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THE CANON LAW STRUCTURE OF CATHOLIC MIGRANT COMMUNITIES IN GERMANY*

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Summary: While migration in Germany is often associated with Islam, this article focuses on Catholic migrants from the perspective of canon law. The religious traditions of the country of origin and the country of destination often differ in terms of history, language, liturgy, spirituality and the forms of religious practice. Stronger migration movements give rise to specific structures, which will be briefly presented in this article: Missio sine cura animarum, Missio cum cura animarum, quasi-parish, personal parish, etc. Finally, the effects of migration on interchurch and interreligious relations are outlined.

1. Migration in Figures

This paper provides an overview of the structures under canon law established for Catholic migrants in Germany. As a separate work[1] exists for Eastern Catholics, they are largely excluded from consideration here. Alongside the Code of Canon Law (CIC), the central legal document is the instruction "*Erga migrantes caritas Christi*"[2] as well as German particular law.

According to the Federal Statistical Office, 21.8 million people with a migrant background were living in Germany in 2025, representing 26.3% of the population.[3] As regards Catholic migration to Germany, the Secretariat of the German Bishops' Conference published the following figures: Within the Catholic Church in Germany a rising proportion of migrants has been recorded for years. Whilst the absolute number of Catholics with foreign nationality rose steadily between 2015 and 2019 from 3,205,610 to 3,575,890, a slight decline has been recorded since 2020, reaching 3,445,996 in 2023. However, the percentage of Catholics with foreign nationality out of the total number of Catholics in Germany has risen continuously over the entire period, from 13.4% in 2015 to 16.5% in 2023. The situation varies greatly across the (arch)dioceses. While the proportion of foreign Catholics in the Archdiocese of Hamburg stood at 36.7% in 2023, the Diocese of Passau recorded a foreign share of 7.2% in the same year. One third (33.6%) of foreign Catholics are Polish nationals, 16.4% are Italian nationals and 9.7% are Croatian nationals.[4]

Furthermore, the Secretariat of the German Bishops' Conference states that Catholic migrants have found a spiritual home within the German (arch)dioceses for many decades in the missions and parishes of other languages. The more than 500 missions and parishes, now long

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1 *Berkmann, Burkhard / Merkel, Josa / Stümpfl, Tobias*, Migration von ostkatholischen Gläubigen. Kirchenrechtliche Grundlagen für die Seelsorge in Deutschland (KuR – Beihefte 7), Berlin 2022.

2 *Pontifical Council for the Pastoral Care of Migrants and Itinerant People*, Instruction: "Erga migrantes caritas Christi" (The Love of Christ for Migrants) (03.05.2004), in: AAS 96 (2004) 762-822.

3 *Federal Statistical Office*, Pressemitteilung Nr. 128 vom 13.04.2026, at: https://www.destatis.de/DE/Themen/Gesellschaft-Umwelt/Bevoelkerung/Migration-Integration/_inhalt.html (11.05.2026).

4 *Secretariat of the German Bishops' Conference* (ed.), Auf dem Weg zu einer interkulturellen Communio. Leitlinien für die Seelsorge in anderen Sprachen und Riten (18.09.2024) (Die deutschen Bischöfe 115), Bonn 2024, 15.

established, bring together migrants of different generations and with different migration backgrounds. They are themselves constantly undergoing processes of transformation and are often characterised by considerable internal diversity, also in terms of the nationality of their members – for example, in the Spanish-, Portuguese-, French- or English-speaking parishes or the parishes of African Catholics. Thanks to their vibrancy, they are a vital force in the life of the (arch)dioceses. The approximately 475 priests and a further 125 pastoral workers active in pastoral care for speakers of other languages render an important service to the unity in diversity of the local Church.[5]

2. Principles for Migrant Structures

2.1. A Particularity of the Catholic Church

Compared to other churches and religious communities, the Catholic Church has a number of particularities, as it has established organisational structures across much of the world. Almost wherever Catholics settle as a result of migration, they will find Catholic pastoral care structures. The question is not whether they change churches as a result of migration, but only to which subdivision they are assigned and which pastoral unit is responsible for their pastoral care. In the event of significant migration flows, specific structures are established.

2.2. Domicile and Quasi-Domicile

Competences to administer the sacraments are primarily determined by the recipient's domicile. Domicile in the canonical sense is not simply a geographical designation and must not be confused with domicile under civil law. Rather, it means that people – based on their connection to a specific ecclesiastical district, such as a parish or a diocese – are assigned to the relevant ecclesiastical authority, such as the local parish priest or the local ordinary, thereby establishing a relationship of affiliation between them with defined rights and duties.

Both domicile and quasi-domicile can – apart from special cases – be acquired in two ways, namely either through actual residence over a certain period of time or through actual residence combined with the intention of remaining there permanently unless called away. In the first case, acquisition takes place upon expiry of the period; in the second case, it takes place immediately. This is specifically laid down in c. 102 CIC. As a rule, this results in the acquisition of both a parochial and a diocesan domicile. The same person may have several domiciles and quasi-domiciles at the same time.

In this regard, the Instruction Art. 1 *Erga Migrantes* stipulates the following:

> §1. To the right of the faithful to receive the help that derives from the spiritual wealth of the Church, especially the Word of God and the sacraments (CIC Can. 213, CCEO Can. 16), there is a corresponding duty on the part of pastors to provide such help, in particular to migrants, in view of their particular condition of life.

5 Ibid. 15f.

> §2. Since with their domicile or quasi-domicile migrants are canonically part of a parish and diocese/eparchy (CIC Can. 100-107; CCEO Can. 911-917), it is the duty of the parish priest and the diocesan or eparchial bishop to extend to them the same pastoral care as is due to their own autochthonous subjects.
>
> §3. Moreover, especially when groups of immigrants are numerous, the Churches of their origin have the responsibility of co-operating with the Churches of arrival to facilitate efficacious and suitable pastoral assistance.

2.3. Territorial Principle and Personal Principle

Whilst the pastoral structures for autochthonous Catholics are based on the territorial principle, the pastoral structures for Catholic migrants are established according to the personal principle, e.g. based on ethnic affiliation or mother tongue. This raises the question of the relationship between these two overlapping structures. Which ministers are responsible for Catholic migrants: only those of the personal structures, or also those of the territorial structures? The guiding principle is shared competence, as this doubles the opportunities for migrants and facilitates integration.

3. Pastoral Structures for Migrants in Detail

The primary responsibility lies with the diocesan bishop, for, in accordance with c. 383 § 1 CIC, he is to show himself concerned for all the Christian faithful entrusted to his care, of whatever age, condition, or nationality they are, whether living in the territory or staying there temporarily; he is also to extend an apostolic spirit to those who are not able to make sufficient use of ordinary pastoral care because of the condition of their life. Canon law offers him various options, which are described below in ascending order.

3.1. A priest: Chaplain or Missionary to Migrants

The simplest option is for the diocesan bishop to just appoint a priest for the pastoral care of immigrant Catholics (c. 383 § 2 CIC). Art. 4 § 1 of the Instruction *Erga Migrantes* refers to chaplains or missionaries for migrants, who in virtue of their office are endowed with the faculties described in c. 566 § 1 CIC. This office should be conferred on a presbyter who has been well prepared by a suitable period of formation and who for reasons of virtue, culture and knowledge of the language and other moral and spiritual gifts, demonstrates that he is a suitable person for this particular and difficult task (Art. 4 § 2 *Erga Migrantes)*.

3.2. Missio sine cura animarum

In Germany, the 'Missio sine cura animarum' is also known as a 'pastoral centre' ('Seelsorgestelle') and is intended to facilitate pastoral care for smaller language groups by providing premises for church services and pastoral support.[6] It has neither parochial nor financial competencies.[7]

6 Cf. *Archbishop of Cologne*, Richtlinien für die Internationale Katholische Seelsorge IKS im Erzbistum Köln (01.11.2008), in: Official Journal Cologne 148 (2008) 263-266, 264.
7 Cf. *Archbishop of Berlin*, Vorläufige Richtlinie für die Muttersprachlichen Gemeinden im Erzbistum Berlin (01.04.2017), in: Official Journal Berlin 89 (2017) 45, No. 1.

Regarding baptisms, confirmations, marriages and deaths, simple lists, but no parochial registers are kept, as these sacramental acts are recorded in the books of the relevant local parish.[8]

3.3. Missio cum cura animarum

The next stage involves the establishment of a *missio cum cura animarum*. This is the 'classic formula for communities still being built up, applied to ethnic/national groups or those of a given rite that have not yet settled down' (No. 91 *Erga migrantes*). It has neither canonical legal personality nor is it a body under public law[9] within the state legal system. The chaplain entrusted with a *missio cum cura animarum*, always observing due distinctions, is juridically equivalent to a parish priest (Art. 7 § 2 *Erga migrantes*). It may be annexed to a territorial parish (Art. 7 § 5 *Erga migrantes*). In Germany, it is sometimes referred to simply as a 'mission'[10] or an 'independent pastoral centre' and is the most common form of pastoral structure for migrants. However, contrary to the concept of a *missio cum cura animarum,* the parochial registers in many places are kept by the territorial parishes.[11]

3.4. Quasi-Parish

A quasi-parish within the meaning of c. 516 CIC fulfils all the essential requirements for a parish, which is why it is treated as equivalent to one; however, due to special circumstances, it has not yet been established as such. It enjoys legal personality and can be realised not only as a territorial but also as a personal structure.[12] While the *missio cum cura animarum* is established when it is not clear how long the influx of migrants will continue or whether they will settle permanently, a quasi-parish aims from the outset to become more firmly established, that is, to become a parish.[13]

3.5. Personal Parish

The *missio cum cura animarum* is not yet a parish, but there is also the possibility of appointing a parish priest (c. 383 § 2 CIC) and thus establishing a personal parish (c. 518 CIC). A personal ethnic-linguistic parish or one based on a particular rite is foreseen for places where there is an immigrant community that will continually have newcomers even in the future, and where that community is numerically strong (No. 91 *Erga migrantes*). Because this is not yet certain for many

8 See *DBK*, Pastorale und rechtliche Richtlinien für die Ausländerseelsorge (25.09.1986), in: Official Journal Cologne 128 (1988), No. 28. By contrast, see: *Archbishop of Munich and Freising*, Anordnung über die Beurkundung von Amtshandlungen in der Ausländerseelsorge (13.09.1988), in: Official Journal Munich and Freising (1988) 505, No. 3. The Chaldean Catholic community in the Diocese of Essen also keeps registers; see *Bishop of Essen*, Dekret zur Errichtung der chaldäisch-katholischen Gemeinde im Bistum Essen (16.10.2008), in: Official Journal Essen 51 (2008) 233, No. 140.

9 See *Bishop of Rottenburg-Stuttgart*, Änderung der Richtlinie für die Pastoral mit Katholiken anderer Muttersprache in den Seelsorgeeinheiten der Diözese Rottenburg-Stuttgart (KABl. 2008, S. 253ff.) in Folge der Neufassung KGO zum 01.03.2019 (15.09.2019), in: ABl. Rottenburg-Stuttgart 126 (2019) 413f., Section 1.2.

10 E.g., *Archbishop of Cologne*, IKS Richtlinien (note 6), 264.

11 See *Archbishop of Munich and Freising*, Errichtungsurkunde Selbständige Seelsorgestelle (missio cum cura animarum) für die Mitglieder der Chaldäischen Kirche im Bereich der bayerischen Erzdiözesen und Diözesen (06.12.2001), unveröffentlicht, no. 10; *Vicar General of the Diocese of Eichstätt*, Instruktion zu den Canones 535, § 2; 866, § 3; 1116, § 2 und 1183, § 3, CIC/1983 (21.01.2019), in: ABl. Eichstätt 166 (2019) 18-21, section V.

12 See *Holkenbrink, Georg*, Die rechtlichen Strukturen für eine Migrantenpastoral. Eine rechtshistorische und rechtssystematische Untersuchung, Rom 1995, 301.

13 See ibid. 312.

refugees, German dioceses are hesitant to establish such parishes. Art. 6 § 1 *Erga migrantes* sets out the conditions for a personal parish:

> When it is deemed necessary to erect a personal parish, in view of the number of migrants or the opportuneness of providing them with special pastoral care corresponding to their needs, in doing so the diocesan or eparchial bishop shall clearly establish the confines of this parish and the rules regarding the parish books. Whenever the possibility exists, it should be kept in mind that the migrants are free to choose whether they wish to belong to the territorial parish where they are living or to the personal parish.

3.6. Episcopal Vicar

The highest level provided for in the Codes is the appointment of an Episcopal Vicar. He possesses the same ordinary power as that held by a Vicar General under universal canon law (c. 476 CIC). In the Archdiocese of Cologne, an Episcopal Vicar has been entrusted with International Catholic Pastoral Care.[14] He is responsible for both Eastern Catholics and Latin Catholics of other mother tongues.[15] Art. 16 § 1 *Erga migrantes* states:

> The diocesan or eparchial bishop shall devote special care to migrant faithful, above all by supporting the pastoral action in their favour performed by parish priests and the chaplains/missionaries for immigrants. In this he shall ask any necessary help from the migrants' Churches of origin, or from other institutions devoted to spiritual assistance for migrants, and also provide for the creation of pastoral structures best adapted to the circumstances and pastoral needs. If necessary, the diocesan or eparchial bishop shall appoint an episcopal vicar with the charge of directing the pastoral care of migrants, or else he shall set up a special office for the migrants themselves at the episcopal or eparchial chancery.

4. Associations

While migrants of other denominations often, and perhaps even primarily, organise themselves in the form of associations, Catholic canon law draws a strict distinction between the law of association and the constitutional structure of the Church. The establishment of ecclesiastical associations is based on the private autonomy of the faithful. In doing so, they exercise their fundamental right to freedom of association, which is enshrined in c. 215 CIC.[16] The associations, however, each realise only a specific aspect of the Church's mission, never the mission as a whole.[17] In the constitutional structures, the so-called *sacra potestas* is exercised, which was conferred upon the Church by Christ.[18] It is divided into the ministries of teaching, sanctifying

14 *Archbishop of Cologne*, Ernennung eines Bischofsvikars für die Internationale Katholische Seelsorge zum 15.06.2015 (undated), in: ABl. Köln 155 (2015), 142.
15 Ibid.
16 See *Hervada, Javier*, Derecho constitucional y Derecho de las asociaciones, in: Aymans, Winfried / Geringer, Karl-Theodor / Schmitz, Heribert (eds.), Das konsoziative Element in der Kirche. Akten des VI. internationalen Kongresses für kanonisches Recht, St. Ottilien 1989, 99-116, 114.
17 See *Aymans, Winfried,* Kirchliches Verfassungsrecht und Vereinigungsrecht in der Kirche, in: ÖAKR 32 (1981) 79-100, 92.
18 See ibid. 89; *Molano, Eduardo,* Estructuras jerárquicas y asociaciones, in: Aymans, Winfried / Geringer, Karl-Theodor / Schmitz, Heribert (eds.), Das konsoziative Element in der Kirche: Akten des VI. Internationalen Kongresses für kanonisches Recht, St. Ottilien 1989, 189-197, 193.

and governing. In associations, on the other hand, it is a matter of associative power, i.e. *potestas dominativa*.[19] According to Aymans, the *communio* constitutes *the* constitutional structure *of* the Church, whilst associations are merely a structure *within* the *communio*.[20] Applied to migration, this means that migrants are free to establish associations to pursue specific aims, such as the preservation of forms of piety from their countries of origin. However, these can never take the place of constitutional structures such as parishes, which alone provide for comprehensive pastoral care. Art. 3 § 3 *Erga migrantes* only states: "While maintaining the right of migrants to have their own associations, at the same time everything should be done to facilitate their participation in local associations." As the Catholic Church has its own law governing associations, the faithful may make use of this without having to resort to state law.

5. Interchurch and Interfaith Relations

Migration is not limited to Catholics, but affects members of other denominations and religions to an even greater extent. It therefore confronts the Catholic Church not only with the question of how to deal with its own members who migrate to Germany, but also of what migration means for ecumenical and interreligious relations.

5.1. Migrants from Other Churches and Ecclesial Communities

Erga Migrantes comments at length on migrants from other churches and ecclesial communities, with particular focus in No. 56:

> The growing number of Christian immigrants not in full communion with the Catholic Church offers particular Churches new possibilities of living ecumenical fraternity in practical day-to-day life and of achieving greater reciprocal understanding between Churches and ecclesial communities, something far from facile irenicism or proselytism. What is called for is a spirit of apostolic charity that, on the one hand, respects other people's consciences and recognises the good it discovers in them, but which can also wait for the moment to become an instrument for a deeper encounter between Christ and a brother. The Catholic faithful must not in fact forget that it is also a service and a sign of great love to welcome our brothers into full communion with the Church. In any case, however, "If priests, ministers or communities not in full communion with the Catholic Church do not have a place or the liturgical objects needed for celebrating worthily their religious ceremonies, the diocesan Bishop may allow them to use a church or a Catholic building and also lend them whatever may be necessary for their services. In similar circumstances permission may be given them for interment or for celebration of services at Catholic cemeteries".

Once again, it is clear that the instruction views migration as an opportunity for ecumenism and encourages offering spiritual assistance to migrants of other denominations, whilst adopting an ambivalent stance regarding proselytism.

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19 See *Aymans*, Verfassungsrecht (note 17), 92; *Molano*, Estructuras (note 18), 194.
20 *Aymans*, Verfassungsrecht (note 17), 89; *Aymans, Winfried / Mörsdorf, Klaus*, Kanonisches Recht. Lehrbuch aufgrund des Codex Iuris Canonici, Band II, Paderborn 1997, 455.

5.2. Migrants of Other Religions

As regards migrants of other religions, the focus is on humanitarian aid and interreligious dialogue. However, the instruction does not overlook the common concern of all religions to preserve the transcendent dimension of life. In its view, the Catholic Church should contribute precisely to ensuring that migrants do not perceive the West as a society devoid of religion. Of particular significance here are nos. 59 and 60:

> 59. In the case of non-Christian immigrants, the Church is also concerned with their human development and with the witness of Christian charity, which itself has an evangelising value that may open hearts for the explicit proclamation of the gospel when this is done with due Christian prudence and full respect for the freedom of the other. In any case, the migrant of another religion should be helped insofar as possible to preserve a transcendent view of life. The Church is thus called upon to open a dialogue with these immigrants, and this "dialogue should be conducted and implemented in the conviction that the Church is the ordinary means of salvation and that she alone possesses the fullness of the means of salvation".
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> 60. It is the Christians' task in particular to help immigrants find their place in the social and cultural context of their host country by accepting its civil laws. Above all, however, Christians are called upon with the witness of their lives to denounce certain negative aspects present in the rich industrialised countries (materialism and consumerism, moral relativism and religious indifferentism), which might shake the religious convictions of immigrants.

Although this article could highlight only a few aspects, it has nevertheless shown the great responsibility the Catholic Church bears in helping to ensure that migration succeeds, particularly in its religious dimension. On the one hand, legal arrangements provide space for preserving one's own tradition, but on the other hand, migration makes these arrangements change and transform. This results in a reciprocal effect between canon law and migration. However, migration not only affects internal structures of the Catholic Church, but also leads to a reshaping of relations with non-Catholic churches and religious communities.