International Catholic Migration Commission

I n t r o d u c t i o n

The 25 years' practical experience of the International Catholic Migration Commission (ICMC) and the theoretical studies carried out over the past few years with regard to the legal, social and cultural aspects of continental and extra-continental migration reveal that in many countries 'migrants', and more particularly those who are called 'migrant workers', are often still deprived of the enjoyment of essential rights.

This situation affects in particular the conditions of migrant family life, whether it is a question of accommodation, the problem of children or the separation of families.

The efforts and action carried out by the ICMC Affiliated Organizations and other associations dealing with migrants, as well as by unions and employer bodies in various countries, have without a doubt contributed to an awareness of these problems.

On the other hand, the Church's repeated appeals and numerous texts, in particular the statements made by the present Sovereign Pontiff and his predecessors, have always recalled the duties of the populations of countries of destination towards those who through necessity often leave their country in order to seek employment or a new homeland.

It is in response to the wish expressed by Pope Paul VI in the Apostolic Letter OCTOGESIMA ADVENTENS of 14 May 1971 ("to give them a statute which will assure them a right to migrate, favor their integration, facilitate their professional advancement and give them access to decent housing" etc.), which was then taken up in his appeal of 18 October 1973 to participants at the European Meeting in Rome of the Pontifical Commission for the Pastoral Care of Migrants and Itinerant People (for "a real statute for the migrant worker") and to assist the reflection and research of all those who would have to elaborate such a statute or would be concerned by these questions, including migrants themselves, that the ICMC Council decided to prepare and publish this document which resumes the essential rights from which migrants should benefit.

This document is also addressed to public opinion, since it may provide each one with the basic elements that enable the situation in his own country to be better judged and to take his own position with regard to the problems of the migrants living around him. All those who feed this public opinion, in particular the press and other mass media, are invited to make known these principles and to sensitize the population with regard to the situation of migrants.

The references to the legislative norms of international organizations and pontifical texts or the most important statements made by the episcopates, make of this document a working instrument enabling the solutions envisaged on the governmental level or by the Church's social doctrine in this regard to be known.

The document is composed of two parts : the first, dealing with 'migrants', deals with the rights and obligations of those who emigrate, either overseas or to a country within the same continent. It appeared necessary to add a second part to it, which deals specifically with manpower movements in Western Europe. This second part presents the wishes and suggestions concerning the situation of 'migrant workers' with regard to the particular form of these migrations.

The 'migrant' in this document designates 'any person going to another country, with the intention of settling there'. By 'migrant worker', such as he exists within the framework of foreign manpower movements in Western Europe, must be understood 'any person going either temporarily or definitively to a foreign country, to seek employment in order to improve the living conditions for himself or for his family, in accordance with the national legislation regulating the migration or employment of foreign manpower.'

P A R T I  
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Rights and Obligations of Migrants

- 1.01 Right to the respect of human dignity
- 1.02 Right to emigration (exit)
- 1.03 Right to immigration (entry)
- 1.04 Right to return to the country of origin
- 1.05 Right to information and obligation to seek information
- 1.06 Right to counselling services and specialized social assistance
- 1.07 Irregular entry and employment
- 1.08 Right to work
- 1.09 Right to security of employment and residence
- 1.10 Equality of treatment
- 1.11 Right to protection against xenophobia and racial discrimination
- 1.12 Right to health and safety at work
- 1.13 Right to promotion and vocational training
- 1.14 Family migration as a human right
- 1.15 Right to housing
- 1.16 Right of migrant children to education
- 1.17 Right to social security benefits and family allowances
- 1.18 Right to culture
- 1.19 Right to religious freedom
- 1.20 Right to public freedoms
- 1.21 Right to trade union freedom
- 1.22 Right to naturalization
- 1.23 Right to legal guarantees
- 1.24 Right to protection against arbitrary expulsion
- 1.25 General obligations of migrants

P A R T I  
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RIGHTS AND OBLIGATIONS OF MIGRANTS

1.01 Right to the Respect of Human Dignity

The commandment of the love of God and of our fellow creatures constitutes the first principle to be proclaimed and applied in migration.

It commands not only positive actions on behalf of migrants in order to favor the complete opening out of their personalities, but also to prevent all negative measures such as the refusal of some rights.

This principle joins the Universal Declaration of Human Rights, which proclaims that "all human beings are born free and equal in dignity and rights", i.e. that all governmental and non-governmental actions for migrants should be undertaken in full consciousness of their human dignity and of the justice which should prevent all concerned from treating migrants simply as economic units subject to the offer and demand mechanism.

R E F E R E N C E S  
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I. INTERNATIONAL LEGISLATION

- Universal Declaration of Human Rights (1948) (relating to everyone, including migrants), Art. 1 : "All human beings are born free and equal in dignity."
- Council of Europe, Resolution (74)14 of the Committee of Ministers (May 21, 1974) : "The Committee of Ministers invites Member States to lend their support to Council of Europe action for the defence of man's fundamental rights and more particularly those of man at work, including the migrant worker ..."
- Final Act of the Helsinki Conference on Security and Cooperation in Europe (August 1, 1975) : "The participating States shall respect human rights and fundamental freedoms ..."

II. PONTIFICAL AND EPISCOPAL STATEMENTS

- Pius XII, Address to the United States' Congressional Mission (October 2, 1949) : "No reason of State or pretext of collective advantage, as We had occasion to emphasize once more only a few days ago, can avail to justify the contempt of that human dignity and the denial of those elemental rights which the Creator has imprinted on the soul of each of His creatures."
- Vatican Council II, Constitution GAUDIUM ET SPES (1965), §12 : "According to the almost unanimous opinion of believers and unbelievers alike, all things on earth should be related to man as their center and crown." §25 : "For the beginning, the subject and the goal of all social institutions is and must be the human person ..." §27 : "Coming down to practical and particularly urgent consequences, this Council lays

stress on reverence for man; everyone must consider his every neighbor without exception as another self, taking into account first of all his life and the means necessary to living it with dignity, so as not to imitate the rich man who had no concern for the poor man Lazarus."

Vatican Council II, Declaration on Religious Freedom (1965), §1 :  
"A sense of the dignity of the human person has been impressing itself more and more deeply on the consciousness of contemporary man ..."

- Paul VI

Address of September 6, 1965 : "(Population movements) often bring in their wake difficulties that must be palliated by administrative and legislative measures aimed at safeguarding the dignity of the worker's person and of that of his family."

Encyclical POPULORUM PROGRESSIO (1967), §47 : "It is a question rather of building a world where every man, no matter what his race, religion or nationality, can live a fully human life..." §69 : "The same welcome is due to emigrant workers who live in conditions which are often inhuman..."

Address to the ILO, Geneva (June 1969) : "The modern concept of which you are the heralds and defenders, ... is based on a fundamental principle which Christianity, on its part, has singularly illuminated, i.e. in labor it is man who comes first ..."

Apostolic Letter and Instruction PASTORALIS MIGRATORUM CURA (1969) §4 :  
"The Church not only strives to offer the consolations of religion to all emigrants, but also zealously struggles for the sanction and preservation of the rights of the human person ..." §5 : "Man 'whole and entire, body and soul' is the proper object of the Church's pastoral concern. When the care of souls is to be adapted to the needs of the times, it seems most proper to recall the primary and fundamental rights of the human person again and again ..."

Address to Members of the European Parliament (April 16, 1970) : "You must also ceaselessly exert yourselves to satisfy the following primordial requests : the respect of persons, their integration into society ..."

Address to Members of the FAO Conference (November 16, 1970) : "The passage from selfishly separated economies of profit to an economy of solidarity, based on freely assumed needs."

Apostolic Letter OCTOGESIMA ADVENIENS (1971), §17 : "It is everyone's duty, but especially that of Christians, to work with energy for the establishment of universal brotherhood, the indispensable basis for authentic justice and the condition for enduring peace : We cannot in truthfulness call upon that God who is the Father of all if we refuse to act in a brotherly way towards men, created to God's image." §23 : "In fact, human rights are still too often disregarded, if not scoffed at, or else they receive only formal recognition."

Address to Members of the Pontifical Commission (October 18, 1973) :  
"(The Statute for Migrant Workers) would guarantee the rights of migrants to respect of their personality ..."

- Joint Synod of the Dioceses in the Federal Republic of Germany (November 1973) : "The human individual must really be treated as a hu-

man being and not as a mere source of manpower. This means that the economic system must exist to serve man and not man to serve the economic system. Foreigners are not goods to be traded merely according to the law of supply and demand."

- Swiss Bishops and the Federation of Protestant Churches in Switzerland (1974), 'The Seven Theses of the Churches on Policy with regard to Migrants', §5 : "It is of prime importance for our future together that our action, even on the technical, economic, social and political levels be oriented on man, his wellbeing and his dignity, his liberties and his rights."

## 1.02 Right to Emigration (Exit)

Every person has the right to emigrate in order to work and to establish himself temporarily or to settle on the territory of another country.

This right implies that obstacles must not be put in the way of emigration unless justified by important reasons concerning common good, i.e. preventing groups or their members from 'reaching their own perfection more completely and easily' (Gaudium et Spes).

## REFERENCES

### I. INTERNATIONAL LEGISLATION

- Universal Declaration of Human Rights (1948), §13(2) : "Everyone has the right to leave any country, including his own and to return to his country."
- European Convention for Human Rights (1952), Protocol 4, §2 : "Everyone is free to leave any country, including his own."
- European Social Charter (1965), §18(4) : "With a view to ensuring the effective exercise of the right to engage in a gainful occupation in the territory of any other Contracting Party, the Contracting Parties undertake ... and recognize : the right of their nationals to leave the country to engage in a gainful occupation in the territories of the other Contracting Parties." §19(2) : "With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Contracting Party, the Contracting Parties undertake : to adopt appropriate measures within their own jurisdiction to facilitate the departure ... of such workers and their families ..."
- International Covenant on Civil and Political Rights (1966), §12 : "Everyone shall be free to leave any country, including his own."
- American Convention on Human Rights (1969), §22(2) : "Everyone has the right to freely leave any country including his own." §22(3) : "The exercise of the rights mentioned here cannot be the object of restrictions other than those which, foreseen by the law, constitute indispensable measures ..."
- Draft European Convention on the Legal Status of Migrant Workers (1971), §4 : "The Contracting Parties concerned shall guarantee the following rights to migrant workers : the right to leave the territory of the Contracting Party of which they are nationals, in order to take up paid employment in the territory of another Contracting Party ..."

II. PONTIFICAL AND EPISCOPAL STATEMENTS

- Pius XII, Christmas Address (24 December 1948) : "Instead of exporting food at very high cost to refugee populations, assembled in not the most ideal of places, why not facilitate the emigration and immigration of families by directing them towards regions where they would more easily find the sustenance they need ?"
- John XXIII, Encyclical PACEM IN TERRIS (1963) : "Every human being has the right to freedom of movement and of residence within the confines of his own country; and, when there are just reasons for it, the right to emigrate to other countries and to take up residence there."
- Paul VI  
Radio Message for Migration Day (24 November 1963) : "Our Predecessor, Pope John XXIII of blessed memory, has noticed rather spontaneous emigration and has clearly sanctioned the right for men to choose their home and to seek work and welfare even away from their normal residence, thereby recognizing the fundamental legitimacy of emigration."  
Instruction PASTORALIS MIGRATORUM CURA (1969), §7 : "But where a State which suffers from poverty combined with great population cannot supply such use of goods to its inhabitants or where the State places conditions which offend human dignity, people possess a right to emigrate, to select a new home in foreign lands, and to seek conditions of life worthy of man." §7(3) : "Public authorities unjustly deny the rights of human persons if they block or impede emigration or immigration except where grave requirements of the common good, considered objectively, demand it."  
Apostolic Letter OCTOGESIMA ADVENIENS (1971), §17 : "It is urgently necessary for people to go beyond a narrowly nationalist attitude in their regard and to give them a charter which will assure them a right to emigrate ..."

### 1.03 Right to Immigration (Entry)

Every person has the inalienable right to share the material and spiritual goods of our times, within the principle of the common good of the whole human family, and in cases when a country's natural resources or other conditions fall short of its own citizens' needs, receiving countries, which are more developed and do not possess sufficient human resources, have certain responsibilities towards the international and national community to liberally grant the right of entry to persons who apply for it with sound and just reasons.

In spite of the fact that freedom of immigration is not yet internationally regulated, a just immigration policy should limit the reasons for a refusal of the right of admission to the imperatives of labor or social policy (lack of work or possibilities for reception or insertion), public health (infectious diseases), public morality (such as drugs, slave traffic or crimes) and the country's security.

### REFERENCES

#### I. INTERNATIONAL LEGISLATION

- EEC Regulation No. 1612/68 (1968), §1 : "Every national of a Member State, whatever his place of residence, has the right of access to salaried activity and to exercise this right on the territory of another Member State, in accordance with the legal, statutory and administrative dispositions regulating the employment of national workers of that State."
- Draft European Convention on the Legal Status of Migrant Workers (1971), §4(1) : "The Contracting Parties concerned shall guarantee the following rights to migrant workers : - the right to leave (etc.) - the right to admission to the territory of a Contracting Party in order to take up paid employment, after having been authorized to do so and after obtaining the necessary papers."

#### II. PONTIFICAL AND EPISCOPAL STATEMENTS

- Leo XIII, RERUM NOVARUM (1891), §17 : "The earth, even though apportioned amongst private owners, ceases not thereby to minister to the needs of all."
- Pius XI, QUADRAGESIMO ANNO (1931), §58 : "the vast differences between the few who hold excessive wealth and the many who live in destitution constitute a grave evil in modern society."
- Pius XII  
Speech for 50th Anniversary of RERUM NOVARUM (1 June 1941) : Our planet ... is not, at the same time, without habitable regions and living spaces now abandoned to wild natural vegetation and well suited to be cultivated by man to satisfy his needs and civil activities : and more than once, it is inevitable that some families migrating from one spot to another should go elsewhere in search of a new homeland. Then

according to the teaching of 'Rerum Novarum', the right of the family to a living space is recognized."

Letter to the Archbishop of Cincinnati (24 December 1948) : "... the Creator of the Universe made all good things primarily for the use of all. If then, in some locality, the land offers the possibility of supporting a large number of people, the sovereignty of the state, although it must be respected, cannot be exaggerated to the point that access to this land is, for inadequate or unjustified reasons, denied to needy and decent people from other nations, whenever this does not hinder the public welfare considered objectively."

Christmas Message (24 December 1952) : "Finally, see how the natural right of the individual to be unhampered in immigration or emigration is not recognized or in practice is nullified under pretext of a common good which is falsely understood or falsely applied, but sanctioned and made mandatory by legislative or administrative measures."

Letter addressed on behalf of the Pope by Msgr. Montini to the Italian Social Week in Palermo (October 1953) : "The coexistence of peoples poor in natural resources and of rich nations that are closed to immigration does not respond to the will of the Creator."

- John XXIII

Encyclical MATER ET MAGISTRA (1961) : "It is evident that both the solidarity of the human race and the sense of brotherhood which accords with Christian principles, require that some peoples lend others energetic help in many ways. Not merely would this result in a freer movement of goods, of capital, and of men, but it also would lessen imbalances between nations."

Encyclical PACEM IN TERRIS (1963) : "Every human being has the right to freedom of movement and of residence within the confines of his own country; and, when there are just reasons for it, the right to emigrate to other countries and take up residence there."

- Vatican Council II, Constitution GAUDIUM ET SPES (1965), §69 : "God intended the earth with everything contained in it for the use of all human beings and peoples. Thus, under the guidance of justice together with charity, created goods should be in abundance for all in an equitable manner." §86(b) : "It is a very important duty of the advanced nations to help the developing nations in discharging their above-mentioned responsibilities."

- Paul VI, Apostolic Letter and Instruction PASTORALIS MIGRATORUM CURA (1969), §7(1) : "People possess a right... to select a new home in foreign lands, and to seek conditions of life worthy of man." §7(3) : "Public authorities unjustly deny the rights of human persons if they block or impede emigration or immigration except where grave requirements of the common good, considered objectively, demand it."

- Declaration from the Apostolic Nuncio in Canada, Msgr. Antoniutti (1952) : "Men without land have the right to cultivate land without men."

- Australian Bishops' Social Justice Statement, 'Land without People', (1953) : "In a country like Australia, whose development has scarcely begun, how can we consciously refuse immigration possibilities to these millions of people, simply in order to monopolize the resources

of our continent for ourselves ? To persist in such a refusal when the problem is evident is to make ourselves at least indirectly responsible for the ills that arise inevitably in countries where overpopulation exists."

- Conclusions of the First Congress held in Manizalés (Colombia) on Rural Life in Latin America (January 1953) : "In order to safeguard the rights to life, freedom and better economic conditions, unjust barriers should not exist in the world, which prevent man from migrating."
- Canadian Catholic Conference, Pastoral Message on Immigration and Population Policies (July 1975) : "While it is clear that God has distributed the riches of the earth according to a varied pattern, He intends the earth and all it contains for the use of every human being and people ... Let us therefore strive to overcome fear of newcomers and strangers, whether from outside Canada or within it."

#### 1.04 Right to Return to the Country of Origin

Every migrant has the right - in accordance with the Universal Declaration of Human Rights to return to his country of origin and no measure can be taken by either the country of reception or the country of origin to prevent him from so doing.

#### REFERENCES

##### I. INTERNATIONAL LEGISLATION

- Universal Declaration of Human Rights (1948), §13(2) : "Everyone has the right to leave any country, including his own, and to return to his country."
- European Convention for the Protection of Human Rights (1952), Protocol No. 4, §2(2) : "No one shall be deprived of the right to enter the territory of the State, of which he is a national."
- International Covenant of the United Nations on Civil and Political Rights (1966), §12(4) : "No one shall be arbitrarily deprived of the right to enter his own country."
- Draft European Convention on the Legal Status of Migrant Workers (1971) §31(1) : "The Contracting Parties shall, as far as possible, take appropriate measures to assist migrant workers and their families on the occasion of their definitive return to their country of origin."
- Recommendation 712 of the Consultative Assembly of the Council of Europe (1973), §5 : "... the competent authorities of the emigration countries should, in cooperation with the appropriate authorities in the immigration countries, take a more active interest in the departure and return of their nationals ..."
- Resolution 15 of the Committee of Ministers of the Council of Europe (1974), §12 : "To encourage all appropriate measures to assist the migrant worker who is unemployed for the reasons independent of his will and who desires either to be repatriated or employed in another country."
- Final Act of the Helsinki Conference on Security and Cooperation in Europe (1 August 1975) : "Economic and social aspects of migrant labor : (1) .. to bear in mind that migrant workers, particularly those who have acquired qualifications, can - by returning to their countries after a certain period of time - help to remedy any deficiency of skilled labor in their country of origin."

##### II. PONTIFICAL AND EPISCOPAL STATEMENTS

- Paul VI, Instruction PASTORALIS MIGRATORUM CURA (1969), §8 : "(The developed regions) should foster the preparation and return to the homeland of artisans and students, once they achieve ability in their fields and receive corresponding diplomas."

- Belgian Bishops, Pastoral Statement (1973) : "It seems to us opportune and urgent that the regulations of migratory movements contain ... dispositions to favor the return to the homeland, if it is felt necessary."
  
- Joint Synod of Dioceses in the Federal Republic of Germany (November 1973) : "Foreign workers should be encouraged to return voluntarily to their home country much more than has up till now been the case. On the other hand, the so-called rotation principle must be rejected outright as a method of compelling workers to return home. By the 'rotation principle' is understood here the regulation by which foreign workers can be obliged to return to their own countries after a few years of being employed in West Germany, to be replaced by a new intake ..."

### 1.05 Right to Information and Obligation to Seek Information

Every migrant has the right to receive before his emigration reliable and trustworthy information on the conditions existing in the receiving country, especially its living and working conditions and social measures.

To this right corresponds the moral obligation of the migrant to seek information at proper sources, before making the choice, which will be of great importance to him and his family's future, between emigrating or continuing to remain in the country of origin.

### R E F E R E N C E S

#### I. INTERNATIONAL LEGISLATION

- Universal Declaration of Human Rights (1948), §19 : "Everyone has the right ... to seek, receive and impart information and ideas, through any media and regardless of frontiers."
- ILO Convention 97 on Migrant Workers (1949), §2 : "Every Member for whom the present convention is in force undertakes to have, or to ensure that there exists, an appropriate service free of charge that is responsible for assisting migrant workers and in particular for providing them with exact information." §3(1) : "Every Member for whom the present convention is in force undertakes, as far as national legislation permits, to take appropriate measures against deceptive propaganda concerning emigration or immigration." §3(2) : "To this end, he will collaborate, if it is useful, with the other interested Members."
- European Social Charter (1965), §19(1) : "... the Contracting Parties undertake : (1) to maintain or to satisfy themselves that there are maintained adequate and free services to assist such workers, particularly in obtaining accurate information, and to take all appropriate steps, so far as national laws and regulations permit, against misleading propaganda relating to emigration and immigration."
- Draft European Convention on the Legal Status of Migrant Workers (1971), §6(1) : "The Contracting Parties undertake, in the case of collective official recruitment, to exchange and to provide for prospective immigrants precise information on their stay, conditions and opportunities for family reunion, the nature of the job, the possibility of a new work contract being concluded after the first has lapsed, the qualifications required, working and living conditions (including the cost of living), pay, social insurance, housing, food, the transfer of contributions for social protection and social security taxes and other charges. Information may also be provided on the cultural and religious conditions in the immigration country."
- Recommendation 712 of the Consultative Assembly of the Council of Europe (1973), Annex (B) : "The Consultative Assembly recommends ... in the fields of culture and education : 1. Provision, wherever possible, of regular information for migrant workers, particularly through the mass media ..."

- ILO Convention 143 concerning Migrations in Abusive Conditions (1975), §12 : "Each Member shall ... (c) take measures, encourage educational programs and develop other activities aimed at acquainting migrant workers as fully as possible, with the policy, with their rights and obligations and with activities designed to give effective assistance to migrant workers in the exercise of their rights and for their protection."
- ILO Recommendation 151 concerning Migrant Workers (1975), §7(1) : "In order to enable migrant workers and their families to take full advantage of their rights and opportunities in employment and occupation, such measures as may be necessary should be taken ... (a) to inform them, as far as possible in their mother language, or if that is not possible, in a language with which they are familiar, of their rights under national laws and practices ..."
- Final Act of the Helsinki Conference on Security and Cooperation in Europe (1 August 1975) : "Economic and Social Aspects of Migrant Labour : ... to confirm the right of migrant workers to receive as far as possible, regular information in their own language, covering both their country of origin and the host country."

## II. PONTIFICAL AND EPISCOPAL STATEMENTS

- Paul VI, Apostolic Letter, OCTOGESIMA ADVENIENS (1971), §47 : "In order to counterbalance increasing technocracy, modern forms of democracy must be devised, not only making it possible for each man to become informed and to express himself, but also by involving him in a shared responsibility."

1.06 Right to Counselling Services and Specialized Social Assistance

Recourse to the immigration of foreigners entails for the reception country an obligation to watch over the welfare of these migrants.

Therefore, migrants are entitled - especially during the initial period - to benefit from counselling services and specialized social assistance, which is adapted to their needs and mentality.

REFERENCES

I. INTERNATIONAL LEGISLATION

- ILO Convention 97 (1949), §2 : "Every Member for whom the present convention is in force undertakes to have, or to ensure that there exists, an appropriate service free of charge that is responsible for assisting migrant workers and in particular for providing them with exact information." §4 : "In the appropriate cases, measures must be taken by each Member, within the limits of his competence, in view of facilitating the departure, journey and reception of migrant workers."
- European Social Charter (1965), §19 : "... the Contracting Parties undertake ... (2) to adopt appropriate measures within their own jurisdiction to facilitate the departure, journey and reception of such workers and their families."
- Draft European Convention on the Legal Status of Migrant Workers (1971) §10(2) : "For this reception, migrant workers and members of their families shall be entitled, in the same way as national workers, to assistance from the employment services or the social services ... Each Contracting Party shall endeavor to ensure that special social services are available, whenever the situation so demands, to facilitate or coordinate the reception of migrant workers and their families."
- Recommendation 712 of the Consultative Assembly of the Council of Europe, (1975) : "The Assembly recommends ... in the social and economic fields : (1) Establishment of information and advice centers ... so as to enable foreign workers to settle in more easily and familiarize themselves more quickly with their living and working environment."
- ILO Recommendation 151 (1975), §23 : "... migrant workers and their families should benefit from the activities of social services and have access thereto under the same conditions as nationals of the country of employment." §25 : "The social services ... may be provided ... by public authorities, by approved non-profit making organizations or bodies, or by a combination of both." §27 : "Each member should promote cooperation and coordinate between different social services on its territory, and, as appropriate, between these services and corresponding services in other countries."

II. PONTIFICAL AND EPISCOPAL STATEMENTS

- John XXIII

Address on the Occasion of the 10th Anniversary of EXSUL FAMILIA (4 August 1962) : "We are pleased to take into account that many endeavors undertaken in all countries - the institution of many more centers for apostolic work, welfare, education and recreation, working closely among themselves ..."

Encyclical PACEM IN TERRIS (1963) : "... it is the duty of the State to receive immigrants seeking to become members of the new society."

- Paul VI

Address to the Superior Council on Emigration on Religious Assistance (6 September 1965) : "We affirm on our part that it is a grave duty for the responsible authorities to watch carefully that the migrants are received and integrated ..."

Encyclical POPULORUM PROGRESSIO (1967), §69 : "The same welcome is due to emigrant workers who live in conditions which are often inhuman and who economize on what they earn, in order to send a little relief to their family living in misery in their native land."

Apostolic Letter and Instruction PASTORALIS MIGRATORUM CURA (1969), §30 : "All the faithful, both clergy and laity, including men and women religious, should be properly admonished to receive immigrant people benevolently and to strive zealously to assist them in the pressing needs which they encounter from the start."

- Joint Synod of Dioceses in the Federal Republic of Germany (November 1973) : "In every diocese or diocesan Caritas organization there must be a qualified consultant in charge of questions raised by foreign workers ..."

"The counselling centers set up for Germans, of which the charges are borne by independent, state or district organizations, as for example marriage and educational guidance offices, health advice centers and legal advice centers should be made accessible for foreigners, through the addition of such specialist forces who can understand the language and mentality of the foreign clients."

1.07 Irregular Entry and Employment

Migrations qualified as 'clandestine' or 'illegal' must be prevented at source, especially by the equitable distribution of sources of work on the international level and by the adoption of immigration policies that respect the rights of man as a member of the community of peoples.

Severe punishment, including the payment of damages incurred by the migrants concerned, must be foreseen against the initiators and authors of 'black market labor', as well as all those who, in the country of departure and arrival, favor migration outside the legal channels, for lucrative purposes.

The situation of immigrants present in foreign countries without the prescribed authorization must be examined case by case, especially taking into consideration the eventual necessity of emigrating, and the good faith of these migrants.

The fact of having arrived in a country outside the normal procedures does not in itself create for an alien a right to reside and to exercise a professional activity there, except if it is a case of persons who can be considered as refugees.

However, once these immigrants have obtained legal residence authorization, they and their families must be able to benefit from equality of treatment with regard to work conditions, social security and other advantages inherent in the exercising of employment.

It appears desirable that, in certain cases, in order to solve serious human problems, governments accord an amnesty, under specific conditions, to aliens living and working in irregular conditions.

R E F E R E N C E S  
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I. INTERNATIONAL LEGISLATION

- UN Resolution 1706 adopted by the ECOSOC on the Exploitation of Labour through Illicit and Clandestine Trafficking (August 1972) : "condemns the exploitation of and profiteering from such labor and clandestine trafficking as exemplified by the incidents brought to the attention of the ECOSOC and appeals to Governments concerned to take all necessary action to apprehend and bring to justice those responsible for such malpractices."
- UN General Assembly Resolution 2920 on the Exploitation of Labour through Illicit and Clandestine Trafficking (November 1972) : "requests the Governments to take or to supervise the application of measures to put an

end to the discriminatory treatment of which migrant workers in their territory are the victims and invites the UN Commission on Human Rights and the International Labour Office to consider the question."

- Council of Europe Recommendation 712 of its Consultative Assembly (1973), (d)9 : "Intensification of investigations concerning the employment of illegal immigrants with fines or prison sentences for offending employers and persons responsible for organizing the clandestine entry of such persons into immigration countries."
- Council of Europe Resolution (74)14 of its Committee of Ministers (May 1974) : "invites Governments to ... (d) take care to prevent by the appropriate means the introduction of clandestine foreign manpower and its exploitation, in particular by taking effective sanctions against those responsible for these abuses."
- ILO Convention 143 (1975), §2 : "Each Member for which this Convention is in force shall systematically seek to determine whether there are illegally employed migrant workers on its territory and whether there depart from, pass through or arrive in its territory any movements of migrants for employment (in) conditions contravening relevant international instruments or national laws or regulations." §3 : "Each member shall adopt all necessary and appropriate measures (a) to suppress clandestine movements of migrants for employment and illegal employment of migrants and (b) against the organizers of illicit or clandestine movements..." §6 : "Provision shall be made under national laws or regulations for the effective detection of the illegal employment of migrant workers and for the definition and the application of administrative, civil and penal sanctions, which include imprisonment in their range ..."
- ILO Recommendation 151 (1975), §8(3) : "Migrant workers whose position has not been or could not be regularized, should enjoy equality of treatment for themselves and their families, in respect of rights arising out of present and past employment, as regards remuneration, social security and other benefits, as well as regards trade union membership and exercise of trade union rights." §8(4) : "In case of dispute about the rights referred to in the preceding paragraphs, the worker should have the possibility of presenting his case to a competent body, either himself or through a representative."

## II. PONTIFICAL AND EPISCOPAL STATEMENTS

- Belgian Bishops' Declaration for Immigrants' Week (March 1973) : "It appears opportune and urgent to us that in the regulation of external migration movements be anticipated ... adequate measures in view of preventing real fraud from certain manpower speculators and all abuses in recruitment."

## 1.08 Right to Work

The migrant has the same right to work as the citizens of the country of reception, i.e. he must not be handicapped by the fact of being an alien.

This concerns in particular the free choice of place of work, change in occupation and protection against unemployment.

## REFERENCES

### I. INTERNATIONAL LEGISLATION

- Universal Declaration of Human Rights (1948), §23 : "Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment."
- ILO Recommendation 100 concerning the Protection of Migrant Workers in Underdeveloped Countries or Territories, (1955), §37 : "The principle which consists in granting equal chances to all parts of the population, including migrant workers, should be accepted."
- Resolution (74)15 of the Committee of Ministers of the Council of Europe (1974) : "The Committee of Ministers recommends the Governments of Member States to take, where necessary, measures in the fields enumerated below ... I. Foresee, on the immigration of every migrant worker, the conclusion of a work contract of a length sufficient to enable him to clearly appreciate his situation before the end of employment and to effect a responsible choice for the future."
- ILO Convention 143 (1975), §14 : "A Member may - (a) make the free choice of employment, while assuring migrant workers the right to geographical mobility, subject to the conditions that the migrant worker has resided lawfully in its territory for the purpose of employment for a prescribed period not exceeding two years or, if its laws or regulations provide for contracts for a fixed term of less than two years, that the worker has completed his first work contract. (c) restrict access to limited categories of employment or functions where this is necessary in the interests of the States."
- ILO Recommendation 151 (1975), §6 : "A Member may - (a) make the free choice of employment" (etc. as the Convention above).
- Final Act of the Helsinki Conference on Security and Cooperation in Europe (1 August 1975) : "Economic and social aspects of migrant labor: ... to endeavor to ensure, as far as possible, that migrant workers may enjoy the same opportunities as nationals of the host country of finding other suitable employment in the event of unemployment."

### II. PONTIFICAL AND EPISCOPAL STATEMENTS

- Vatican Council II, Pastoral Constitution GAUDIUM ET SPES (1965), §66(2) : "Justice and equity likewise require that the mobility, which is necessary in a developing economy, be regulated in such a way as to keep the life of individuals and their families from becoming insecure and precarious." §66(3) : "In economic affairs which today are subject to change, as in the new forms of industrial society in which automation,

for example, is advancing, care must be taken that sufficient and suitable work ... (is) furnished."

Paul VI

Encyclical POPULORUM PROGRESSION(1967), §27 : "Similarity with work : while it can sometimes be given exaggerated significance, it is for all something willed and blessed by God."

Address to the ILO, Geneva (June 1969) : "You must express in rules of law that solidarity which becomes ever more definite in the consciences of men ... you must master the rights of strong peoples and favor the development of weak peoples, by creating the conditions, not only theoretical but practical, of a real international law of labor on the level of peoples."

Address to the Members of the European Parliament (April 1970) : "We would also like to tell you that we share in particular your preoccupation of the crucial problem of migrants in search of work within the European community."

Apostolic Letter OCTOGESIMA ADVENIENS (1971), §14 : "Every man has the right to work, to a chance to develop his qualities and his personality in the exercise of his profession, to equitable remuneration which will enable him and his family to lead a worthy life on the material, social, cultural and spiritual level ..."

1.09 Right to Security of Employment and Residence

In order to ensure migrants of security of employment and residence, which puts them on an equal footing with national citizens, they should be treated from arrival as though coming for permanent settlement and obtain all rights to employment and residence, even if at the beginning they are not certain whether they will remain in the new country or return to the country of origin.

REFERENCES

- Universal Declaration of Human Rights (1948), §23(3) : "Everyone who works has the right to just and favorable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection."
- ILO Recommendation 86 concerning Migrant Workers (1949), Model Agreement, §24 : "If, before his contract expires, the migrant worker comes to find himself to be the one over the required number within the enterprise or branch of economic activity for which he has been engaged, the competent authority of the immigration territory will, subject to the clauses of the contract, facilitate his placement in another employment position which corresponds to his aptitudes and which he is authorized to occupy in the terms of the national legislation."
- ILO Recommendation 111 concerning Migrant Workers in Insufficiently Developed Countries (1955), §52 : "In chosen cases where the durable settlement of workers in the place of employment or near to employment is revealed as possible, measures should be taken to favor their permanent settlement."
- ILO Convention 143 (1975), §8(2) : "Accordingly (the migrant worker) shall enjoy equality of treatment with nationals in respect in particular of guarantees of security of employment, the provision of alternative employment, relief work and retraining."
- ILO Recommendation 151 (1975), §5 "Each Member should ensure that national laws and regulations concerning residence in its territory are so applied that the lawful exercise of rights enjoyed in pursuance of the principle cannot be the reason for non-renewal of a residence permit or for expulsion and is not inhibited by the threat of such measures." §30 : "Members should, as far as possible, refrain from removing from their territory, on account of lack of means or the state of the employment market, a migrant worker regularly admitted thereto, the loss by such migrant worker of his employment should not itself involve the withdrawal of his authorization of residence."

II. PONTIFICAL AND EPISCOPAL STATEMENTS

- Vatican Council II, Constitution GAUDIUM ET SPES (1965), §66(2) : "Justice and equity likewise require that the mobility, which is necessary in a developing economy, be regulated in such a way as to keep the life of individuals and their families from becoming insecure and precarious."

### 1.10 Equality of Treatment

Migrants who are admitted to a receiving country must be assured of treatment equivalent to that of citizens of the country, in matters of recruitment and work conditions, such as remuneration, duration of work, weekly rest, paid vacations, overtime and protection in the event of dismissal.

This equality must not only be granted to them de jure in laws and administrative dispositions, but also de facto in every day and professional life.

All these conditions concerning equality of treatment granted to migrants apply without distinction to men and women alike.

## REFERENCES

### I. INTERNATIONAL LEGISLATION

This equality is recognized for migrant workers in the following international instruments :

- (1) Universal Declaration of Human Rights (1948), §7
- (2) ILO Convention 97 (1949), §6
- (3) ILO Recommendation 86 (1949), §17
- (4) ILO Convention 100 on Equal Remuneration between Men and Women, (1952), §2
- (5) ILO Recommendation 100 (1955), §20
- (6) European Social Charter (1961), §2 and §19(4) concerning Migrant Workers
- (7) International Covenants on Human Rights (1966), §3 (economic and social rights, as well as civil and political rights)
- (8) EEC Regulation 1612/68 (1968), §7
- (9) Draft European Convention on the Legal Status of Migrant Workers (1971), §15
- (10) Resolution (74)14 of the Committee of Ministers of the Council of Europe (1974), §6
- (11) ILO Convention 143 (1975), §8(2)

### II. PONTIFICAL AND EPISCOPAL STATEMENTS

- Pius XII, Address to the National Congress of Catholic Italian Lawyers (December 6, 1953) : "The question of equality or equivalence of rights in regard to goods, contracts and persons for the citizens of a sovereign state who are staying temporarily or settling in the territory of another, while keeping their own nationality."
- Vatican Council II  
Constitution GAUDIUM ET SPES (1965), §29 : "Since all men possess a rational soul and are created in God's likeness, since they have the same nature and origin, have been redeemed by Christ and enjoy the

same divine calling and destiny, the basic equality of all must receive increasingly greater recognition." §66(2) : "When workers come from another country or district and contribute to the economic advancement of a nation or region by their labor, all discrimination as regards wages and working conditions must be carefully avoided."

Declaration on Religious Freedom (1965), §6 : "Finally, the government is to see to it that the equality of citizens before the law, which is itself an element of the common good, is never violated, whether openly or covertly, for religious reasons."

- Paul VI

Encyclical POPULORUM PROGRESSIO (1967), §76 : "... peace is something that is built up day after day, in the pursuit of an order intended by God, which implies a more perfect form of justice among men."

Apostolic Letter OCTOGESIMA ADVENIENS (1971), §16 : "The members of mankind share the same basic rights and duties, as well as the same supernatural destiny. Within a country which belongs to each one, all should be equal before the law ..." §23 : "If, beyond legal rules, there is really no deeper feeling of respect for and service to others, then even equality before the law can serve as an alibi for flagrant discriminations..."

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- Appeal from the French Episcopal Migration Commission to French Christians and Immigrants (26 February 1974) : "... must not legislation and regulations be further improved or transformed, in order that the rights of migrants be better defended against all arbitrary, sectarian or racial interventions."

### 1.11 Right to Protection against Xenophobia and Racial Discrimination

The public powers of the receiving country should, in accordance with the United Nations' Declaration on the elimination of all forms of racial discrimination, oppose all manifestations of xenophobia and racial discrimination or attitudes from the population of the receiving country.

Any racist attitude towards migrants, whether individual or collective, should be punishable at law.

## REFERENCES

### I. INTERNATIONAL LEGISLATION

- Universal Declaration of Human Rights (1948), §2 : "Everyone is entitled to the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."
- UN Declaration on the Elimination of All Forms of Racial Discrimination (1963), §1-11 refer to all forms of discrimination, such as race, color or ethnic origin, and foresee the means to prevent or to eliminate them.
- UN Convention on the Elimination of All Forms of Racial Discrimination (1965), §1-25 ensure to each individual in the event of all forms of discrimination the protection and the possibility to appeal to tribunals or competent institutions.

### II. PONTIFICAL AND EPISCOPAL STATEMENTS

#### Vatican Council II

Pastoral Constitution GAUDIUM ET SPES (1965), §29 : "... with respect to the fundamental rights of the person, every type of discrimination, whether social or cultural, whether based on sex, race, color, social condition, language or religion, is to be overcome and eradicated as contrary to God's intent."

Declaration on Religious Freedom (1965), §6 : "Nor is there to be discrimination among citizens."

#### Paul VI

Encyclical POPULORUM PROGRESSIO (1967), §47 : "It is a question, rather, of building a world where every man, no matter what his race, religion or nationality, can live a fully human life ..." §63 : "Racism is not the exclusive lot of young nations, where sometimes it hides beneath the rivalries of clans and political parties, with heavy risk of civil war."

Apostolic Letter PASTORALIS MIGRATORUM CURA (1969), §3(2) : "One should call to mind particularly the tensions due to economic inequality, the conflicts proceeding from differences of mentality and tradition,

and with respect to the fundamental rights of the person, every type of discrimination ..."

Apostolic Letter OCTOGESIMA ADVENIENS (1971), §16 : "Among the victims of situations of injustice ... must be placed those who are discriminated against in law or in fact, on account of their race, origin, color, culture, sex or religion."

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- Italian Episcopal Commission for Migration, Letter on the Pastoral and Social Problems of Migrants(1972) : "In proportions that are still very large, emigration gives rise to discrimination perpetrated against men because of their race, origins, color, culture, sex or religion."
- Pastoral Declaration of Belgian Bishops on the Occasion of Immigrants' Week (1973) : "If xenophobic manifestations are rather rare in our country, it must be recognized that very often through carelessness or thoughtlessness, and sometimes through interests, attitudes contrary to the rules of respect for one's neighbor can be aroused ... It appears opportune and urgent to us that in the regulations concerning external migration movements be foreseen : ... to strengthen the struggle against all forms of xenophobia and racism."
- Swiss Bishops and the Federation of Swiss Protestant Churches with regard to Foreigners (1974) : "For this reason we want to seize and continually develop the possibilities of coming together and collaboration between equals of Swiss and foreigners."

### 1.12 Right to Health and Safety at Work

During work, the migrant should benefit from the same protection as enjoyed by the citizens of the country, in matters of health and the security measures to be observed.

These measures should be explained to him, if necessary, in his own language and interpreter services should be available during medical consultations and hospital treatment.

### REFERENCES

#### I. INTERNATIONAL LEGISLATION

- Universal Declaration of Human Rights (1948), §3 : "Everyone has the right to life, liberty and security of person." §25 : "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family ... and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control."
- ILO Recommendation 100 (1955), §46 : "Measures (in favor of migrant workers) should include (a) medical supervision according to local possibilities, by means of periodical visits during employment and in the event of sickness, (b) first aid ... (c) compensation methods for accidents at work and industrial diseases, (d) appropriate assistance in the event of accidents at work or industrial diseases, (e) protection for migrant workers' health and the prevention of accidents at places of work, (f) adoption of dispositions for notifying work accidents and for seeking their causes, (g) employers' obligation to draw migrant workers' attention on every dangerous or unhealthy particularity of their work, (h) special or supplementary training and instruction for migrant workers with regard to the prevention of accidents and risks likely to compromise workers' health in places of work ... (i) dispositions in view of the collaboration of employers and workers enabling safety measures to be promoted, (j) particular measures concerning the social and health protection of the wife and children of the migrant worker living with him."
- Draft European Convention on the Legal Status of Migrant Workers (1971) §20 : "With regard to the prevention of industrial accidents and occupational diseases and to industrial hygiene, migrant workers shall enjoy the same rights and protection as national workers, in application of national legislation and collective agreements."
- ILO Recommendation 151 (1975), §20 : "All appropriate measures should be taken to prevent any special health risks to which migrant workers may be exposed. §21 : "Every effort should be made to ensure that migrant workers receive training and instruction in occupational hygiene."

II. PONTIFICAL AND EPISCOPAL STATEMENTS

- Paul VI

Address to Members of the European Parliament (16 April 1970) : "We have noted with pleasure that amongst your objectives figure full employment, free circulation of manpower, the raising of the standard of living. Security of employment and protection of health require a constant effort."

Address to Participants at the European Conference on the Pastoral Care of Migrants (18 October 1973) : "This statute would guarantee the rights of migrants in respect of their own personality, security of work etc."

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- Joint Synod of Dioceses in the Federal Republic of Germany (November 1973) : "Particular care and attention must be paid at medical examinations when foreign workers are about to take up work and on other occasions, to their physical and psychological aptitude for the work to be assigned to them."

"The foreign worker must be informed in detail by the firm and others in charge of this, about work safety regulations, accident prevention rules and his legal rights to health care."

### 1.13 Right to Promotion and Vocational Training

Migrants are entitled to promotion, pre-vocational and vocational training to the same extent as citizens of the reception country, and this should be adapted to their needs and encouraged by the employers and public powers.

In view of the fact that promotion is not possible without a sufficient knowledge of the new language, the instances concerned should assume the responsibility for financing and organizing the teaching of this language.

### R E F E R E N C E S

#### I. INTERNATIONAL LEGISLATION

- Universal Declaration of Human Rights (1948), §26 : "Everyone has the right to education ... Technical and professional education shall be made generally available."
- ILO Recommendation 86 (1949), §10 : "To ensure, if necessary, vocational training to enable migrant workers to acquire the qualifications required in the immigration country."
- ILO Recommendation 87 on Vocational Guidance (1949), (i.e. assistance given to an individual in view of solving the problems relative to the choice of profession or professional advancement). This convention prescribes not only the principles and methods for the vocational guidance of adolescents and adults, but also examines the administrative dispositions relative to the guidance of adolescents and adults, and training of specialised personnel."
- ILO Recommendation 117 concerning Vocational Training (1962), §1-80 are devoted to the principles and conditions of vocational training of workers, namely planning, arrangements, information about training opportunities, vocational selection, pre-vocational preparation, organization of training, methods and means of training, apprenticeship, accelerated training, teaching staffs and international cooperation.
- EEC Regulation 1612/68 relative to Free Circulation (1968), §1(3) : "The migrant worker also benefits, in the same way and in the same conditions as national workers, from the teaching in vocational training schools and readaptation or retraining centers."
- Draft European Convention on the Legal Status of Migrant Workers (1971) §14(1) : "Migrant workers and members of their families, officially admitted to the territory of a Contracting Party, shall be entitled to the same basis and under the same conditions as national workers, to general education, apprenticeship and vocational training and occupational rehabilitation..."

- Resolution 712 of the Consultative Assembly of the Council of Europe (1973), Annex §5 : "Give migrant workers the same possibilities as national workers to complete their vocational training, especially the obtention of grants."
- Resolution (74)15 of the Committee of Ministers of the Council of Europe on the Equality of Treatment of National and Migrant Workers (1974), §5 : "Vocational Readaptation : Enable the migrant workers to benefit in the same way as the national worker from the facilities for vocational readaptation offered by the competent bodies of the immigration country." §7 : "Favor social and professional advancement as well as the migrant worker's integration within the enterprise."
- ILO Recommendation 151 (1975), §2 : "Migrant workers lawfully within the territory of a Member and the members of their families should enjoy effective equality of opportunity and treatment with nationals of the Member concerned in respect of - (a) access to vocational guidance and placement services; (b) access to vocational training and employment of their own choice ... (c) advancement in accordance with their individual character, experience, ability etc."
- Final Act of the Helsinki Conference on Security and Cooperation in Europe (1 August 1975) : "Economic and Social Aspects of Migrant Labor ... to regard with favor the provision of vocational training to migrant workers and, as far as possible, free instruction in the language of the host country, in the framework of their employment."

## II. PONTIFICAL AND EPISCOPAL STATEMENTS

- John XXIII, Message to the Fourth International Catholic Migration Congress in Ottawa (7 July 1960) : "Two great factors affect integration : the family and the vocational training and skill of the migrant ... This training, indeed, while it allows his better adaptation to the economic conditions of the country, renders possible, above all, a richer development of his personality, while fully safeguarding his dignity."
- Paul VI  
Apostolic Letter OCTOGESIMA ADVENIENS (1971), §17 : "It is urgently necessary for people to go beyond a narrowly nationalist attitude in their regard (migrant workers) and to give them a charter which will assure them a right to emigrate, favor their integration, facilitate their professional advancement ..."  
Address to Participants at the European Conference on the Pastoral Care of Migrants (18 October 1973) : "This statute would guarantee rights to migrants in respect of their own personality, in security of work, vocational training ..." etc.  
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- Belgian Bishops' Declaration for Immigrants' Week (1973) : "We are thinking of the employers, executive personnel, work colleagues on whom often depends to a large extent not only reception and the offer of work, but also the situation and advancement of immigrant workers in their laborious everyday occupations."
- Joint Synod of Dioceses in the Federal Republic of Germany (November 1973) : "Young foreigners must be given the possibility of receiving a complete professional training to a normal level, by making openings for this at staff level and giving assistance for training in the work context."

#### 1.14 Family Migration as a Human Right

The family being the fundamental unit of human society, family migration is a human right which cannot be repealed by bilateral agreements or national laws and regulations.

### REFERENCES

#### I. INTERNATIONAL LEGISLATION

International instruments do not recognize this right and speak only of conditions of family migration. Only the EEC Regulation of 1968 gives this right to migrant workers, citizens of the nine EEC countries.

- Universal Declaration of Human Rights (1948), §16(3) : "The family is the natural and fundamental group unit of society and is entitled to protection by society and the State."
- EEC Regulation 1612/68 on Free Circulation (1968), §10 : "Entitled to settle with the worker coming from a Member State employed on the territory of another Member State, whatever their nationality, are : (a) his spouse and their descendants under 21 years of age or dependent on him, (b) ascendants of this worker and his spouse who are their dependents."
- Resolution of the Advisory Committee of the Special Representative of the Council of Europe for Refugees and Overpopulation (May 1973) : "The Committee of Ministers recommends to the Governments of Member States to be guided, as regards the reunion of migrant workers' families, by the following general principles : (1) the reunion of the migrant worker's family should, as far as possible, be recognized as a right, including in internal legislation."

(See also references under 2.1 on Family Reunion)

#### II. PONTIFICAL AND EPISCOPAL STATEMENTS

##### Pius XII

Address on the 50th Anniversary of RERUM NOVARUM (June 1, 1941) :

"... it is inevitable that some families migrating from one spot to another should go elsewhere in search of a new homeland. Then, according to the teaching of Rerum Novarum the right of the family to a living space is recognized. When this happens, migration attains its natural scope, as experience often shows. We mean the more favorable distribution of men on the earth's surface suitable to colonies of agricultural workers; that surface which God created and prepared for the use of all."

Address to National Association of Emigrant Families (May 1958) : "The family should be the main preoccupation of all those dealing with migration problems."

- John XXIII

Encyclical MATER ET MAGISTRA (1961) : "Turning to the family, the Supreme Pontiff Pius XII stresses that private ownership of material goods helps to safeguard and develop family life. Such goods are an apt means 'to secure for the father of a family the healing liberty he needs in order to fulfil the duties assigned him by the Creator, regarding the physical, spiritual and religious welfare of the family.' ... From this arises the right of the family to migrate."

Message to the Supreme Council for Emigration (20 October 1961) : "The family remains for the migrant, an intangible refuge, where he renews his strength, finds himself, and draws energy for new undertakings. It is also, according to common opinion, his best chance for becoming part of the human community."

Encyclical PACEM IN TERRIS (1963) : "Nor can one overlook the fact that, even though human beings differ from one another by virtue of their ethnic peculiarities, they all possess certain essential common elements of considerable importance, whereby they can progressively develop and perfect themselves, especially in the realm of spiritual values. They have the right and duty therefore to live in communion with one another."

- Paul VI

Apostolic Letter and Instruction PASTORALIS MIGRATORUM CURA (1969), §7 : "This right (to emigrate) pertains not only to individual persons, but to whole families as well. Therefore 'in decisions affecting migrants their right to live together as a family is to be safeguarded' (Apos.) with consideration of the needs of family housing etc..." §57 : "In addition, it is the job of the lay people to struggle that these rights especially the ones which touch upon the unity of the family, be firmly defended in civil legislation ..."

Apostolic Letter OCTOGESIMA ADVENIENS (1971), §17 : "It is urgently necessary for people to go beyond a narrowly nationalist attitude in their regard and to give them a charter which will assure them a right to emigrate ... and give them access to decent housing where, if such is the case, their families can join them."

Address to Participants at the Conference of the Pontifical Commission on Pastoral Care (18 October 1974) : "This Statute (for migrant workers) would guarantee migrants the rights ... to family life."

- Patriarch of Lisbon, Msgr. Ribeiro in his Address during the Synod (1971) : "Action of the local Church in the country of emigration with the civil powers and citizens and corresponding action on the part of the Church of the reception country so that the family and social rights of foreign workers be recognized ..."

### 1.15 Right to Housing

The migrant is entitled to decent housing. When there is a housing shortage, public authorities in the reception country should take care that migrants have access to state-subsidized housing in urban or industrial centers to the same extent as citizens of the country and that an equal share of housing is put at the disposal of migrants.

On the other hand, these public authorities should adopt a housing policy which would eliminate inappropriate or insalubrious dwellings occupied by migrants and their families, as well as give them the possibility of rehousing in decent conditions.

### REFERENCES

#### I. INTERNATIONAL LEGISLATION

- Universal Declaration of Human Rights (1948), §25 : "Everyone has the right to a standard of living adequate for the health and wellbeing of himself and of his family, including food, clothing, housing ..."
- ILO Convention 97 (1949), §6 : "Every Member for whom the present Convention is in force undertakes to apply without discrimination of nationality, race, religion or sex, to immigrants legally within their territory, treatment that is not less favorable than that which is applied to its own nationals with regard to the following matters : ... (ii) housing."
- ILO Recommendation 86, §10 and its Annex, §20, the latter of which says : "The competent authority of the territory of immigration will ensure that migrants and the members of their families have at their disposal suitable and salubrious accommodation in so far as the necessary installations are available."
- ILO Recommendation 100 (1955), §21 : "The measures to take in order to ensure migrant workers of accommodation ought to include dispositions aimed at enabling the said workers to be provided with, either at the employer's cost, or through the granting of appropriate financial assistance, or through any means, accommodation in keeping with the standards approved and with a reasonable rent in relation with the salary of the various categories of workers."
- European Social Charter (1965), §19(4) : "to secure for such workers lawfully within their territories ... treatment not less favorable than that of their own nationals in respect of the following matters : (c) accommodation." (same text as Convention 97 above).
- EEC Regulation 1612/68 (1968), §9(1) : "The worker who is a national of a Member State ... benefits from all those rights and advantages granted to national workers with regard to accommodation in those places where such lists are kept and he benefits from the advantages and priorities that follow from this."

- Draft European Convention on the Legal Status of Migrant Workers (1971)  
§13(1) : "Each Contracting Party undertakes to accord to migrant workers, with regard to access to housing and rents, treatment not less favorable than that accorded to its own nationals, in so far as this matter is covered by domestic laws and regulations." §13(2) : "Each Contracting Party undertakes to protect migrant workers against exploitation in respect of rents, in accordance with national legislation on the matter."
- Recommendation 712 of the Consultative Assembly of the Council of Europe (1973), §3 : "Measures tending to improve the situation of migrant workers ... (3) a regular check to see that the accommodation of migrant workers corresponds to the legal health requirements..."
- ILO Recommendation 151 (1975), §2 : "Migrant workers ... should enjoy effective equality of opportunity and treatment with nationals of the Member concerned in respect of (a) ... (h) conditions of life, including housing ..."

## II. PONTIFICAL AND EPISCOPAL STATEMENTS

- John XXIII, Address to the Members of the Supreme Council on Emigration, (19 October 1961) : "We wish very much that the religious and civil institutions be able to promote the reuniting of family groups, even at the price of difficult sacrifices and that they offer suitable lodgings.."
- Vatican Council II, Constitution GAUDIUM ET SPES (1965), §66(2) : "All the people, moreover, above all the public authorities, must treat them not as mere tools of production but as persons, and must help them to bring their families to live with them and to provide themselves with a decent dwelling..."
- Paul VI  
Address to Members of the Consultative Assembly of the Council of Europe (1966) : "The Church is anxious to see them (migrants) benefit from solid moral and material support towards the findings of solutions to problems of accommodation and employment, which sometimes present themselves in such a pressing way."  
Apostolic Letter OCTOGESIMA ADVENIENS (1971), §17 : "It is urgently necessary for people to go beyond a narrowly nationalist attitude in their regard (migrants) and to give them a charter which will assure them a right to emigrate ... and give them access to decent housing where, if such is the case, their families can join them."  
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- Letter from the Italian Bishops on the Occasion of National Emigrants' Day (1962) : "Problems posed on the individual level are particularly clear and serious in this respect. Let us think ... of the often sub-human accommodation conditions which contrast sharply with those dwellings that are inaccessible to migrants."
- Pastoral Statement from Belgian Bishops on the Occasion of Immigration Week (1973) : "We are also thinking of the owners of apartment blocks and flats upon whom it is incumbent to facilitate the accommodation of these workers and their families. How can one not require the definitive disappearance of the notices seen in certain windows : 'Foreigners keep away' or 'Reserved for Belgians' ..."
- Joint Synod of Dioceses in the Federal Republic of Germany (November 1973) : "The implementation of publicly supported housing programs, over and above the few prototype measures in force, is a priority need. Any building up of ghettos must be carefully avoided in the process."

### 1.16 Right of Migrant Children to Education

Migrant children have the right to a complete education which corresponds to their real needs, taking into consideration their condition of migrant, and to the educational orientation of their family.

This right in particular refers to the freedom to conserve their original heritage in the ethnic, linguistic, cultural and religious fields.

On the schooling level, the variety of migration situations, which are almost always independent of the will of the interested parties, calls for the creation of various school structures that can enable the family to freely choose a school, and would reply to the bi-cultural requirements either of insertion into local life or the return to the country of origin.

The duty to provide, both on the level of official and private education, school structures adapted to the needs of migrant children, falls on the receiving country, in collaboration with the country of origin.

### REFERENCES

#### I. INTERNATIONAL LEGISLATION

- Universal Declaration of Human Rights (1948), §26 : "Everyone has the right to education."
- UNESCO Convention against Discrimination in Education §3(e)
- ILO Recommendation 86 (1949), §10 : "Migration should be facilitated through appropriate measures aimed at : (a) ... (e) ensuring the access of migrants and the members of their family to schools."
- UN Declaration of the Rights of the Child (1965), §2 : "The child shall enjoy special protection and shall be given opportunities and facilities by law and by other means, to enable him to develop physically, mentally, morally, spiritually and socially, in a healthy and normal manner and in conditions of freedom and dignity." (See also §5, 7 and 10).
- Draft European Convention on the Legal Status of Migrant Workers (1971), §14(1) : "Migrant workers and members of their families, officially admitted to the territory of a Contracting Party, shall be entitled, on the same basis and under the same conditions as national workers, to general education, apprenticeship ..." §14(2) : "To facilitate access to general and vocational schools ... the Contracting Parties shall facilitate, where necessary, the teaching of the language(s) of the immigration country to migrant workers and members of their families." §14(3) : "The application of this provision to the granting of scholarships shall be left to the discretion of each Contracting Party ..." §31(3) : "To facilitate the possible return to their country of origin of migrant workers' children, referred to in Article XII, the interested Contracting Parties shall act by common accord to ensure that instruction is provided in the language of the migration country."

- ILO Recommendation 151 (1975), §7 : "(b) ... to advance their knowledge of the language or languages of the country of employment, as far as possible during paid time."
- Final Act of the Helsinki Conference on Security and Cooperation in Europe (1 August 1975) : "Economic and social aspects of migrant labor: ... to ensure that the children of migrant workers established in the host country have access to the education usually given there, under the same conditions as the children of that country, and, furthermore, to permit them to receive supplementary education in their own language on national culture, history and geography."

## II. PONTIFICAL AND EPISCOPAL STATEMENTS

### - John XXIII

Address to the Members of the Supreme Council on Emigration, (19 October 1961) : "We wish very much that the religious and civil institutions be able to promote ... the means to provide an education for their children by opening Catholic nurseries and schools."

Address for the 10th Anniversary of EXSUL FAMILIA (4 August 1962) : "Every effort must be made to give the emigrant appropriate religious, cultural and technical preparation."

- Vatican Council II, Declaration on Religious Freedoms (1965), §5 : "Governments, in consequence, must acknowledge the right of parents to make a genuine free choice of schools and of other means of education ..."
- Paul VI

Address to Participants in the European Conference on Pastoral Care, (4 August 1962) : "This Statute ... would guarantee migrants' rights ... to scholarization adapted to their children."

Apostolic Letter and Instruction PASTORALIS MIGRATORUM CURA (1969) §11(1), entitled 'The Right of Keeping One's Native Tongue and Spiritual Heritage : "Migrating people carry with them their own mentality, their own language, their own culture and their own religion. All of these things are parts of a certain spiritual heritage ... which will endure outside the homeland. Let it be prized highly everywhere." §11(2) : "Not least in its right to consideration is the mother tongue of emigrant people, by which they express their mentality, thoughts, culture and spiritual life."

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- Joint Synod of Dioceses in the Federal Republic of Germany (November 1973) : "All educational opportunities (for migrant children) must be so directed that the child is in a position both to stay in Germany and move on to further schooling or professional training, and to return home to his mother country and continue his education there too."
- Episcopal Conference of North Africa, Reflections on Emigration (June 1975) : "Their children are entitled to schooling and measures must be taken in order that they also receive training in the language and culture of their country of origin."

### 1.17 Right to Social Security Benefits and Family Allowances

Migrants are entitled - without invoking the principle of reciprocity with their country of origin - to receive the same protection and same advantages as the citizens of the country of reception in the field of social security and family allowances, independently of their or their family's residence.

In particular, sending and receiving countries are bound to conclude bilateral or multilateral agreements, in order that the national laws or existing regulations do not deprive migrants of these rights.

### REFERENCES

#### I. INTERNATIONAL LEGISLATION

There are many general and specialized international instruments on social security, which deal with various kinds of social insurance. We would in particular mention the European Convention on Social Security of December 14, 1972, the ILO Convention 102 concerning Minimum Standards of Social Security of June 28, 1952, various bilateral agreements on social security between immigration and emigration countries. With regard to migrant workers, we include the various ILO conventions or recommendations in chronological order.

- Convention 2 on Unemployment (Art. 3) of 29 October 1919
- Convention 19 on the Equality of Treatment of Foreign and National Workers with regard to Reparation for Work Accidents (5 June 1925)
- Convention 48 on the International System for the Conservation of Rights to Disablement, Old Age and Death Insurance (22 June 1935)
- Convention 97 concerning Migrant Workers (1949) and in particular §6(b) concerning Social Security
- Recommendation 86 concerning Migrant Workers (1945) and in particular Annex, §21
- Convention 118 concerning Equality of Treatment of Nationals and Non-Nationals with regard to Social Security (28 June 1962)

Below are some texts concerning the right to social security.

- Universal Declaration of Human Rights (1948), §22 : "Everyone, as a member of society, has the right to social security ..."
- Draft European Convention on the Legal Status of Migrant Workers (1971), §18(1) : "Each Contracting Party undertakes to grant, within its territory, to migrant workers and members of their families, equality of treatment with its own nationals, in the matter of social security, subject to conditions required by national legislation and by bilateral or multilateral agreements already concluded or to be concluded between the Parties concerned." §18(2) : "The Contracting Parties shall moreover endeavor to secure to migrant workers and members of their families the conservation of the rights in course of acquisition and acquired rights, as well as provision of benefits abroad, through bilateral and multilateral agreements."

### 1.18 Right to Culture

The migrant has the right to participate in the cultural life of the community and also to the respect and preservation of his cultural identity and his ethnic characteristics, in particular in carrying out his social activities and habits according to his culture of origin.

### R E F E R E N C E S

#### I. INTERNATIONAL LEGISLATION

- Universal Declaration of Human Rights (1948), §27(1) : "Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits."
- ILO Recommendation 100 (1955), §49 : "Measures should be taken to ensure the material, intellectual and moral welfare of migrant workers and in particular : ... (e) facilities given to migrant workers to allow them full satisfaction of their intellectual and religious aspirations."
- UN Covenant on Economic, Social and Cultural Rights (1966), §15 : "The States Parties to the present Covenant recognize the right of everyone (a) to take part in cultural life (b) to enjoy the benefits of scientific progress and its applications."
- Recommendation 712 of the Consultative Assembly of the Council of Europe on the Integration of Migrant Workers (1973) : "The Assembly recommends in the fields of culture and education : (1) Provision, wherever possible, of regular information for migrant workers, particularly through the mass media, and of continuous education for their children of school age, about the culture of their home country."
- ILO Convention 143 (1975), §12(f) : "... take all steps to assist and encourage the efforts of migrant workers and their families to preserve their national and ethnic identity and their cultural ties with their country of origin, including the possibility for children to be given some knowledge of their mother tongue."
- ILO Recommendation 151 (1975), §7(c) : "... such measures as may be necessary should be taken ... (c) generally, to promote their adaptation to the society of the country of employment and to assist and encourage the efforts of migrant workers and their families to preserve their national and ethnic identity and their cultural ties with their country of origin, including the possibility for children to be given some knowledge of their mother tongue."

#### II. PONTIFICAL AND EPISCOPAL STATEMENTS

- Pius XII, Address to the Cardinals (February 1946) : "The shipwreck of many souls justifies, alas, this maternal apprehension of the Church and increases the conclusion that the security of property and attachment to ancient traditions, which are indispensable to the healthy integrity of man, are also fundamental elements of human society."

- Vatican Council II, Pastoral Constitution GAUDIUM ET SPES (1965), §60 :  
"Therefore, the duty most consonant with our times, especially for Christians, is ... to satisfy the right of all to a human and social culture ... Everything must be done to make everyone conscious of the right to culture and the duty he has of developing himself culturally and of helping others in this field."
  
- Paul VI  
Encyclical POPULORUM PROGRESSIO (1966), §40 : "In addition to professional organizations, there are also cultural institutions at work. Their role is no less important for the success of development..."  
Apostolic Letter and Instruction PASTORALIS MIGRATORUM CURA (1969), §11 : "Migrating people carry with them their own mentality, their own language, their own culture and their own religion. All of these things are parts of a certain spiritual heritage of opinions, traditions and culture which will perdure outside the homeland. Let it be prized highly everywhere." §11(3) : "... Thus is confirmed the already obvious advantage of caring for people who migrate, through priests of their own language and his as long as usefulness indicates."  
\* \* \*
  
- Appeal from the French Episcopal Migration Commission (26 February 1974):  
"... must not school become more a place of understanding and the mutual discovery of cultures, offering the same chances to all the young for their future : likewise integrating immigrant parents into parents' associations, where care will be taken to ensure that they can express themselves."

1.19 Right to Religious Freedom

Migrants and their families must be able to freely practise their own religion and benefit in this field from the same conditions and advantages as are granted by public powers to the citizens of the country of reception.

In order to facilitate the insertion of migrants and their families into the Church's community life and to give them the opportunity to express their views concerning the community in the parishes and dioceses, migrants must be represented in the parochial or diocesan organs or institutes.

REFERENCES

I. INTERNATIONAL LEGISLATION

- Universal Declaration of Human Rights (1948), §18 : "Everyone has the right to freedom of thought, conscience and religion. This right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance."
- Draft European Convention on the Legal Status of Migrant Workers (1971) §10(3) : "Each contracting party undertakes to ensure that migrant workers and members of their families can worship freely, in accordance with their faith; each contracting party shall facilitate their worship, within the limit of available means."
- Recommendation 712 of the Consultative Assembly of the Council of Europe (1973), Annex §3(B) : "Measures aiming at improving the situation of migrant workers ... : Putting migrant workers on an equal footing with the indigenous population, with regard to the exercise of their religion."
- Final Act of the Helsinki Conference on Security and Cooperation in Europe (1 August 1975) : "The participating States shall respect human rights and fundamental freedoms, including those of thoughts, conscience, religion and convictions of everybody, without any distinction of race, sex, language or religion."

II. PONTIFICAL AND EPISCOPAL STATEMENTS

- Pius XII, Apostolic Constitution EXSUL FAMILIA (1952) : "Holy Mother Church ... has been especially careful to provide all possible spiritual care for pilgrims, aliens, exiles and migrants of every kind."
- Vatican Council II  
Constitution GAUDIUM ET SPES (1965), §73 : "The present keener sense of human dignity has given rise in many parts of the world to attempts to bring about a politico-juridical order which will give better protection to the rights of the person in public life. These include the right ... to profess one's religion both publicly and privately."

Declaration on Religious Freedom (1965), §2 : "This Vatican Council declares that the human person has a right to religious freedom ... This right of the human person to religious freedom is to be recognized in the constitutional law whereby society is governed and thus it is to become a civil right."

- Paul VI

Radio Message for Migration Day (24 November 1963) : "Emigration provokes very serious and extensive religious and moral crises and brings about such sufferings and painful consequences that the spiritual care of the Church cannot be indifferent ..."

Address to Migrant Chaplains (10 July 1968) : "The grave problem of religious assistance for emigrants has found in you an echo that is both profound and full of responsibility..."

Motu Proprio PASTORALIS MIGRATORUM CURA (1969), §12 : "The manner, juridical forms, and useful duration of the religious care of immigrant people should be carefully considered in each and every case and adapted to the circumstances." §60 : "Where immigrants are more numerous, they should be given the opportunity of participation in the diocesan Pastoral Councils or in parish councils, so that they are truly integrated into local churches."

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- Letter published by the Italian Bishops for National Emigration Day (1972) : "We must really look after the brothers that arrive in our Christian community, by creating conditions favorable to their progressive insertion in the parish family. Let us seek, on the level of the Church, the diocese, the parish the most appropriate and opportune remedies to fill the eventual lacunae in the immigrant's religious, cultural and moral practices."

- Episcopal Conference of North Africa, Reflections on Emigration (June 1975) : "For adults as for young people, living conditions, in whatever place that might be, must never form an obstacle to their religious life and the expression of their faith."

1.20 Right to Public Freedom

Migrants should benefit from freedom of opinion and expression (including freedom of the press, radio and television broadcasting) as well as freedom of public meetings, within the legislation of the country where they reside.

Freedom of association for migrants includes access to groups of citizens or aliens, the creation and administration of these associations. Migrants should benefit from the rights to vote and to eligibility in these associations.

Freedom of association may be restricted or refused only for reasons of security or public order.

REFERENCES

I. INTERNATIONAL LEGISLATION

- Universal Declaration of Human Rights (1948), §19 : "Everyone has the right to freedom of opinion and expression ..." §20 : "Everyone has the right to freedom of peaceful assembly and association."
- ILO Recommendation 100 (1951), §41 : "It would be fitting to recognize migrant workers' right to association and right to freely involve themselves in all union activities that are not contrary to the laws in the centers where they work, and all possible measures should be taken to ensure union organizations representing the interested workers the right to conclude collective conventions with employers and with employer organizations."

See also references under 1.21 (Freedom of Trade Unions)

II. PONTIFICAL AND EPISCOPAL STATEMENTS

- Vatican Council II, Constitution GAUDIUM ET SPES (1965), §73 : "... a politico-juridical order which will give better protection to the rights of the person in public life. These include the right freely to meet and form associations, the right to express one's own opinion.."
- Paul VI, Address to Participants at the European Conference on Pastoral Care (18 October 1974) : "This statute ... would guarantee the rights of migrants ... to freedom of expression and association."

## 1.21 Right to Trade Union Freedoms

Migrants are entitled to become members of the trade unions of their choice and to benefit from the rights of voting and eligibility within trade unions.

Rights to trade union action, including in particular that of the right to strike, which appears amongst the rights guaranteed by the Constitution of many countries, should be open to every migrant as it is to the citizens of the country where they reside.

## REFERENCES

### I. INTERNATIONAL LEGISLATION

- Universal Declaration of Human Rights (1948), §23(4) : "Everyone has the right to form and to join trade unions for the protection of his interests."
- Convention of the International Labour Conference in San Francisco on Trade Union Freedom and Protection of Trade Union Rights (1948), §2 : "Workers and employers, without any kind of distinction, have the right, without any necessary authorization, to form the organizations of their choice, as well as to join these organizations, on the single condition that they conform with the statutes of these latter."
- ILO Convention 97 (1949), §6(a) : "Every member - undertakes to apply ... treatment that is not less favorable than that applied to its own nationals with regard to the following matters ... (ii) affiliation to union organizations and enjoyment of the advantages offered by collective conventions."
- European Convention of Human Rights (1952), §11 : "Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests."
- ILO Recommendation 100 (1955), §41 : "It would be appropriate to recognize for migrant workers the right of association and that of freely performing all legal activities concerning the trade unions in the centers where they work ..."
- ILO Convention 117 (1962), §14(1) : "It shall be an aim of the policy to abolish discrimination among workers on grounds of ... trade union affiliation."
- European Social Charter (1965), §19(4) : "The Contracting Parties undertake ... to secure for migrant workers ... (b) membership of trade unions and enjoyment of the benefit of collective bargaining."
- UN Covenant on Economic, Social and Cultural Rights (1966), §8(1) : "The States Parties to the present Covenant undertake to ensure (a) the right of everyone to form trade unions and join the trade union of his choice ... (d) the right to strike, provided that it is exercised in conformity with the laws of the particular country."

- EEC Regulation 1612/68 (1968) concerning Free Circulation, §8 : "The worker who is a citizen of a Member State and is occupied on the territory of another Member State, benefits from equality of treatment in the matter of affiliation to trade unions and the exercise of trade union rights, including the right to vote ... He benefits furthermore from the right of eligibility to the organs representing workers in an enterprise."
- Draft European Convention on the Legal Status of Migrant Workers (1971), §28 : "The Contracting Parties shall allow migrant workers the right to form and to join organizations for the protection of their economic and social interests, under the legal provisions operating in the immigration country and the measures taken in the matter by the social partners."
- Resolution 551 of the Consultative Assembly of the Council of Europe on the Integration of Migrant Workers (1973) : "The Assembly invites (a) Trade unions in immigration countries to ... (b) encourage migrant workers to participate more directly in national trade union activities."
- ILO Recommendation 143 (1975), §2 : "Migrant workers and members of their families ... should enjoy effective equality of opportunity and treatment with nationals of the Member concerned, in respect of ... (g) membership of trade unions, exercise of trade union rights and eligibility for office in trade unions ..."

## II. PONTIFICAL AND EPISCOPAL STATEMENTS

- Vatican Council II, Pastoral Constitution GAUDIUM ET SPES (1965), §68(2) : "Among the basic rights of the human person is to be numbered the right of freely founding unions for working people. These should be able truly to represent them and to contribute to the organizing of economic life in the right way. Included is the right of freely taking part in the activity of these unions without risk of reprisal." §68(3) : "When, however, socio-economic disputes arise, efforts must be made to come to a peaceful settlement. Although recourse must always be had first to a sincere dialogue between the parties, the strike, nevertheless, can remain even in present-day circumstances a necessary, though ultimate, means for the defence of the worker's own rights and the fulfilment of their just desires. As soon as possible, however, ways should be sought to resume negotiations and discussions leading towards reconciliation."
- Paul VI  
Apostolic Letter and Instruction PASTORALIS MIGRATORUM CURA (1969), §61(3) : "Although the immigrants may have their own associations, let the opportunity also be given for some of their members to join the associations or trade unions of the place, thus building a bridge to join the various ethnic groups."  
Apostolic Letter OCTOGESIMA ADVENIENS (1971), §14 : "... The important role of union organizations must be admitted : their object is the representation of the various categories of workers, their lawful collaboration in the economic advance of society, and the development of the sense of their responsibility for the realization of the common good."  
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- Appeal from the French Episcopal Migration Commission to French Christians and Immigrants (26 February 1974) : "... Must not migrant workers be able to participate in organizations that the worker movement has given itself, without fearing manoeuvres to intimidate or divide them."

## 1.22 Right to Naturalization

Without violating the free choice of the migrant, the authorities of reception countries should enact laws destined to facilitate and simplify the naturalization procedure for migrants and the members of their family who express the desire to become citizens of the new country.

## REFERENCES

### I. INTERNATIONAL LEGISLATION

- Universal Declaration of Human Rights (1948), §15 : "Everyone has the right to a nationality. No one shall be arbitrarily deprived of his nationality or denied the right to change his nationality."
- Recommendation 712 of the Consultative Assembly of the Council of Europe (1973) : "The Assembly recommends that the Committee of Ministers invite the Governments of immigration countries among Council of Europe Member States ... (d)7 to give migrant workers the chance to acquire the nationality of the immigration country after an uninterrupted stay at most of seven years."

### 1.23 Right to Legal Guarantees

Migrants have the same rights as citizens of the country to benefit from legal or administrative procedures for recourse or appeal before a court of law or competent authority, against unjust treatment or damages encountered during or outside work.

They should also benefit from official judiciary assistance and be able to make use of the services of an interpreter before courts or other authorities if they do not, in their opinion, possess sufficient knowledge of the country's language.

### REFERENCES

#### I. INTERNATIONAL LEGISLATION

- Universal Declaration of Human Rights (1948), §7 : "All are equal before the law and are entitled without any discrimination to equal protection of the law." §8 : "Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law."
- European Social Charter (1965), §19(7) : "... the Contracting Parties undertake : (7) to secure for such workers lawfully within their territories treatment not less favorable than that of their own nationals in respect of legal proceedings relating to matters referred to in this Article."
- Draft European Convention on the Legal Status of Migrant Workers (1971), §26(1) : "The Contracting Parties undertake to secure to migrant workers treatment not less favorable than that of their own nationals in respect of legal proceedings." §26(2) : "Each Contracting Party shall provide the migrant workers of the other Contracting Parties with legal aid on the same conditions as for their own nationals and, in the cases of civil or criminal proceedings, the possibility of obtaining the assistance of an interpreter where they cannot understand or speak the language used in Court."
- Resolution (74)15 of the Committee of Ministers of the Council of Europe (1974), §11 : "Right to appeal : guarantee to the migrant worker in the same conditions as the national worker, the exercise of the right of appeal to the competent bodies in the event of litigation relative to dismissal."

## 1.24 Right to Protection against Arbitrary Expulsion

The migrant and members of his family cannot be the object of expulsion unless this is motivated by reasons determined by laws or pronounced by a court of law.

## REFERENCES

### I. INTERNATIONAL LEGISLATION

- Universal Declaration of Human Rights (1948), §9 : "No one shall be subjected to arbitrary arrest, detention or exile." §10 : "Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal..."
- ILO Convention 97 (1949), §8(1) : "A migrant worker and his family who have been admitted permanently ... cannot be sent back to their territory of origin or the territory from whence they have emigrated, unless they so wish, or if international agreements binding the interested Member stipulate this, when through sickness or accident, the migrant worker finds himself unable to exercise his occupation, on condition that the sickness or accident occurred after his arrival."
- ILO Recommendation 86 (1949), §25 : "The competent authority of the territory of immigration undertakes not to send back the migrant and the members of his family authorized to accompany or to join him against his will if, through sickness or accident, the said migrant cannot exercise his occupation."
- European Social Charter (1965), §19(8) : "... the Contracting Parties undertake : (8) to secure that such workers lawfully residing within their territories are not expelled unless they endanger national security or offend against public interest or morality."
- American Convention of Human Rights (1969), §22(5) : "No one shall be expelled from the territory of the State of which he is a national nor deprived of the right to enter that State." §22(6) : "An alien legally admitted to the territory of a State party to the present convention can be expelled from it only by virtue of a decision that is in accordance with the law."
- ILO Recommendation 151 (1975), §33 : "A migrant worker who is the object of an expulsion order should have a right of appeal before an administrative or judicial instance, according to conditions laid down in national laws or regulations."

### II. PONTIFICAL AND EPISCOPAL STATEMENTS

- Joint Synod of Dioceses in the Federal Republic of Germany (November 1973) : "The Aliens' Law should be altered in such a way that the 'serious considerations' justifying expulsion from West Germany are laid down exhaustively in the law."

### 1.25 General Obligations of Migrants

Every migrant has obligations towards the country where he resides, especially the duty to conform to the laws and regulations in force in that country and, in particular, to measures taken for the maintenance of public order.

Having made the decision to emigrate, he should be ready to learn the language of the new country and to respect its uses and customs.

On the other hand, he should be ready to cooperate in an action of solidarity to help other migrants to overcome the difficulties of migration or insertion.

### REFERENCES

#### I. INTERNATIONAL LEGISLATION

- Universal Declaration of Human Rights (1948), §29 : "Everyone has duties to the Community in which alone the free and full development of his personality is possible."

#### II. PONTIFICAL AND EPISCOPAL STATEMENTS

- Paul VI

Apostolic Letter and Instruction PASTORALIS MIGRATORUM CURA (1965), §8 : "Even though they have a right of emigrating, citizens are held to 'remember that they have the right and the duty ... to contribute according to their ability to the true progress of their own community' (Gaudium et Spes §65)." §10 : "Duties towards the Host Community : Anyone who is going to encounter another people should have a great esteem for their patrimony and their language and their customs. Therefore let immigrating people accommodate themselves willingly to a host community and hasten to learn its language, so that, if their residence there turns out to be long or even definitive, they may be able to be integrated more easily into the new society."

Apostolic Letter OCTOGESIMA ADVENIENS (1971), §24 : "This indicates the importance of education for life in society, in which there are called to mind, not only information on each one's rights, but also their necessary correlative : the recognition of the duties of each one in regard to others. The sense and practice of duty are themselves conditioned by self-mastery and by the acceptance of responsibility and of the limits placed upon the freedom of the individual or of the group."

P A R T   I I

Migrant Workers in Europe

- 2.1 Right to family migration
- 2.2 Right to security of employment and residence
- 2.3 Illicit entry and employment
- 2.4 Dismissal in the case of a recession
- 2.5 Participation in communal or local life
- 2.6 Abandonment of the family by the migrant worker
- 2.7 Return to the country of origin
- 2.8 General conditions of a just immigration policy

## Migrant Workers in Europe

### 2.1 Right to Family Migration

In view of the fact that family migration is a fundamental human right and that the dispositions against this often lead to the definitive separation of the worker's family, both sending and receiving countries must ensure the migrant worker's family of protection and, in particular, enable the breadwinner either to depart with the members of his family, or, in the event of separation, to be rapidly reunited with them.

The countries of employment may fix conditions on family reunion that are justified by common good, such as the possession of appropriate housing or the guarantee of certain stability of employment. It is important, however, once the breadwinner fulfils these conditions, that he has the effective right to be joined by his family.

In countries of employment a board of appeal should be created under the chairmanship of a judge, which enables migrant workers to defend their rights to family reunion in cases when administrative authorities consider that the conditions required for this right are not fulfilled.

Family reunion should apply to both spouses and all ascendants and descendants who live under the same roof and would be left alone in the event of the family's departure.

If any member of the family is of a different nationality, he should be treated as having the breadwinner's nationality.

Family reunion implies not only the right to residence, but also that to employment in the new country; these two rights do not cease when the breadwinner reaches retirement age, or if he dies or becomes incapable of working.

### REFERENCES

#### I. INTERNATIONAL LEGISLATION

- Recommendation of the OECD Council on the Introduction and Employment of Foreign Manpower (30 September 1961), §2(III) : " The Council, on the proposal of the Manpower Committee, recommends the Governments of Member Countries take the following measures : (III) Measures in Favor of the Wives and Children of Foreign Workers : (a) that the permit or other residence authorizations, both when they are first granted or when they are renewed are the same kind and bear the same expiry date as the document held by the head of the family ... (b) that the residence status of these persons be identical to that of the head of the family's in the shortest possible time."

- European Social Charter (1965), §19(6) : "The Contracting Parties undertake : (6) to facilitate as far as possible the reunion of the family of a foreign worker permitted to establish himself in the territory."
- EEC Regulation 1612/68 on Free Circulation (1968), §10(3) : "The migrant worker must have for his family accommodation which is considered normal within the standards of national workers." §11 : "The spouse and children under 21 years or dependent children of the national of a Member State exercising on the territory of a Member State a salaried or independent activity are entitled to every salaried activity throughout the whole of this same State, even if they do not have the nationality of a Member State."
- Draft European Convention on the Legal Status of Migrant Workers (1971) §12(1) : "The spouse of a migrant worker who is officially employed in the territory of a Contracting Party and his unmarried children, in so far as they are considered to be minors by the law of the immigration country, as well as his and his wife's ascendants who are dependent on him, are authorized ... to join the migrant worker in the territory of a Contracting Party, provided that he has available accommodation for his family that is regarded as standard for national workers in the area where he is employed." §12(2) : "Any Contracting Party may ... declare that it will also make family reunion conditional on the residence and employment of the migrant worker being considered sufficiently stable and lasting; the waiting period shall, in no case, exceed two years from the date of arrival in the immigration country." §12(3) : "It may, by the same procedure, exclude from the benefits of this Convention the ascendants of the migrant worker and of his wife as well as other members of the family not included in the family reunion under national regulations."
- Recommendation 712 of the Consultative Assembly of the Council of Europe on the Integration of Migrant Workers (1973), Annex §4 : "Authorize the family reunion of permanent migrant workers after 12 months and take adequate measures in order that this reunion be favored by putting at their disposal accommodation considered as normal in the regions where they are employed."
- Resolution (74)14 of the Committee of Ministers of the Council of Europe (1974) : "(The Committee of Ministers invites the Governments of Member States) ... to solve the problem of housing, in order to enable family reunion through a program of international cooperation which also takes into account the possibility of making a wider use of the Council's Resettlement Funds."
- ILO Convention 143 (1975), §13(1) : "A member may take all necessary measures which fall within its competence and collaborate with other members to facilitate the reunification of the families of all migrant workers legally residing in its territory." §13(2) : "The members of the family of the migrant worker to which this article applies are the spouse and dependent children, father and mother."
- ILO Recommendation 151 (1975), §13(1) : "All possible measures should be taken to facilitate the uniting of the families of migrant workers as rapidly as possible ..." §13(2) : "A prerequisite for the uniting of families should be that the worker has appropriate accommodation for his family which meets the standards normally applicable to nationals of the country of employment." §15 : "For the purpose of the provisions

of this Recommendation relating to the uniting of families, the family of the migrant worker should include his spouse, his children and other members of his family dependent on him." §17 : "Where a migrant worker who has been employed for one year in a country of employment cannot be joined by his family in that country, he should be entitled : (a) to visit the country of residence of his family on the occasion of the annual holiday with pay ... without losing any acquired rights or rights in the course of acquisition as a result of absence from the country of employment; or (b) to be visited by his family for a period corresponding at least to the annual holiday with pay to which he is entitled."

- Final Act of the Helsinki Conference on Security and Cooperation in Europe (1 August 1975), 'Economic and Social Aspects of Migrant Labour' : "To facilitate, as far as possible, the reuniting of migrant workers with their families." Human Contacts : (b) "reunification of families : The participating States will deal in a positive and humanitarian spirit with the application of persons who wish to be reunited with members of their family, with special attention being given to requests of an urgent character, such as requests submitted by persons who are ill or old."

## II. PONTIFICAL AND EPISCOPAL STATEMENTS

- John XXIII, Message to the 4th International Catholic Migration Congress in Ottawa (7 July 1960) : "All efforts made to reunite these separated families should be highly encouraged."
- Vatican Council II, Constitution GAUDIUM ET SPES (1965), §66(2) : "All the people, moreover, above all the public authorities, must treat them (migrants) not as mere tools of production, but ... must help them to bring their families to live with them."
- Conciliary Decree APOSTOLICAM ACTUOSITATEM (1965), §11 : "Family life (must be) perfectly respected in migration."
- Paul VI, Address to Superior Council for Emigration (6 September 1965) : "Our predecessors have already insisted on this point and We in Our turn confirm that this is a serious duty for the responsible authorities to take care that family reunion take place as rapidly as possible."
- Joint Synod of the Dioceses in the Federal Republic of Germany (November 1973) : "The regulations concerning the uniting of families must be completely revised for foreigners. Right of access must be granted to husbands or wives, children, and in cases of hardship to other members of the family. It should be made easier for these people to receive work permits."

## 2.2 Right to Security of Employment and Residence

When his initial work permit expires, the migrant worker who wishes to remain on the territory of the receiving country must benefit from the right to residence and employment as clearly defined in the law.

He must not be handicapped by the fact that often at the beginning he does not know the duration of his stay and that he later may decide to return to his country of origin.

However, receiving countries may grant this right gradually and fix a lapse of time for granting this right.

## REFERENCES

Besides the references quoted under 1.09, we mention below the following references concerning specifically migrant workers in Europe.

### I. INTERNATIONAL LEGISLATION

- Recommendation 712 of the Consultative Assembly of the Council of Europe (1973) : "The Assembly recommends that the Committee of Ministers invite the governments of immigration countries among Council of Europe Member States : ... (d) granting to migrant workers, after five years' uninterrupted residence of a work and residence permit of unlimited duration which cannot be withdrawn, except in exceptional circumstances."
- ILO Convention 143 (1975), §14 : "A Member may (a) make the free choice of employment, while assuring migrant workers the right to geographical mobility subject to the conditions that the migrant worker has resided lawfully in its territory for the purpose of employment for a prescribed period not exceeding two years or, if its law or regulations provide for contracts for a fixed term of less than two years, that the worker has completed his first work contract."
- ILO Recommendation 151 (1975), §6 : "A Member may (a) make the free choice ... etc. (the same text as §14 quoted above)."

### II. PONTIFICAL AND EPISCOPAL STATEMENTS

- Joint Synod of the Dioceses in the Federal Republic of Germany (November 1973) : "The foreigner should be granted the right to a long term stay and this should be introduced in place of the present right of residence and conferred in accordance with stipulations clearly defined and laid down in the wording of the law."
- Statement from the Spanish Episcopal Migration Commission on the measures taken by certain immigration countries against the permanent residence of aliens (1975): "This means that migrant workers will be turned into temporary, mobile manpower, which comes and goes, not as suits them, but as suits those who hire their services, and only in so far as this is necessary to them."

2.3 Illicit Entry and Employment

The entry of migrant workers into the country of employment must be effected in accordance with the legislation and labor regulations in force.

The victims of clandestine traffic, as well as their families, should be treated with comprehension both by the public authorities of the receiving country and relief organizations, taking into account the reasons that have forced them to emigrate.

In the departure countries, public authorities have an obligation to inform those who try to depart illegally, in order to prevent these departures, without, however, violating their rights to emigrate; they also have a duty to constantly improve the economic and social conditions of their country, in order to make illegal emigration no longer necessary.

REFERENCES

See references under 1.07

#### 2.4 Dismissal in the Case of a Recession

In the event of a recession, the migrant worker must not be treated differently to the national worker.

Retraining possibilities or intermediary solutions must be offered him, taking into account the individual or family situation.

In the case of unemployment, the migrant worker has the same right to unemployment allowances or subsidies as the national worker; he must be able to effectively enjoy these benefits without the right of residence being refused him if he remains without employment for a long time.

#### REFERENCES

##### I. INTERNATIONAL LEGISLATION

- ILO Recommendation 86 (1949), §9 : "When a migrant worker is regularly admitted to the territory of a Member, the latter should abstain, as far as possible, from sending him, as well as the members of his family (if any), out of its territory for reasons pertaining to the worker having insufficient resources or to the situation on the employment market..."
- Draft European Convention on the Legal Status of Migrant Workers (1971), §25 (Re-employment) : "(1) If a migrant worker loses his job for reasons beyond his control, such as redundancy or prolonged illness, the competent authority of the immigration country shall help him to find some other employment, subject to the laws and regulations of that country. (2) To this end the Contracting Party concerned shall, where possible, promote suitable measures for the occupational rehabilitation of the migrant worker in question, provided that he intends to continue in employment in the country concerned afterwards."
- Resolution (74)15 of the Committee of Ministers of the Council of Europe (1974) : "The Committee of Ministers ... recommends to the Governments of Member States to take, if necessary, measures in the fields enumerated below ... V. Vocational Readaptation : To enable migrant workers to benefit, under the same powers as national workers, from the facilities of vocational readaptation offered by the competent organs of the immigration State ... X. Non-discrimination in the matter of dismissal : To avoid, through measures corresponding to the national situation, all discrimination between the migrant and national workers, in the field of dismissals."
- ILO Recommendation 151 (1975), §30 : "In pursuance of the provision of §18 of the Migration for Employment Recommendation (Revised), 1949, that Members should, as far as possible, refrain from removing from their territory, on account of lack of means or the state of the employment market, a migrant worker regularly admitted thereto, the loss by such migrant worker of his employment should not in itself imply the withdrawal of his authorization of residence." §31 : "A migrant worker who has lost his employment should be allowed sufficient time to find alternative employment, at least for a period corresponding to that during which he may be entitled to unemployment benefit; the authorization of residence should be extended accordingly."

## 2.5 Participation in Communal or Local Life

Migrant workers and the members of their families have the right to express their views on communal or local affairs and to participate with other citizens of the country where they work, in the community's life.

## R E F E R E N C E S

### I. INTERNATIONAL LEGISLATION

- Recommendation 712 of the Consultative Assembly of the Council of Europe (1975) : "The Assembly ... recommends that the Committee of Ministers invite the Governments of the immigration countries among the Member States of the Council of Europe : ... (E)1. Introduction of the measures necessary for setting up municipal immigrants' advisory councils, elected by immigrants on the basis of proportional representation of nationalities : 2. Granting to migrant workers after five years the right to vote and to stand for election in municipal affairs, provided they have lived in the municipality concerned for the previous three years."

### II. PONTIFICAL AND EPISCOPAL STATEMENTS

- Vatican Council II, Pastoral Constitution GAUDIUM ET SPES (1965), §73 : "In our day, profound changes are apparent also in the structure and institutions of peoples. These result from their cultural, economic and social evolution. Such changes have a great influence on the life of the political community, especially regarding the rights and duties of all in the exercise of civil freedom ..." §73(3) : "Along with cultural, economic and social development, there is a growing desire among many people to play a greater part in organizing the life of the political community. In the conscience of many there arises an increasing concern that the rights of minorities be recognized, without any neglect for their duties toward the political community."
- Paul VI, Apostolic Letter OCTOGESIMA ADVENIENS (1971), §47 : "... In order to counterbalance increasing technocracy, modern forms of democracy must be devised, not only making it possible for each man to become informed and to express himself, but also by involving him in a shared responsibility."
- \* \* \*
- Belgian Bishops' Pastoral Declaration on Immigrants' Week (1973) : "... in the presence of immigrants amongst us, their collaboration with us in work and their proximity in our communes and districts, create very precise duties that we should like to underline in the form of practical conclusions ... It appears opportune and urgent to us that in the regulation of external migration movements be foreseen ... to examine, with a genuine desire to succeed, the propositions made with a view to the progressive participation of immigrants in the country's political life."

## 2.6 Abandonment of the Family by the Migrant Worker

In view of the frequent cases of women or children being abandoned by the breadwinner in the country of origin, without adequate means of subsistence, and owing to the existing difficulties with regard to judiciary proceedings in these matters between two or more countries, the public authorities of sending and receiving countries should take all appropriate measures for the payment by the breadwinner of the sums due for maintenance obligations.

## R E F E R E N C E S

### I. INTERNATIONAL LEGISLATION

- Draft European Convention on the Legal Status of Migrant Workers (1971), §11(1) : "The status of migrant workers must not interfere with the recovery of sums due in respect of maintenance to persons in the country of origin to whom they have maintenance obligations." §11(2) : "Each Contracting Party shall take steps necessary to ensure the recovery of sums due in respect of such maintenance making use, if applicable, of the 'form' established by the Committee of Ministers of the Council of Europe." §11(3) : "Each Contracting Party shall take steps to appoint a national or regional single authority to receive and despatch applications for maintenance due from migrant workers to persons remaining in the country of origin."

### II. PONTIFICAL AND EPISCOPAL STATEMENTS

- Paul VI, Apostolic Letter and Instruction PASTORALIS MIGRATORUM CURA (1969), §1 : "... more and more men, however, are leaving their home and fatherland ..."  
\* \* \*
- Appeal from French Episcopal Commission (26 February 1974) : "...must not a form of representation be sought in order that migrants can bring their assistance by making themselves heard : for instance, in consultative committees of immigrants on the municipal level."

2.7 Return to the Country of Origin

The migrant worker who, for family reasons, sickness or military service, returns to his country of origin for a prolonged period, does not lose the rights he has acquired in the country of employment.

For those who return definitively, it is desirable that the public authorities of the sending country create an official organ to cope with the reinsertion of returnees in the country's economic and social life.

The pre-vocational and vocational training of migrant workers in the country of employment should take into consideration their possible reinsertion in the country of origin.

The payment in the country of origin of certain social benefits resulting from a right acquired in the country of employment, such as those for work accidents, disablement or old age, should be assured for the migrant worker and his family in the case of their return.

REFERENCES

See references under 1.04

## 2.8 General Conditions of a Just Immigration Policy

An immigration policy for migrant workers must take into consideration not only the economic and labor needs of the country of reception, but also those of common good, i.e. take into account the social and cultural requirements of migrant workers.

It should not be forgotten that rich countries that attract and benefit from the work of migrants have a duty to cooperate in the economic development of less developed countries from where workers come, so that emigration can, in certain cases, be avoided or reduced, and the capital or other resources be taken to where there are workers rather than the reverse.

On the other hand, the admission of migrant workers should not be an alibi enabling the country of reception to escape from investing and improving their own industrial equipment.

## REFERENCES

### I. INTERNATIONAL LEGISLATION

- Recommendation 712 of the Consultative Assembly of the Council of Europe (1973) : "The Assembly ... recommends that the Committee of Ministers invite the Governments of immigration countries among the Member States of the Council of Europe to the : ... II(4) : preparation, in collaboration with governmental authorities in the emigration countries, of a medium term and long-term migration policy, taking into account industrial and economic development trends in the various regions of Europe."
- ILO Convention 143 (1975), §12 : "Each Member shall, by methods appropriate to national conditions and practice ... (e) formulate and apply - in consultation with representative organizations of employers and workers - a social policy appropriate to national conditions and practice which enables migrant workers and their families to share in advantages enjoyed by its nationals while taking account, without adversely affecting the principle of equality of opportunity and treatment, of such special needs as they may have, until they are adapted to the society of the country of employment."
- ILO Recommendation 151 (1975), §1 : "... that policy should be based upon the economic and social needs of both countries of origin and countries of employment; it should take account not only of short-term manpower needs and resources, but also of the long-term social and economic consequences of migration for migrants, as well as for the communities concerned." (§9 of the Recommendation has the same wording on social policy as the Convention).

II. PONTIFICAL AND EPISCOPAL STATEMENTS

- Pius XII

Address to the American Congressional Mission (22 October 1949) : "But we dare say the further question has arisen more than once in your minds, if not to your lips : is the present immigration policy as liberal as the natural resources permit in a country so lavishly blessed by the Creator and as the challenging needs of other countries would seem to demand ?"

Letter for the Social Week in Spain (30 June 1958) : "Under the present circumstances, emigration has become an international problem. Its solution, therefore, can only be arrived at through collective agreements which, in order to bring about a better distribution of men on earth, would direct them where the technical knowledge and labor are most needed, for - as it has been so well expressed - those who have no land, have the right to cultivate uninhabited lands."

- John XXIII, Encyclical PACEM IN TERRIS (1963) : "Here We deem it opportune to remark that, whenever possible, the capital should be taken to the workers, not vice versa. In this way a possibility of a better future is offered to many persons without being forced to leave their own environment in order to seek residence elsewhere ..."

- Joint Synod of Dioceses in the Federal Republic of Germany (November 1973) : "All schemes for foreigners must be thought out along two parallel lines : they must take into consideration both the creation and extension of the essential infrastructure in Germany and also the problems of reintegrating the foreign workers into their native environment, when they get back home..."