

■ Current Immigration  
Debates in Europe:  
A Publication of the  
European Migration  
Dialogue

Jan Niessen, Yongmi Schibel and  
Cressida Thompson (eds.)

## Ireland

Piarras Mac Éinrí





**Jan Niessen, Yongmi Schibel and Cressida Thompson (eds.)**

**Current Immigration Debates in Europe:  
A Publication of the European Migration Dialogue**

**Ireland**

Piaras Mac Éinrí

for

NCCRI

(National Consultative Committee on Racism and Interculturalism)

**With the support of the European Commission  
Directorate-General Justice, Freedom and Security  
September 2005**

The Migration Policy Group (MPG) is an independent organisation committed to policy development on migration and mobility, and diversity and anti-discrimination by facilitating the exchange between stakeholders from all sectors of society, with the aim of contributing to innovative and effective responses to the challenges posed by migration and diversity.

This report is part of a series of 16 country reports prepared as a product of the European Migration Dialogue (EMD). The EMD is a partnership of key civil society organisations dedicated to linking the national and European debates on immigration and integration. It is supported by the European Commission, Directorate-General Justice, Freedom and Security, under the INTI funding programme.

The individual reports on Austria, Belgium, the Czech Republic, Denmark, Finland, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Poland, Portugal, Spain, Switzerland, and the UK are available from MPG's website, together with a preface and introduction. See Jan Niessen, Yongmi Schibel and Cressida Thompson (eds.), *Current Immigration Debates in Europe: A Publication of the European Migration Dialogue*, MPG/Brussels, September 2005, ISBN 2-930399-18-X.

Brussels/Dublin, September 2005

## **Ireland** Piaras Mac Éinrí<sup>1</sup>

### **Background – facts and trends**

#### **Background: from emigration to immigration**

Until the recent past, Ireland was a country characterised by emigration. Since the time of the Great Famine of 1845 – 47 to the 1950s, the natural increase in the population was constantly offset by out-migration on such a scale that it led to an almost continuous decline in the population for more than a century. The adoption at the end of the 1950s of new economic policies based on the encouragement of foreign direct investment (FDI) from the multinational corporate sector led to a turnaround in the decade, which followed, with increased job creation and a dramatic drop in out-migration. Ireland's accession to the European Community in 1973 even led to net in-migration for a period of about a little as five years, although this can be largely explained by the return of experienced Irish migrants, often with family members, to meet specific skill shortages in the Irish economy.

However, the need to restructure a less-protected economy after ten years of EU membership, together with poor economic management, led to a substantial loss of jobs in the 1980s, which also coincided with the arrival of the baby-boom generation of the 1960s onto the labour market. The result was a dramatic increase in the unemployment rate and an even more dramatic return to high emigration rates. In 1988–89 alone, 70,600 persons, or approximately two per cent of the population, left (Mac Éinrí 2003).

#### **High growth rates in the 1990s**

The 1990s saw the emergence of a very different Ireland. The introduction of government-brokered national collective bargaining agreements, later expanded into National Partnership Agreements embracing Government, Employers, Trades Unions, agricultural interests and the community and voluntary sector, stabilised industrial relations. The investment that the State had made in education in the 1970s and 1980s resulted in a highly skilled labour force which, together with fiscal and other investment incentives, made Ireland a very attractive location for foreign direct investment, especially for sectors such as IT and pharmaceuticals. The resulting growth rates in the mid to late 1990s, at more than eight per cent of GDP, were the highest in the OECD area. Although the economy slowed because of the impact of the dotcom crash in the late 1990s and the post-9/11 climate in recent years, growth continued at a more modest level and the predicted sharp fall in employment did not materialise. The latest OECD forecast of Ireland for 2006 predicts a return to growth rates of five per cent, whereas an average growth of only two per cent is predicted for the Eurozone as a whole (OECD 2005).

#### **Significant increase in numbers at work in the 1990s**

One way of putting Irish economic growth in perspective is that the number employed in the workforce (ILO definition) grew from 1.149 million in 1991 – not far above the 1986 low of 1.0911m – to an estimated 1.9797m in the final quarter of 2004 (CSO 2004). This represented an increase of over 72 per cent. The most recent data from the Quarterly National Household Survey also indicates that in the twelve months to

---

<sup>1</sup> This report is based on information up to 23 August 2005.

December 2004 employment rose by three per cent, following average annual increases of 1.9 per cent in 2003, 1.8 per cent in 2002 and 3.1 per cent in 2001 (CSO 2004). Ireland's seasonally adjusted unemployment rate in November 2004, at 4.3 per cent, was the lowest in the EU (Eurostat 2005a).

### **Increase in immigration**

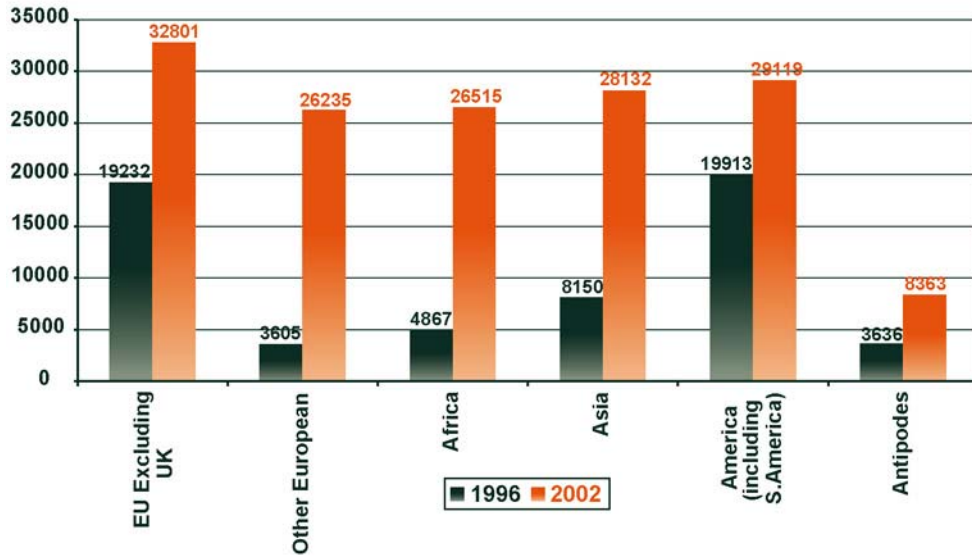
Traditionally, additions to the supply of labour have been drawn from increases in the participation of those outside the paid labour force, especially women; the unemployed, especially the long-term unemployed; natural increases in the age cohort entering the labour force, return migration and immigration. Ireland has not, historically, received any significant immigration flows. It was a relatively poor peripheral European country with strong and sustained emigration, limited employment opportunities and no traditional colonial ties. Prior to the 1990s, few immigrants came to Ireland who were not either of Irish or British background (except for an interesting phenomenon of 'counter-cultural' migrants from continental Europe, mostly former city dwellers wishing to live in rural Ireland). Non-EU immigration, the multinational sector aside, was insignificant. Although there had been some very modest inward migration, mainly of refugees (Hungarians 1956; Chileans 1973; Vietnamese 1979; Iranian Bahai in the mid 1980s, Bosnians in the early 1990s, Kosovars at the end of the 1990s), substantial immigration from outside the English-speaking world is very recent indeed, arising only from the mid-1990s onwards, and, in the latter part of the decade, coupled with an increase in the number of asylum seekers.

A rapid increase in labour immigration was an inevitable feature of a pattern of economic growth in which additional available indigenous sources of labour began to run out as substantial numbers of young people, women of all ages, the unemployed and returned Irish migrants joined the work force. From the mid-1990s on labour migration rose sharply, a pattern which was not affected substantially by the events of 11 September 2001. Estimated OECD net migration per 1,000 population for 2004 places Ireland (7.9) in third place, after Cyprus (10.6) and Spain (11.9) although this figure for Ireland ignores a significant part of the substantial inward migration of East and Central European migrant workers after accession in May 2004 (Netherlands Interdisciplinary Demographic Institute 2005).

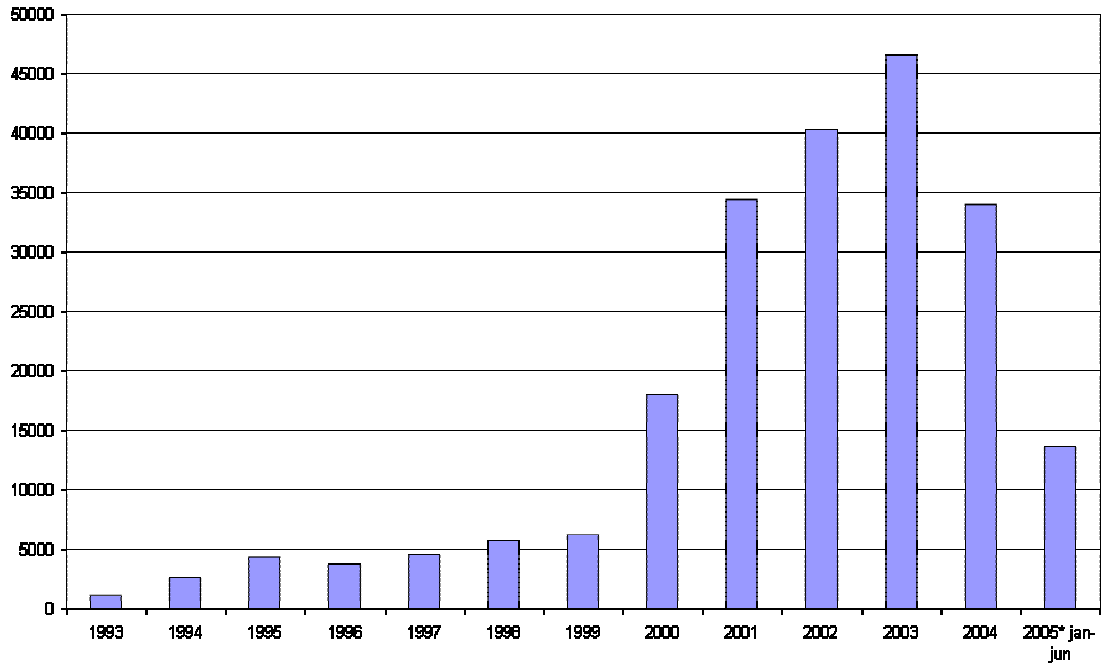
Ireland has thus experienced, within a short space of time, a substantial rise in non-Irish immigration, partly from other EU countries but with a significant rise in non-EU immigrants, whether immigrant workers on short-term work permits, asylum seekers, or undocumented immigrants. The country has been faced with the difficulties of constructing immigration and integration policies against a background of a rapidly changing picture, limited experience, a less than positive attitude towards difference and a largely mono-cultural tradition. Apart from some arrangements made for asylum seekers and refugees, it would be fair to say that there was little that could be described as an 'official planning process' on immigration, still less a coordinated policy on long-term integration.

### **Work permits**

Increasing demand for immigrant labour may be gauged from such data as the increase of migrants from other EU Member States which was evident in the 2002 Census and, more specifically, from the number of work permits issued from the 1990s up to the accession of ten 'new' States to the EU on 1 May 2004.



**Work Permits 1993-2006**



**Immigrants: diverse in origin, active in all sectors and all regions**

A number of features of this in-migration are worthy of note.

- First, the classic two-tier nature of such patterns of migration stands out, with a strong demand for high-skills migrants in certain sectors such as medicine and high technology and a substantial flow of migrants into unskilled or relatively unskilled sectors.
- Second, and more unusually, the geographical spread of migrants in Ireland is highly dispersed, with all parts of the country experiencing some in-migration.
- Finally, the range of source countries is highly diversified, although Central and Eastern Europe has been dominant and there was a further significant

shift toward the 'new' Accession Countries since 2004. Most of the source countries have few previous close political or cultural connections with Ireland, posing an additional challenge for migrants arriving here as well as for the receiving society.

The Chambers of Commerce of Ireland produced a valuable survey (Chambers of Commerce of Ireland 2004) on the changing labour force. Among other things, it showed that:

- More than one in five businesses surveyed (22 per cent) employ non-national staff.
- Among those businesses that employ non-nationals, the latter comprise an average of 14 per cent of the workforce.
- The proportion of businesses recruiting staff from the UK has fallen to 19 per cent with the number of non-nationals from other EEA countries also falling (36 per cent).
- One third of all non-nationals employed were from New Accession States.
- Five per cent of non-nationals came from EU applicant states Bulgaria, Romania and Turkey.
- Almost half (49 per cent) of businesses recruit non-nationals via speculative application.
- 64 per cent of businesses have not experienced any problems in recruiting non-nationals.
- An average length of stay of less than one year was reported by over a quarter (26 per cent) of respondents, while 37 per cent reported an average duration of one or two years. Over one-fifth (21 per cent) stated that the average length of stay of their non-national workers was three to five years, while only four per cent stated that their non-national employees stayed an average of over five years.

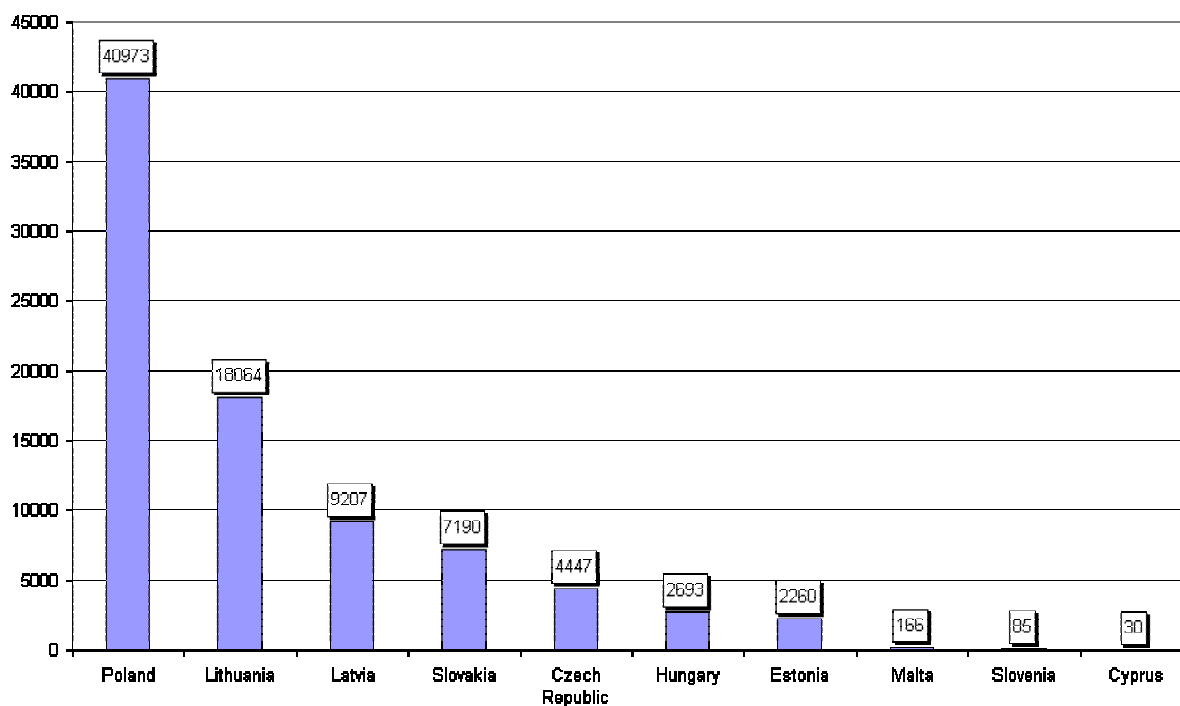
#### **Specific changes since EU membership of the New Accession States.**

Membership of the EU by the ten new accession states from 1 May 2004 was accompanied by important policy changes in Ireland. On the one hand the Government decided to allow migrant workers from the new Member States unrestricted access to the Irish labour market, although, following the UK example, it introduced restrictions on access to welfare benefits by imposing a two-year 'habitual residence' rule. On the other hand, it moved to restrict immigration from outside the EU, restricting certain categories of work for which it was previously possible to apply for a work permit.

Ireland was one of only three EU15 Member States (the others being Britain and Sweden), which imposed no transitional arrangements concerning access to the labour market. Sweden experienced a very modest inward migration of 2,100 workers in the six months May-November 2004 (Statistics Sweden 2005) and the figure to end March for the UK was 176,000 (Home Office 2005).

The Irish figure of 85,115 in the 12 months May 2004-April 2005 is therefore remarkable, given the relative size of the population and economy compared to those of Sweden and Britain. It may be broken down as follows:

### PPSNs, Accession State Migrants, May 2004-April 2005



### Fall in post-Accession immigration from non-EEA States

Accession has obviously had an impact on the number of work permits issued to non-EEA workers, particularly because, as noted, the Government has substantially reduced the categories of work still eligible for such applications. The 2004 figure was 34,067 (including 23,346 renewals), a drop of 28 per cent on 2003. Unfortunately there is no monthly breakdown showing the pre- and post-accession data for that year, but we do also have data for January-June 2005, showing that 13,611 work permits were issued (including 9,647 renewals). If annualised, this figure would represent about 27,000 work permits (the great majority – over 70 per cent - are renewals) and would represent a further drop of almost 21 per cent on 2004. This figure does not include special employment permits ('work visas' and 'work authorisations') for high-skills migrants from non-EEA countries. The most recent figure for this category is not to hand, but it is probably less than 1,500 p.a. to judge from previous years. This suggests an overall inward annual flow of close to 100,000 persons, a statistic which surely cannot last and which also probably masks a high outflow (see next paragraph).

It should be noted that these figures represent *flows*, not *stocks*. We do not know what the 'churn' factor is - how many people come for a short period and leave again. In particular, the only data available for new EU accession countries is based on the issuing of PPSNs (Personal Public Service Numbers) - the equivalent of a National Insurance number in the UK or a social security number in the US. Anecdotal evidence suggests that many Poles, for instance, register, work in a bar or restaurant for a few months and then leave. They are not unlike their Irish equivalents in the USA in the 1980s, sometimes undocumented people with a good education who chose unskilled or semiskilled work before returning to Ireland.

It should also be noted that in EU terminology intra-EU migration does not count as 'migration'. Terms such as 'mobility' are used whereas migration is taken to refer to



movement into and out of the EU (or, more correctly, the EEA). Such a viewpoint is unrealistic. In the case of New Accession State migration, the assumption that such migration may now be regarded as unproblematic or 'natural' is surely an inadequate approach to a complex, evolving phenomenon.

## **Students**

Students cannot be regarded as migrants in the strict sense, but there is a substantial direct benefit to hosting institutions – one has only to consider the tuition levels of €11,000 to more than €34,000 per person per annum for more expensive courses such as medicine. Moreover there is a substantial 'multiplier effect' in terms of the money spent by foreign students in the local and national economy. International Education Board Ireland (IEBI)'s 2004 report (IEBI 2005) suggests that nearly 15,000 non-EU students were in full-time third level education (the number in other institutions such as language schools would be even greater). Tentative figures put forward suggest conservatively estimated direct revenue of €120 million with at least a further €156 million spent in the local economy. These are significant figures. At current rates of growth gross income is calculated to reach €0.5 billion by 2007/2008. Moreover, there is some debate as to whether the present regime applied to most non-EEA students, whereby they have the right to work without a permit for up to 20 hours during term time and for long periods outside it, does not in itself constitute a factor which arguably distorts the labour market at the unskilled end and exposes such workers to exploitation. In 2004 there were at least 13,000 Chinese students in Ireland and the figure is likely to have increased considerably in the meantime (IEBI 2005; Xinhua National News Agency 2005).

## **Summing up**

A brief perusal of the basic immigration statistics for Ireland (see [www.entemp.ie/labour/workpermits/statistics.html](http://www.entemp.ie/labour/workpermits/statistics.html)), although these figures only cover labour migrants from outside the EU) makes it clear that the vast majority of labour migrants are coming to Ireland to undertake relatively less-skilled employment (this does not, of course, mean that individual migrants are themselves necessarily unqualified; many have post-second level education). Although State policy has tended to focus on those parts of the recruitment market which seek high-skilled migrants doing high-skilled jobs, the majority do not fall into this category, even though the evidence suggests that they too are no less in demand in the Irish domestic economy.

It is clear that since accession there is a general expectation that migrants from the new Member States can be found to take many unskilled positions but also, in certain cases, skilled work – medical vacancies constitute an example (Irish Times 2005). The Government appears to be moving towards a regime, which recognises a continuing need for some migration from outside the EEA but where such immigration is likely to be substantially confined to high-skills employment.

The Irish economy is extremely exposed to global trends, because of its dependence on foreign direct investment and its extremely export-driven growth patterns. However, barring unforeseeable catastrophic events current projections suggest that continuing strong growth is likely. The Economic and Social Research Institute's *Medium Term Review 2003-2010* suggest that employment is likely to grow by a further 220,000 jobs between 2005 and 2010, generating further net immigration of at least 100,000 for the period (ESRI 2003).

## **Policy and legislation to date**

### **Labour migration – Government agencies responsible**

The Department of Justice, Equality and Law Reform (formerly the Department of Justice) is the government department responsible for immigration legislation and control in Ireland and retains primary responsibility for matters relating to Ireland's immigration policy. The department is also responsible for the Irish contribution to the development of migration policies at the EU level. The Department of Enterprise, Trade and Employment is the department responsible for the issuing of work permits. The Department of Foreign Affairs is responsible for certain operational aspects of Ireland's visa and immigration regulations outside the country.

While the Department of Justice, Equality and Law Reform and the Department of Enterprise, Trade and Employment have now brought forward significant new initiatives in the migration area (these will be dealt with later), there remains a need for a more coordinated, cross-cutting approach, particularly in the area of integration.

In March 2005 the Minister for Justice, Equality and Law Reform announced the establishment of the Irish Naturalisation and Immigration Service (INIS), which is intended to be a 'one stop shop' for migrants in Ireland (Department of Justice, Equality and Law Reform 2005a). INIS will incorporate the present structures dealing with asylum, immigration and citizenship with the visa section of the Department of Foreign Affairs. It will also work with the Department of Enterprise and Employment on the issuing of work permits. Integration will obviously be part of the INIS brief, although as yet the details of its mission have not been revealed.

### **Historical background**

The most significant legislation governing the admission of foreigners into Ireland was the Aliens Act of 1935. The word 'alien' meant a person who was not a citizen of the Irish Free State (the legal name of the jurisdiction at that time). Rooted as it was in earlier British legislation, the scope of the Act was extremely wide-ranging and conferred sweeping executive powers on the Minister for Justice. The Minister had the right to forbid landing or entry into the State by any alien, to impose various restrictions on such persons as he saw fit, to forbid them leaving, to deport them, to require them to live in particular districts or places, to prohibit them from living in particular districts or places, and to require them to comply with particular provisions such as registration, change of address, travel, employment and other matters. The Minister had power to use the police, military and customs and excise to give effect to these regulations, to determine the nationality to be ascribed to aliens whose nationality was unknown or uncertain and to require hotel keepers and similar persons to keep records. In all cases, the onus of proof in the event of any contestation lay on the alien or alleged alien. The Minister did not have to give reasons for his decision and there was no appeal.

The Aliens Order 1946 further codified these provisions with a range of additional specific provisions. The powers given to police and other authorities were extended further, including the power given to immigration and police authorities to arrest a person without warrant if he/she was 'reasonably suspected' of having acted or being about to act in contravention of the Order.

Since that time, various measures have been introduced which defined new rights for certain classes of people wishing to come to Ireland. Thus, shared membership of the British Commonwealth, which ended on 1 January 1949 when Ireland declared a

Republic and left the Commonwealth, and which allowed for freedom of travel, residence and work for Irish people in Britain (similar rights were accorded to British citizens in Ireland), was soon replaced by the 'Common Travel Area Agreement' (or Common Travel Area), which effectively reinstated the same rights even though no formal constitutional relationship existed any longer between the two jurisdictions. At the same time, close cooperation between the Irish and UK immigration authorities continued and deepened over the years. This effectively meant that, while Irish and British citizens were free to live, work and vote (except in Presidential elections in Ireland and in referenda) in one another's countries, there was also close cooperation and co-ordination of the immigration and visa policies applied to would-be visitors from third country states.

Such cooperation continues today, which largely explains why Ireland and Britain have jointly stayed out of most of the arrangements put in place after Schengen. For Ireland to become a part of Schengen while Britain stayed out would have raised extremely complex and probably insuperable issues for the control of the movement of persons between the two jurisdictions.

In 1956, the Irish Nationality and Citizenship Act (modified in 1986) codified rights to Irish citizenship through birth, descent and naturalisation, including the right to citizenship through an Irish grandparent. The Act created a general although discretionary eligibility for citizenship through naturalisation after a period of five years (with the exception of naturalisation through marriage, for which a separate regime applied). With Ireland's membership of the European Community on 1 January 1973 came the right of freedom of movement of workers and, more recently, the right of freedom of movement of all citizens of the EU (Treaty on European Union 1992). Moreover, all citizens of EEA countries - EU Member States and Norway, Iceland and Liechtenstein - have had essentially similar rights since 1992. Switzerland, a non-EEA member, also enjoys a similar regime since 2002.

### **Summing up**

One may distinguish two important and entirely divergent trends. On the one hand, a series of specific measures opened up the possibility of immigration to certain categories of foreign-born persons – those deemed to be entitled to Irish Citizenship, British citizens, citizens of other EU Member States and citizens of non-EU EEA states and Switzerland. These persons all have the right to work in Ireland and no work permit is required.

On the other hand, Ireland had no traditional 'mother-country' ties to former colonies. No other immigration route into Ireland exists except for naturalisation, asylum, limited employment permit and visa regimes (see below) and certain exceptional individual decisions made from time to time by the Minister of the day. The latter category included the introduction in the 1980s of a controversial 'passport for sale' policy for wealthy investors, since discontinued. In general, until the recent past, the economic climate in Ireland was not conducive to immigration.

In the case of naturalisation through marriage, it is instructive to note that the husbands of Irish citizens could only apply after being married for a period of some years (thus initially preventing them from competing for jobs in a market of scarce opportunities) whereas foreign wives were given automatic and immediate citizenship (presumably because it was thought that a majority of married women would not enter the labour market in any event). This distinction was successfully legally challenged in the 1980s and led to the 1986 amendment already referred to, which applied a less liberal rather than a more liberal approach to both sexes. More

recently, the 2004 citizenship referendum referred to elsewhere led to a further revision of the Nationality and Citizenship Act which removed the entire concept of post-nuptial citizenship and replaced it with a form of naturalisation which was both more limited and entirely discretionary (Department of Justice, Equality and Law Reform 2004).

In practice, therefore, the legislation from 1935 referred to above has remained in place for most would-be non-EEA migrants. While elements of the 1935 Act were struck down in a constitutional challenge in 2004 subsequent amending legislation essentially restored the *status quo ante*.

### **Work permits**

Work permits, which are granted for a maximum of 12 months and are only for specific posts. The employer must demonstrate that no EEA citizen was available for the post in question and it is the employer, and not the prospective employee, who must apply for the permit. Social and economic rights are limited. Work permit holders do not have the right to free medical care, social welfare entitlements or education. Moreover, there is no right of family reunification for work-permit holders although in practice a degree of discretion may be exercised. The individual to whom the work permit has been granted is not permitted to sell his or her labour on the open labour market.

There are a number of exceptions, where a work-permit is not required by a non-EEA citizen, notably:

- Certain skilled persons to whom the work-visa or work authorisation regime applies (see below).
- Persons who have been granted refugee status.
- Post-graduate students where the work is an integral part of the course of study being undertaken.
- Non-EEA workers legally employed in one Member State who are temporarily sent on a contract to another Member State (such cases are known as 'Van der Elst' cases, based on a European court decision of 1994).
- Non-EEA nationals married to Irish nationals.
- Persons with permission to remain as spouse of an Irish national.
- Persons with permission to remain as the parent of an Irish citizen.
- Persons who have been given temporary leave to remain in the State on humanitarian grounds, having been in the asylum process.
- Persons who are posted on an intra-corporate transfer/secondment for a maximum period of four years to an establishment or undertaking in Ireland which is owned by a company or group which has operations in more than one State.
- Persons coming to Ireland from an overseas company for a maximum period of three years for training, whether or not it entails remunerated work, at an Irish-based company.

The work-permit section in the Department of Trade, Enterprise and Employment examines applications from employers and issues permits where appropriate. A

work-permit is granted when the employer has no alternative but to employ a non-EEA national.

A distinction is made between individuals who are 'visa required' and those that are 'non-visa required'. Individuals who come from certain countries do not require a visa to enter Ireland (the full list may be consulted on the website of the Department of Justice, Equality and Law Reform). While they still require a work-permit, there is no waiting period for family reunification. For visa-required non-EEA nationals, the waiting period for family reunification is one year. In practice, a degree of discretion is exercised.

### **Intra-Company Transfers**

In addition to the two work permit schemes outlined above, the Intra-Company Transfer Scheme was introduced in 1999 as a facility whereby companies with a bona fide presence in Ireland and at least one other non-EEA country could transfer staff to Ireland for up to four years without a work-permit being necessary. Individuals being transferred were required to present an appropriate letter from the headquarters of the company to immigration officers upon arrival in the State. This concession was intended primarily to facilitate those international companies who needed to relocate key personnel to Ireland for a limited period of time allowing for the inter-company transfer of certain skills groups and training personnel. However, on 29 October 2002, the Minister for Enterprise and Employment, Mary Harney, announced the temporary suspension of the Intra-Company Transfer Scheme and non-EEA trainee facility, pending review. The suspension was to have immediate effect as it was felt that the transfer scheme system had been open to abuse (Irish Times 2002).

### **Work visas / work authorisations**

Applications for working visas and work authorisations are accepted from persons outside the country only and cover certain high-skills categories where labour in Ireland is in short supply. These shortages became sufficiently acute to warrant high-profile Government campaigns in 2000 and 2001 to attract suitably qualified workers and many Irish businesses have been actively recruiting outside the EEA in recent years.

The relevant sectors that have been identified are:

- Information and computing technologies professionals;
- Information and computing technologies technicians;
- Architects, including architectural technicians/technologists;
- Construction engineers, including engineering technicians;
- Quantity surveyors;
- Building surveyors;
- Town planners; and
- Registered nurses.

This makes it possible for prospective employees with job offers from employers to obtain immigration and employment clearance in advance from Irish Embassies and Consulates. Applications for working visas and work authorisations are accepted

from persons outside the country only. A working visa or work authorisation is usually valid for two years (three months in the case of a temporarily registered nurse) and authorisation to continue to work and reside in the country may be granted to a holder of either of them in Ireland at the end of the first period of their validity. Holders of working visas and of work authorisations are allowed to change their employers within the same skills category after arrival in Ireland as long as they continue to have authorisation to work and reside in the country. Work visa / work authorisation permit holders are permitted to bring dependents into the State to reside with them provided that they can financially maintain them, and that they have resided in Ireland for the required minimum period. Dependent children under the age of 18 are entitled to free primary and secondary education.

Work-authorisation is granted to non-EEA individuals from non-visa required countries seeking employment in the specific skills groups outlined above. There is no waiting period for family reunification. Work-visas are granted to non-EEA individuals who are visa-required. The waiting period for family reunification is three months.

Both these regimes are characterised by the fact that selection is entirely labour market driven. The potential employer effectively decides who, in the first instance, should be eligible to apply. Family reunification rights have limitations as discussed below. In both cases, social and economic rights are limited. Work-permit holders are restricted to the employer who sought the work-permit on their behalf.

### **Integration**

While there is no formal policy or law on integration, provision is made on an administrative basis, for care and access to services. After a year, working migrants are considered 'ordinarily resident' for health care purposes but subject to a discretionary needs test. Currently, all immigrants in documented employment have access to social insurance payments and associated entitlements during their residence in Ireland.

The terms of the debate were, as is demonstrated, those of control, but issues regarding the assessment of migration needs and the emergence of migration policies based on management rather than control are now being expressed through organisations such as the Irish Congress of Trade Unions, the Irish Business Employers Confederation and the voluntary sector. The National Consultative Committee on Racism and Interculturalism (NCCRI), through various partnership initiatives, conferences, submissions and publications, supports the development of this discussion.

### **Cross-border initiative on migrant workers**

In 2004 the National Consultative Committee on Racism and Interculturalism (NCCRI) secured funding under INTERREG IIIA for a three-year programme focussing on building an intercultural focus into service provision in the border region and Northern Ireland. The Regional Development Unit is based in Dundalk, Co. Louth. The anticipated impact of *Synergy* is to significantly enhance the socio-economic inclusion of Black and minority ethnic groups, including the Traveller community, in the border area, with a particular focus on their participation in the planning, implementation and delivery of culturally competent service provision.

## Recent policy changes

On the domestic legislative front, the main developments have been as follows (Department of Justice, Equality and Law Reform 2005b):

- The Immigration Act 2003: includes among its main features carrier liability provisions, updated arrangements for the removal of persons refused entry, and clarifying provisions on exchange of information between public authorities on non-nationals. The Act also made significant changes in the asylum system (including the safe country of origin concept, and the streamlining of processing procedures).
- The Immigration Act 2004: passed in an emergency as a result of the High Court judgment in *Leontjava & Chang* in January 2004, this legislation replaced the bulk of the Aliens Order 1946; the opportunity was taken to clarify lawful and unlawful residence in statute and to put on a firm footing the derived Ministerial authority of immigration officers when carrying out their functions.
- The Department of Enterprise, Trade and Employment's Employment Permits Act 2003 introduced a revised legislative basis for work permits, including penalties for employers for illegal employment of non-nationals (up to then an offence only for non-national employees). It also made preparations for the implementation of free movement of workers from the new EU Member States in 2004 (see above). The Department of Enterprise, Trade and Employment is currently developing further proposals for work permit legislation.
- There have also been developments in Social Welfare legislation relating to immigration. In April 2003 the general payment of rent allowance to asylum seekers and illegally resident non-nationals was abolished, requiring such persons to remain in direct provision accommodation. On 1 May 2004, in the context of EU accession and measures being taken in other existing EU Member States, a habitual residence requirement was introduced into social welfare legislation, which would limit the access of non-nationals (including EU nationals) to many social welfare payments. Previously even persons resident for a very short period of time in Ireland potentially had access to a wide range of social welfare payments.

Other relevant policy developments since 2002 include:

- Policy developments in relation to the handling of Irish born child related cases. After the January 2003 Supreme Court judgment in the L&O case, the policy in place up to that time whereby the parents of Irish-born children were given a *de facto* right of residency was struck down.
- The subsequent referendum on constitutional change regarding citizenship and the related Irish Nationality and Citizenship Act 2004 was also a significant development in the area. Following this referendum, which took place in June 2004, the principle of 'automaticity' of citizenship based on *jus sanguinis* or *jus soli* was replaced by one where a child born in Ireland would no longer be considered an Irish citizen unless one of his/her parents was already an Irish citizen.
- The National Economic and Social Council (NESC) is currently engaged in a wide-ranging study of the migration phenomenon in Ireland. The International Organisation for Migration (IOM) have been commissioned to undertake this study which will examine issues such as Irish migration trends in the

international context, causes and determinants of migration, labour market performance of migrants, economic effects of migration, the social effects of migration and fostering integration. It is expected that the study will be completed later in 2005.

It will be noted that some of the measures outlined above pertain primarily or exclusively to asylum seekers and refugees. The number of persons applying for asylum in Ireland fell from a peak of 11,598 in 2002 to 4,625 in 2004, a drop of over 60 per cent.

### **Reform of Employment Agency Act 1971**

There is a need for greater regulation and monitoring of recruitment agencies to protect job-seeking migrants from abuse and to bring to an end the illegal practices of passing the work permit fee onto the employee. This might also include the establishment of bilateral agreements with sending countries, which could offer an important mechanism in pursuing exploitative recruiters. On foot of an undertaking given in Sections 18.5, 18.6 and 18.7 of "Sustaining Progress-the Social Partnership Agreement 2003-2005" concerning the Review of the Employment Agency Act 1971 a Discussion Paper was circulated in May 2004 and submissions received on it from interested persons and organisations. Taking account of the submissions received a White Paper has been prepared on the Review of the Employment Agency Act 1971 and this White Paper is available on the Department's website at [www.entemp.ie/publications/employment/2005/employmentagencyreview.pdf](http://www.entemp.ie/publications/employment/2005/employmentagencyreview.pdf)

Submissions on the White Paper were invited by interested parties by the Department of Enterprise, Trade and Employment by 15 July 2005.

### **Task force on Emigrants**

The Irish Government established the Task Force on Policy regarding Emigrants in December 2001 on the basis of a commitment made under the *Programme for Prosperity and Fairness* (Department of the Taoiseach 2000). One of the objectives of the section in the *Programme* on 'commitment to the wider world' was "to address the special needs of those Irish emigrants who are particularly marginalised or at greatest risk of exclusion". The report of the Task Force (Department of Foreign Affairs 2002) calls for a number of fundamental principles to be applied in the provision of assistance to the Irish abroad. These include transparency, accountability, consultation and partnership with official authorities and agencies in the host countries. It also calls for a holistic approach involving all government departments with coherence and flexibility in the application of agreed policy and practices.

The Task Force commissioned comprehensive independent research on the Irish Diaspora; the findings were mixed. On the one hand there are positive stories of the contributions made by Irish people in all sectors of society and the enrichment they have provided to their adopted countries. However, there are also people for whom the experience of emigration has been an unhappy one.

Subsequently an interdepartmental committee was established and it reported in late 2003 (Department of Foreign Affairs 2003). It endorsed the Task Force Report, proposed a series of specific support measures for the Irish abroad and confirmed that the Department of Foreign Affairs would continue to have overall responsibility. Funding will continue to be provided to NGOs working with Irish migrants in Britain and the USA although one of the main proposals of the Task Force, the



establishment of an Agency for the Irish Abroad, will not proceed 'in the light of current budgetary and staffing restrictions in the Civil Service'.

There are lessons to be learnt from the approach suggested by the Task Force, which could prove relevant for the development of immigration policies in Ireland. That said no connection has been made between the analysis and recommendations presented by the Task Force on Emigration and the situation of migrants in Ireland. In the same way, no contradiction is apparently felt between calls for the situation of undocumented Irish migrants in the US to have their positions regularised and the official discourse of denigration of 'illegals' in Ireland. One possible explanation for this gap is that the Department of Foreign Affairs had primary responsibility for the Task Force (assisted by other departments such as the Department of Social and Family Affairs) whereas other departments, notably the Department of Justice, Equality and Law Reform, have primary responsibility for immigration issues.

## **1. Making the case**

### **1.1 The immigration debate**

*Do governments provide a rationale for immigration policies and do they communicate it with stakeholders and the wider public?*

#### **Asylum and refugee policy: a specific case**

Although this report is not primarily focused on asylum and refugee issues, it is relevant to mention that government policy and public discourses concerning immigration in general have, until the very recent past, been strongly influenced by debates concerning asylum issues. Most debates have focused on a range of specific questions relating to reception and accommodation arrangements, the speeding up of the decision-making process and arrangements based on the safe third country principle for rapid processing of 'manifestly unfounded' cases and the use where deemed necessary of deportation. Carrier sanctions have also been introduced in order to deter transport companies from carrying persons whose papers are not considered to be in order. Public, political and media discourses concerning asylum seekers and refugees were frequently although not always negative.

#### **Towards a more efficient and better-managed policy**

Insofar as a rationale has been advanced by the government in connection with its present policy, it has largely been concerned with the perceived need for a more efficient policy. The claim has frequently been made by successive Irish Governments that Ireland's migration regime is one of the most open and flexible in the EU and beyond. Insofar as the immigration regime presently in place is market- and employer-driven, has proven relatively rapid and responsive and has enabled the economy to cope with a prolonged period of rapid growth, this is not an altogether unreasonable claim. However the piecemeal nature of policy changes, the lack of any long-term integration policy, the tightening of regulations governing work permits and the public concern regarding well-publicised cases of exploitation have led to a recognition that a more comprehensive and durable regime is needed. Concern has been expressed by the social partners (employers as well as trades unions) about the absence of transparent regulations concerning such questions as family reunification and the absence of a path to permanence (other than citizenship) in Ireland's current immigration regime.

#### **Little explicit anti-immigration sentiment at Government level?**

If one leaves to one side the many controversial and sensitive issues, which have arisen in the area of asylum seekers and refugees, it cannot in fairness be said that government has adopted an anti-immigrant position. The importance of immigration to the economy has been generally stressed and recognised although the prevailing emphasis on high-skills migrants has not been matched by a commensurate concern for other migrants or their families. While issues of the protection of migrant workers, the lack of integration and the rise in cases of racism and discrimination have all caused concern, official policy has been benign in principle even if the practice has not always been adequate. Further consideration is given to this question below. Some critics would take a very different viewpoint and would argue that Ireland is operating a regime, which in *de facto* terms is discriminatory in terms of country of origin, skill level and a general unwillingness to accept the 'other' in Irish society. For one prominent critic the concept of the 'racist state' is seen as structurally embedded

and the government's various initiatives are seen as platitudinous and ineffective insofar as they do not seek to address issues of inequalities of power in Irish society (Lentin 2004).

### **Consultations with the wider public**

The first *Public Consultation Procedure on Immigration Policies* in June 2001, the ongoing Social Partnership process and direct submissions to and meetings with ministers and politicians constitute the main mechanisms through which stakeholders can convey their views to the government on economic immigration policy issues. This is not the same thing as a formal consultative role, nor is the government obliged to incorporate the views expressed. A more formal role has been envisaged in the cases of the National Consultative Committee on Racism and Interculturalism (NCCRI) and the Irish Human Rights Commission (IHRC) although these processes are still at an early stage. The IHRC (Government of Ireland 2000) was established as part of the process following from the 1998 Belfast Agreement but the process has taken a little time to settle down fully. Notably, the government did not see fit to consult with the Commission before it published proposals leading to the 2004 citizenship referendum.

On the occasion of the launch by the Minister for Justice, Equality and Law Reform of the first public consultation process on Immigration Policy, a range of issues was identified:

- Who should be allowed to reside in Ireland?
- How many people should be admitted through the immigration system?
- What entitlements should immigrants have?
- What immigration procedures are necessary?
- Illegal entry.
- What general issues should be contained in the new legislation?
- Visas/Pre-entry clearance.
- Administrative arrangements.
- Entry controls.
- Residence.
- Enforcement.

The public consultation process was undertaken to ensure that the views and opinions of as wide a section of Irish society as possible were taken into account in the ongoing development of immigration policy and in preparing the proposed immigration legislation. In addition to the public consultation, the International Organisation for Migration (IOM) was appointed to undertake a comparative study of international legislation and practice in the field of immigration (Department of Justice, Equality and Law Reform/ International Organisation for Migration 2002a).

A review of the Public Consultation Procedure was published by the Minister for Justice. It provides a summary of the nature of the responses to the procedure and the number of submission from organisations/individuals. Submissions were received from 30 representative organisations and NGOs, two companies and 34 individual members of the public. In a statement made in July 2002, the Minister emphasised that the consultation process would be used as the basis for policy

change (Department of Justice, Equality and Law Reform 2002b). New legislation has been drafted, but has not yet been published, pending the completion of a second consultation process (see below).

Although there has been social dialogue in Ireland for several decades, the involvement of the social partners in policy development increased during the 1980s, when the government took major new initiatives in what were called programmes for economic and social development leading to a system of Social Partnership and National Agreements. In this process, the social partners mean first of all the government, the employers and the trade unions, secondly the farmers, and thirdly (but only in the two most recent programmes from 2000 to date) the community and voluntary pillar. This latter is a grouping of non-governmental organisations representing the community sector, women, anti-poverty and equality groups as well as the unemployed.

Since 1986, The National Economic and Social Council (NESC) has produced five reviews of economic and social policy (NESC 1986; NESC 1990; NESC 1993; NESC 1996; NESC 1999). These reports have documented developments in the Irish economy and society, and provided a framework for the negotiation of the national social partnership agreements. The sixth report *An Investment in Quality: Services, Inclusion and Enterprise* (NESC 2003) was prepared as the preliminary document to the current social partnership negotiations.

In this document, the NESC notes that non-EEA migrant workers have played an important role in enabling Irish growth rates to remain high, international companies to remain, public services to be improved and private services to be expanded (NESC, 2003). They recommend that the socio-economic conditions of non-EEA workers comply with national standards and that a clear national policy on migration from outside the EEA be implemented.

The document outlining the outcome of the social partnership negotiations, 'Sustaining Progress' reiterates the intention of government to revise economic immigration policies. There is a commitment to a 12-week review involving the parties to the negotiations, which will focus on labour supply and workplace issues, as an input to economic immigration policy.

### **New proposals on employment permits and immigration and residence**

Two recent government initiatives should be noted. One is the publication by the Minister for Justice, Equality and Law Reform of a discussion document *Immigration and Residency in Ireland*, concerning a proposed immigration and residence bill (Department of Justice, Equality and Law Reform 2005b), intended comprehensively to update all of the legislation previously referred to and following on the first consultation process already described. The other is the publication by the Minister for Enterprise, Trade and Employment of a new bill concerning the regulation of employment permits.

The discussion document on immigration delineates the principal areas to be covered in new legislation:

- Visa and pre-entry clearance;
- Border controls;
- Entry to the State — general principles;
- Admission for the purpose of work, self-employment and research;

- Admission for the purpose of study;
- Admission for the purpose of family reunification;
- Admission of non-economically active persons;
- Residence status and residence permits;
- Monitoring and compliance;
- Removals; and
- Administration and Delivery of Services.

The document does not set out specific proposed solutions but seeks views on a range of options. Unfortunately, it contains virtually no mention of integration. In that sense it could be said that while it does address immigration issues in the narrow sense (who gets in and under what conditions?) it does not address integration or settlement issues (how are we to accommodate migrants as a society once they have actually arrived?).

The *Employment Permits Bill 2005* will seek to codify in legislation the current employment permits administrative procedures, including the work permits and working visa/work authorisation schemes. The Bill provides for the application, grant, renewal, refusal and revocation of employment permits. It provides that employment permits will be granted to the employee and that the permit will state certain rights and entitlements of the worker concerned. The Bill prohibits recruitment related deductions from remuneration and the retention by the employer of the employee's personal documents. However it does not go as far as some advocates would wish in addressing in a substantive way the freedom of the migrant worker to sell his/her services on the open labour market, or the need for a path to permanence to be open to the majority of migrants.

Finally, it should be noted that in the case of the first and second consultation procedures outlined above the results of the exercise are in all cases non-binding on the official side.

### **Are demographic challenges a significant factor in the debate?**

#### **Ireland's unusual demographic profile**

Ireland has a relatively young population. Apart from the high rate of immigration of mainly young people it also has the highest total fertility rate (TFR) in the EU. This rate was 2.47, well above the population replacement rate, as recently as 1985, before falling to a low of 1.88 in 1995 and rising again to 1.98 in 2003, the most recent year for which comparative data is available. This compares with a 2003 EU25 average of 1.48 (Eurostat 2005b).

It cannot be said that there is a high degree of public concern about declining fertility rates. If anything, recent debates concerning births to foreign-born women suggest a degree of moral panic concerning their allegedly high numbers and the pressure this supposedly places on state maternity services. The reality, that the total numbers of births in Irish hospitals has fallen since the 1980s, is masked by the fact that the capacity of the maternity services had itself been considerably reduced in that period. The demise of the traditional large Irish family would appear to have gone largely unnoticed and un lamented and there has in general been little public commentary on the implications for the country of a long-term demographic deficit. This clearly

contrasts with those parts of the EU such as Italy and Germany where a long-term decline has been evident for a longer period and at more serious levels.

### **A coming pensions crisis?**

Even though Irish fertility rates have fallen to only slightly below the replacement rate of 2.1 we know that, over time, the age dependency ratio will inevitably increase as it has done in all other EU states – for the simple reason that more people are living to a later age. However, it cannot be said that the pensions issue is as yet a major political concern - it probably should be, but that is another matter. A report by the Society of Actuaries in 2003 suggested that ‘an increase in the retirement age to at least 70 and possibly even 75 would be the most effective way to reduce the cost of State pensions’ (Irish Times 2003a). The report assumed an increase in the number of people over 65 from about 500,000 at present to 1.25 million by 2050. The suggestion of a change in retirement age was immediately rejected by the Minister with responsibility for pensions (Irish Times 2003b).

In the short term, it seems fair to say that a greater degree of concern exists over those parts of the working population who have no pension cover, or inadequate pension cover, rather than with the future difficulties likely to arise because of a changing age dependency ratio in the population as a whole. In that sense, this issue is not part of the immigration debate. It hardly needs to be pointed out that research has suggested that immigration will in any event have a very limited impact on the long-term demographic problems associated with an ageing population (Coleman,2001).

### **Social Welfare payments to migrants**

The issue of social welfare payments to immigrants has not become a major one in Ireland either, with the exception of asylum seekers and refugees, who have often been the target of stereotypical and scapegoating myths. Apart from the recent nature of labour immigration most migrants are young and able bodied. There are as yet few second generation migrant children in Ireland and even fewer elderly migrants. Moreover, the ‘habitual residence’ clause which bars access to the welfare system to new accession state migrants until they have been ‘habitually resident’ in Ireland for at least two years means that that they too pose almost no burden on state services. Overall it is safe to say that migrants are substantial net contributors to the Irish exchequer at the present time.

### **Are the economic benefits of immigration a significant factor in the debate?**

#### **A generally positive attitude to economic migrants**

Two recent government statements give an indication of government thinking in this regard. The EU Commission’s *Green Paper on Economic Migration* (European Commission 2005a) was responded to by the Irish Government – the Irish Government’s response (European Commission 2005b) to along with other Member States and agencies and the introductory section to the recent document by the Department of Justice, Equality and Law Reform in connection with the forthcoming Immigration and Residency Bill (Department of Justice, Equality and Law Reform 2005b).

According to the Government’s letter of 15 April to the European Commission in response to the Commission’s Green Paper,

In light of our decision to fully open our labour market to nationals of the new Member States with effect from the 1st May 2004 we have seen a considerable reduction in the issuance of work permits to nationals of countries outside the enlarged EU. The Department of Enterprise, Trade and Employment which is charged with economic migration policy has been actively encouraging employers with demands for low skilled labour to seek to meet their needs from the expanded EU. *It is anticipated that in future the demand for labour from outside the EEA will be mainly in the high skills areas which are in demand in all Member States* (emphasis added).

It will be clear from the foregoing that the rationale underlying Government approaches to labour migration will be two-fold. On one hand, it is anticipated that most migrants other than those with high skills in high demand will henceforth be sourced in the new accession states ('it should also be remembered that Ireland sees the bulk of its labour needs coming from the enlarged European Union') (Department of Justice, Equality and Law Reform 2005b). On the other, the government anticipates that it will continue to need high-skills migrants for whom other States are also competing, and that a range of new policies will be needed to address this ongoing reality.

### **High-skills migrants favoured**

While it should be noted that the continuing necessity for labour migration is seen as largely unproblematic by the State, a clear distinction is drawn between high-skills migrants and other migrants. As the letter notes:

*In a competing globalised economy attractive conditions regarding long-term residence and family reunification will be important in attracting highly skilled migrants.*

A further insight into the rationale of the government's thinking may be gained from the overall *objectives and basic principles* set out in the government's discussion paper on Immigration and Residency:

- to maintain the safety and security of the State and its residents and to promote the common good;
- to manage migration in an orderly fashion to serve the economic and social needs of the State and its residents;
- to protect human rights;
- to protect and develop Ireland's international relations;
- to ensure fair treatment of persons;
- to achieve reasonable standards of clarity and transparency; and
- to provide satisfactory standards of service.

It will be noted that the concept of managed migration is affirmed, as is the general principle of a rights-based approach. The precise policy implications of such an approach will be dealt with later.

### **Summing up**

Government policy towards asylum seekers has been based on a frequently asserted belief that the majority do not meet the criteria set down in the 1951 Convention. The

policy has sought to accommodate those awaiting a decision in reasonable conditions while expediting the procedures for processing claims, increasing the number of deportations and using a range of legislative and policy changes (e.g. carrier sanctions) to bring about a stated aim of reducing the overall number of asylum seekers arriving in Ireland in the first place.

Migrant workers, by contrast, have been regarded as necessary; although a very light administrative system of control has evolved in which admissions have been substantially determined by market demand and an employer-driven selection process. A more favourable regime has been applied to certain high-skills workers where an international shortage exists. In all cases much of the primary legislation and policy still dates from the 1930s and it would be fair to say that the regime is still distinguished by an underlying assumption that labour migration is a largely temporary phenomenon.

## **Public and political discourses and concerns**

### **The media and the influence of public opinion on policy development**

It should be said first that the character of media reporting on migration issues in Ireland has good and bad features (Mac Éinrí 2002).

In general the indigenous print media do not feature the same degree of tendentious reporting and extreme bias against asylum seekers and migrants that is found in some other EU countries. The electronic media are also, in general, reasonably balanced, but a small number of influential broadcasters, mainly in popular city-based private radio stations, have demonstrated a consistently inflammatory and biased style. Moreover, Ireland is unusual insofar as a very substantial indigenous readership of foreign, UK-published tabloids exists. Coverage of these issues in a number of these tabloids is consistently negative in tone and content and frequently reflects an agenda, which would appear to arise substantially from internal UK political debates.

Coverage of labour migration issues in the mainstream media has by no means been universally unfavourable. On the other hand, Ireland is a small country and there are few journalists who have any real degree of specialist knowledge and experience of the field. Moreover, there is an unfortunate tendency, especially noticeable in one of the major print media organisations, to rely largely and sometimes exclusively on security correspondents, whose reports tend to be largely drawn from official, police and intelligence sources. Such reports may reflect a security-influenced and unfavourable perspective on immigration matters rather than seeking to present a more a more balanced picture.

Among the topics covered with the greatest frequency in the Irish media, the following stand out:

### **Asylum issues**

In general coverage has diminished considerably since 2003, when the number of asylum seekers peaked at approximately 1,000 per month before falling by more than 60 per cent of that level in the current year. Coverage of the general issue of asylum and refugee matters tends to follow the government's position and frequently stresses the number of alleged 'bogus' asylum seekers, deportations, court cases involving asylum seekers and various issues concerning the provision of accommodation and other services, especially insofar as costs are concerned.



Paradoxically, this generally unfavourable coverage at meta-level needs to be set against the markedly different nature of frequent human interest stories involving individual asylum seekers and their families. Earlier this year a public outcry followed the decision to expel a Nigerian student shortly before he was due to sit for his final year examinations. The protests and the wide media coverage which they received led to a rare decision by the Minister for Justice, Equality and Law Reform to reverse his decision and to allow the student to return to Ireland. Coverage of human-interest stories in the local print media is in general favourable or neutral.

### **Migrant workers and their families**

While due credit is due to the small number of politicians and trade unionists who have first brought such cases to light, the role of the media in highlighting significant and sometimes serious cases of abuse has been crucial. The tone of media coverage of the situation of migrant workers is very different from that concerning asylum seekers and refugees. There is a strong degree of sympathy with migrant workers, a general acceptance of their presence in the country, notably in the health system and a residual empathy with them because of the Irish experience of migration in the past. However, there is a relative lack of concern with family reunification issues except when it is seen to touch on high-skills shortages in high visibility areas, notably nursing.

### **Immigration, security and the debate concerning Islam**

The Islamic community in Ireland is as yet relatively small, relatively recently arrived for the most part and relatively middle class compared to their counterparts in Britain, France or the Netherlands. Moreover their relationship with the host society is not fraught with the baggage of past historical relationships and conflicts. The Irish school system is an unusual amalgam of State teacher training and finance and largely confessional control, so that it has been relatively easy, for instance, to incorporate Islamic schools into the State system. A law such as that outlawing the wearing of the *hijab* in the public school in France would be inconceivable, for better or for worse, in Ireland.

These rather different realities, compared to our EU neighbours, have sometimes made it possible to adopt innovative approaches to integration. The principal teacher in Dublin's main Islamic school is a Roman Catholic, and the Islamic community has made sustained efforts to develop constructive dialogue with mainstream society and with other faith-based communities. However there is, as yet, an absence of a type of formal recognition or role for such initiatives and Islamic and other ethnic and minority communities are not strongly represented within the structures of governance in Irish society. Although the Irish political system is not easy for new members of society to penetrate at national level, perhaps a small measure of hope can be found in the relative porosity of the political system at local level, where virtually all residents have a vote. A number of immigrant candidates stood in the 2004 local elections and two were elected with cross-community support.

Media coverage of the Islamic community has in general been sparse and reasonable in tone. Nonetheless, recent events in Britain and the general European climate of criticism and occasional distrust following such events as the murders of Pim Fortuyn and Theo van Gogh have led to a noticeable shift in the tone of some of the coverage. The lack of knowledge of the majority of Irish journalists about Islamic affairs and the relative invisibility of minority community journalists has led to a

tendency to rely on agency or syndicated reports from other countries and in a minority of cases local reporting has been markedly hostile in tone.

These are early days; substantial immigration into Ireland is only a decade old. The fact that Irish equality legislation specifically excludes schools and gives them the right to practice various kinds of discrimination, e.g. in recruitment policy, in order to preserve the 'religious ethos' of the school, may yet prove problematic. Ghettoisation of the Islamic community is virtually non-existent but this could change as it has already begun to do, albeit to a limited extent, in the case of some parts of Dublin's new African communities.

## **Public opinion**

The latest Eurobarometer (European Commission 2005c) report for Spring 2005 does not suggest that immigration is a major issue for the Irish public. Asked to identify the two most important issues facing the country, 51 per cent of Irish respondents prioritised crime, followed by 49 per cent for healthcare and 28 per cent for rising prices, compared to a mere 12 per cent for immigration.

However, the picture is by no means uniformly positive. In a referendum in June 2004, a government proposal to change the constitution so that citizenship would no longer be automatically conferred on children born in Ireland unless they were born to an Irish citizen parent was carried by an 80/20 majority. The arguments advanced were somewhat technical and related largely to the perceived need to close an alleged 'loophole' in existing law allowing foreign women to arrive in Ireland in the late stages of their pregnancies in order to have an Irish citizen child. While the legal merits of the case could have been argued either way, one exit poll suggested that the reasons people voted in favour in a large majority had little to do with such arguments and came down to the view that there were too many immigrants in Ireland and that they were abusing the system (Irish Times 2004). It is not known, however, how scientific the poll was; national broadcaster RTÉ, which commissioned it, has not published it.

## **1.2 The integration debate**

*Do governments acknowledge that integration can be successful, and do they make the case for investing in integration (financially and in terms of adapting the society and its institutions to diversity)? Or do they focus on integration failures to make a case against further immigration?*

In 1999 the Department of Justice Equality and Law Reform commissioned a report entitled *Integration: a two-way process* (Department of Justice, Equality and Law Reform 1999). This report deals only with the situation of refugees, rather than migrants in general, but it is the only official report to date on the subject of integration to date and gives an indication of official thinking in this regard. The working definition of integration adopted by the report was as follows:

"Integration means the ability to participate to the extent that a person needs and wishes in all of the major components of society, without having to relinquish his or her own cultural identity".

The report was produced at a time when Ireland's experience of immigration was very new. Apart from the fact that it deals with only one group of migrants, and not the largest one, it was necessarily aspirational in nature. It did not recommend 'hard

targets' in achieving the aims set out and no public review and evaluation mechanism was put in place to monitor implementation of the report. Nonetheless the report did make a series of recommendations, which may be summarised as follows (bearing in mind that the recommendations applied only to refugees and persons with leave to remain):

- Identify an organisational structure for coordinating and implementing integration policy
- Raise public awareness
- Make mainstream services more accessible (provide language assessment and skills training assessments; information on accessing mainstream services; provision of information in various languages; interpretation services; training programmes for service providers)
- Conduct research on needs, service provision and public attitudes; research into integration in other EU Member States

These objectives were modest but it must be said that progress was made on all of them. The Reception and Integration Agency now exists to provide an organisational structure (although critics would say there has been little work as yet on integration), there have been a number of public awareness campaigns, improvements in service provision have taken place, including the provision of information in a variety of languages, and a body of research (see chapter 2) has emerged.

What was perhaps missing in the early debates was an appreciation of the fact that there would need to be a more fundamental shift in attitudes, structures and services. It was not simply a question of making public services more user friendly for migrants but of the nature of the relationship between the migrant, Irish society in general and the nature of governance.

The initiatives in the area of refugees and persons with leave to remain are to only integration-related initiatives to date, with the exception of the broader field of anti-racism and action against discrimination. However, there are signs that the government is now moving towards adopting a more wide-ranging approach to integration of all migrants, not just refugees. In March 2005 the Minister for Justice, Equality and Law Reform announced the establishment of the Irish Naturalisation and Immigration Service (INIS), which is intended to be a 'one stop shop' for migrants in Ireland (Department of Justice 2005a). Integration will obviously be part of the INIS brief, although as yet the details of its mission have not been revealed.

Integration is not to be confused with assimilation. The NCCRI has noted in its submission in response to the public consultation document on immigration and residency (NCCRI 2005)

The term 'integration' has proved to be problematic in the Irish context. It can often mean different things to different people and in the worst cases it can be interpreted as another form of assimilation. Integration is commonly understood to be a two way process that places duties and obligations on both cultural and ethnic minorities and the State to create a more inclusive society. Yet this understanding does not account for the responsibilities of civil society.

We note that the government views integration as not a matter for the State alone but that a *"comprehensive integration policy encompasses a number of different strands from integration in the workplace or place of study, to*

*integration in the community and access to public services for all legally resident non-nationals. It involves employers, social partners, non-governmental organisations and society as a whole playing their part also.”* The NCCRI believes that an integration policy must be government led and funded and be the primary responsibility of the State with majority and minority communities having a share in the responsibility. We must seek to develop an inclusive and intercultural definition of integration that does not gloss over issues such as racism or ignore long-standing minority ethnic groups. The NCCRI submits that the recently published National Action Plan Against Racism provides an intercultural framework for ‘integration’ in Ireland.

With reference to the establishment of INIS referred to already, the NCCRI’s submission also notes:

In relation to the proposed Immigration Integration Unit, the NCCRI submits that such a Unit needs involvement from all the government departments and that key migrant organisations need to be represented. The Unit must also have strong links with other relevant initiatives such as the Steering Committee overseeing the National Action Plan Against Racism. If the government is serious about the integration and participation of migrants and their families into Irish society, they must commit sufficient resources to enable migrant led and support organisations to secure core funding for their organisation and be able to communicate needs and concerns to the new Unit.

### **The importance of the debate on policy development**

As just noted, the main thrust of Irish policy in recent years has been in the area of anti-racism and anti-discrimination work. The NCCRI has played the key role here and the form adoption by the Government of the National Action Plan against Racism (Department of Justice Equality and Law Reform 2005c), following an intensive and widespread process of consultation and preparatory reports and conferences, constitutes a keystone for future policy initiatives in this area.

The five primary objectives underpinning the NPAR are:

- Effective **protection** and redress against racism, including a focus on discrimination, threatening behaviour and incitement to hatred;
- Economic **inclusion** and equality of opportunity, Including focus on employment, the workplace and poverty;
- Accommodating diversity in service **provision**, including a focus on common outcomes, education, health, social services and childcare, accommodation and the administration of justice.
- **Recognition** and awareness of diversity, including a focus on awareness raising, the media and the arts, sport and tourism
- Full **participation** in Irish society, including a focus on the political level, the policy level and the community level.

The NAPR may be regarded as the template, which will underpin a range of Government initiatives in this field for the next three years.

## Long term diversity policies and civic citizenship

While the NAPR is a milestone achievement in setting new benchmarks for action in the fields of racism and anti-discrimination, there has as yet been little consideration of integration in the light of debates currently taking place in a range of other EU Member States, notably France, Spain, Netherlands, Denmark, Sweden and the UK. In particular, Ireland has not yet decided whether in the long term it wishes to embrace an explicitly multiculturalist policy along Canadian lines or whether it is likely to opt for a form of calibrated or *de facto* assimilation.

### 1.3 The brain drain debate

*Do governments use arguments related to the brain drain to propose restrictions on immigration levels? Or do governments highlight and promote the development potential of migration?*

Ireland has a strong interest in development issues. The country's commitment to development aid, expressed as a percentage of GNP, currently stands at approximately 0.41 per cent although it now seems that the Government has backed away from a commitment, given at the time Ireland was seeking a seat on the UN Security Council, to reach the UN target of 0.7 per cent of GNP by 2007. Nevertheless the politics of development attracts considerable public debate in Ireland and Irish agencies and personnel from a very vibrant NGO sector are active in a range of countries and continents. Figures suggest that Ireland is 12<sup>th</sup> in the ranks of developed countries in private contributions and direct volunteer activity (Dóchas 2005).

All of the major NGOs support the UN's Millennium Goals for the Majority World and campaign actively on a range of issues. While there has been an inevitable emphasis on key issues such as famine, debt relief, HIV, poverty, education and trade, the subject of brain drain has received very little emphasis.

The Government Development Aid policy does not currently address the issue of the potential downside of brain drain for developing countries. Yet the issue is already an acute one, notably because of key shortages in the health sector. An Australian document is worth quoting (Scott, Whelan, Dewdney, Zwi 2005):

- Recruitment by wealthy countries of health personnel from developing countries is threatening the viability of crucial health programmes in poor countries, especially in sub-Saharan Africa.
- Australia has participated in this "brain drain", although the extent and impact of this on different countries has not been adequately assessed.
- Australia depends on overseas-trained doctors to fill vacancies in public hospitals and private practice, particularly in rural and outer suburban areas where locally trained professionals are reluctant to work.
- Australia should adopt national strategies to minimise harm and maximise benefits of skills migration; concerted international action will also be required.

Clearly it would be foolish to argue that all migration by skilled personnel from less developed countries to wealthier, developed countries should be discouraged. Rather, the challenge is to foster a virtuous circle whereby entry and return of such qualified individuals will ultimately generate a brain gain upon their return to their

countries of origin. While work on this topic has been done, notably by the OAU, it has not in general been actively picked up by EU Member States, including Ireland.

### **Broader horizons**

Ireland is constrained to a very significant degree by the Common Travel Agreement (CTA) between the UK and Ireland. While this does not oblige the two countries to adopt exactly the same immigration rules, the maintenance of the CTA depends on there being a certain degree of policy alignment on the admission of third country nationals. Since the conclusion of the Amsterdam Treaty in 1997, there has been progress in Europe towards the creation of a common migration policy. Rather than be bound by all EU initiatives in this context, Ireland has negotiated a protocol whereby it may 'opt in' to certain measures. To the extent that it wishes to do so, its migration policy must comply with Community initiatives. But it has 'opted out', along with Britain, of the Directive on rights for long-term resident migrants. Moreover, the discussion document of the Department of Justice, Equality and Law Reform on immigration and residence specifically affirms this general derogation:

At EU level there have been significant developments in the immigration area in the last few years. The main directives, which have been agreed, are as follows:

- Directive on family reunification;
- Directive on the status of long-term residents;
- Directive on the victims of trafficking; and
- Directive on the admission of students.

While Ireland is not bound by these directives, its position is to participate as fully as possible consistent with the maintenance of the Common Travel Area with the UK. It is possible that at some point in the future Ireland and the UK will become fully involved in the immigration area of the EU *acquis*. The preparation of Irish legislation should therefore endeavour to ensure that, as far as possible, such legislation is in accord with EU legislation and that we benefit from the collective European experience in developing and implementing such legislation (Department of Justice, Equality and Law Reform 2005b).

It may be asked whether Ireland's 'opt-out' is a position of principle or a pragmatic reflection of its close geographical and historical relationship with the UK. There can be no doubt that a significant and consistent element of British thinking about border control has been an unwillingness fully to adhere to the Schengen *acquis* because it would mean to some extent relinquishing control of UK borders in favour of a pooled arrangement. Britain, like Ireland, has historically monitored the movement of persons by monitoring its borders, not by monitoring people in the places where they live. This has always been a more feasible and effective approach for island jurisdictions.

The British attitude may evolve over time, particularly if national identity cards (something which always opposed by successive governments up to now) are to be introduced. As far as Ireland is concerned, there would not appear to be the same position of principle as found in the UK case, but the Government has made it clear on many occasions that the preservation of the CTA (presumably for as long as both governments deem it necessary) must take priority. Details of consultations between

the Home Office and the Department of Justice, Equality and Law Reform are, in general, not made public.

Ireland is also obliged to comply with its human rights obligations under international law, but to date (in common with its EU neighbours) has not ratified the UN or ILO conventions on the rights of migrant workers.

### **The open method of co-ordination and Ireland's opt-out**

The Open Method of Co-ordination (OMC) is an alternative to traditional community methods of regulations and directives. The OMC has been adopted in policy areas where a degree of co-ordination is required in order to achieve certain desired outcomes or goals, but where national initiatives are deemed superior to the supranational (Hodson and Maher, 2001). By setting common goals and operating a system of review, it is hoped that the OMC will prompt policy reform in Member States, where necessary. The Lisbon European Council, which could be said to have formalised a set of previous methods by naming them as the Open Method of Co-ordination, set out a number of stages, which should be followed in applying the method. These included establishing a common set of guidelines and indicators and translating these into action plans at the Member State level. These would, in turn, be reviewed in an annual process of monitoring, evaluation and peer review.

In the area of immigration policies, the proposed directives allow for some degree of derogation by Member States in the short term. However, there is significant convergence and harmonisation expected, ultimately, in national immigration policies. This will prove essential if, as provided for in the proposed Directive on long-term residents, there is to be EU wide travel allowed for holders of long-term residence permits. In order for the policy implementation to be effective, a monitoring system with penalties for non-compliance will have to be put in place.

One of the basic principles of the open method is that it is 'open': there are no sanctions and no legal basis with which states must comply. Rather, there is peer review and where necessary, non-legally binding recommendations made on the performance of Member States. The application of the OMC in the area of migration is intended to support a legislative framework, which has been approved by Member States. In this regard, its application in the area of migration policies is more likely to be successful as there is a legal base. The areas, which are to be reviewed under the open method, are crucial to the implementation and success of migration policies in the Member States hence; the open method applied in this area could only strengthen and speed up the process of harmonisation in the area of migration policies.

Given the derogations or boundaries within which Member States may apply a degree of flexibility, the OMC certainly has the potential, at least in the short term, to prevent a significant degree of divergence in the policies of Member States. Ultimately, however, the effectiveness of the OMC in the area of migration policies will depend on the degree to which Member States are willing to initiate reform at the national level, and the degree to which 'soft' or 'hard' measures are applied in the process. Where the Community Guidelines on Immigration are successful in developing an effective approach to the management of the economic migration of third country nationals, the adoption of this approach and hence, the reform of national policies, is much more likely.

It will be evident that progress on the OMC and on EU immigration policy in general (apart from security and control measures) is likely to be slow in the present climate.

## **2. Basing policies on evidence and consultation**

### **2.1 Research**

*What work has been done? What main issues are emerging? Is there much evidence of the emergence of evidence-based policy research?*

As part of the background research for this paper, a survey was undertaken of recent research (i.e. in the past ten years). Approximately 250 publications were analysed; while no claim is made to absolute exhaustiveness the material reviewed is both reasonably comprehensive and representative. Certain works have not been taken into account, including mainstream legal studies on such specific topics as citizenship as well as general studies on European migration issues, which do not make substantial reference to the specificities of the Irish situation. It goes without saying that there is a need for comparative international studies in this field more than most, but unfortunately relatively few such studies involving Ireland have been undertaken so far.

#### **General studies on immigration**

Although there is no general study or monograph on immigration to Ireland, there are a very modest number of individual historical studies, a small number of demographic and economic studies, legal studies, policy and theoretical studies and a few contemporary empirical studies or conference papers.

#### **Asylum and refugee studies**

This is the largest body of research material to date (see tables below). Inevitably, much of it is concerned with:

- Urgent and short-term issues such as needs and service analyses to identify various gaps and to propose ways of addressing them.
- There are also several publications with a specifically legal focus.

A large number of other specific studies deal with:

- Gender issues;
- Health and welfare;
- Housing;
- Education; and
- Children.

There are also a number of critical works focusing on theoretical and/or broad policy issues. A few studies situate Ireland's policy in an historical context.

#### **Labour Migration**

Of all the work that has been published to date, only a small amount focuses on labour migration as opposed to refugees and asylum seekers. A small amount of research has also been carried out in Northern Ireland on labour migrants. Two short macro-economic studies on enlargement and immigration were noted.



## Minorities in Ireland

This is an emerging research field in Ireland. The emergence of a substantial phenomenon of immigration has spurred a reconsideration of the position and role of minorities more generally within Irish society, while new legislation (e.g. the *Equal Employment Act 1998* and the *Equal Status Act 2000*) are providing a framework within which the status of minorities can be measured. The concepts of parity of esteem and respect for diversity underlying the 1998 *Belfast Agreement*, as well as the emergence of a new, more pluralist and partly secular country, are also prompting a reconsideration of the multiple identities which typify the contemporary state. A number of useful general, legal and attitudinal surveys exist.

Specific sectoral issues e.g. health are explored and specific accounts of personal or ethnic group experiences are also evoked. A few studies consider the position of minorities from a more theoretical perspective e.g. work on anti-Semitism in Ireland.

## Racism, xenophobia and discrimination in Ireland

The modern reality of Ireland as a multiethnic state (although hardly a multicultural one as yet) has only received a limited amount of scholarly attention. Apart from MacGréil (1977), few studies of racism, prejudice and discrimination are to be found before the 1990s although mention should be made of Ireland's indigenous minority, the Travellers, mentioned in the previous section, a nomadic community which suffers extreme social exclusion and about whom some, although not much, previous work was done. The theorisation of Irish racism is very recent, starting with Robbie McVeigh's groundbreaking work (McVeigh 1992; McVeigh 1996). Mention should also be made of the key role of the NCCRI in this field.

The presence of new communities in Ireland, as well as the growing population and political debate about the place of migrants in society, is leading to an increasing volume of new teaching, research and publications. Some empirical work has been carried out on levels of racism. A smaller number of sectoral studies exist.

## Integration and Multiculturalism

As yet the promotion of a politics and policy of integration has not received much attention in Ireland. Behind a policy of vague respect for multicultural ideas there lurks a *de facto* 'assimilationism'. Apart from a number of texts which have been published by government agencies but which are not necessarily based on primary research, other texts approach the topic of diversity from a sectoral viewpoint e.g. health and education. A small number of studies consider integration from a theoretical and/or policy standpoint. Fewer still consider the issue from the perspective of new communities themselves.

## Summary of Research by sector

The breakdown by research area is as follows:

Immigration, general studies	43
Immigration, asylum seekers and refugees	103
Immigration, labour	11
Minorities	29
Racism, xenophobia, discrimination	36
Integration, interculturalism	22
<b>Total</b>	<b>244</b>

As will be immediately evident, research in the field is heavily focused on asylum issues. There is a small but mainly recent and growing body of material on immigration in general with as yet very few studies on labour migration. There are few studies of integration and intercultural issues as yet. Mention should also be made of the significant phenomenon of return migration and of the developing importance of international student migration flows to Ireland; there is little research either field as yet.

### **Who has carried out this research?**

A more detailed breakdown of the above publications was done according to the four categories (a) academic (b) NGO or advocacy (c) officially commissioned research (d) independent e.g. professional journals such as legal publications. The results may be summarised as follows:

	Academic	NGO/Advocacy	Official	Independent	<i>Total</i>
General Immigration	30	8	2	4	46
Asylum, Refugees	40	54	7	1	102
Labour Migration	3	4	2	1	10
Minorities	18	7	3	1	29
Discrimination	21	12	4	0	37
Integration	13	5	4	0	22
<b>Total</b>	<b>127</b>	<b>90</b>	<b>22</b>	<b>7</b>	<b>246</b>

### **The absence of a policy community and its impact on evidence-based policy**

As yet there are few 'think tanks' in Ireland and it could not be said that a vibrant policy community exists in the general area of immigration and integration studies. Moreover, following the closure of the only specialist research centre in Ireland in 2003 (Irish Centre for Migration Studies, Cork); there is no fully independent interdisciplinary research institute in this important field. Those studies which have been carried out have mainly been undertaken by academics as direct academic research (whether funded or not) or on behalf of NGOs. There is a relative absence of official research reports (the word 'research' has been interpreted fairly widely to include any document using an evidence-based approach to the field). Professional bodies and associations are beginning to get interested in the field (e.g. in the legal and medical areas) but as yet relatively little literature exists.

The absence of think tanks and the relative absence of dialogue on policy and research between officials, migration experts, academics and members of new migrant communities themselves goes some way towards explaining why an evidence-based approach is slow to emerge but, as this report suggests, this is now changing. A recent study was carried by COMPAS (University of Oxford), for a major international philanthropic foundation, into the relationship between NGOs and government in relation to migration policy. The research explored what makes NGOs influential in relation to national migration policy in its broadest sense; it is not an evaluation of NGOs of the barriers to dialogue with the government. It also assessed whether there is political space for NGOs to engage and do they have the capacity, strategy and legitimacy to engage.

The Economic and Social Research Institute (ESRI), a quasi-official research agency, is the contact point for the European Migration Network. They have produced many reports on migration issues in Ireland, which are now available on [www.esri.ie/search\\_research.cfm?researchcentre=1&t=current&mlid=3](http://www.esri.ie/search_research.cfm?researchcentre=1&t=current&mlid=3)

## What kind of research is being carried out?

Another analysis of the references was done (inevitably, a little arbitrarily in some cases) by classifying the material in a different way (a) general empirical research, including legal research (b) theoretical approaches (c) research designed to respond to more or less immediate needs (d) policy research. This yielded the following:

	Empirical	Theoretical	Urgent needs	Policy	Total
General Immigration	34	4	1	7	46
Asylum, Refugees	3	1	91	7	102
Labour Migration	4	0	4	2	10
Minorities	11	7	11	0	29
Racism, Discrimination	11	13	12	1	37
Integration	2	7	7	6	22
<b>Total</b>	<b>65</b>	<b>32</b>	<b>126</b>	<b>23</b>	<b>246</b>

It will be immediately evident that most research to date is largely **reactive** e.g. 91 out of 126 publications in the field of asylum and refugee studies deal in some way with urgent issues, legal shortcomings and problems of needs or service provision. A growing body of empirical research also exists, although there is a need for much more work and a particular problem exists insofar as the indicators needed to measure, for instance, levels of poverty and social exclusion among new migrants are largely lacking. It will also be noted that the number of policy-related publications is very small. This in part reflects the exigencies of funding for research (it tends to focus on short-term 'crisis' issues) and partly reflects the absence of a policy community embracing statutory and non-statutory stakeholders in this field in Ireland.

## NESC/IOM immigration report

The National Economic and Social Council, a body in which all of the social partners are represented, has commissioned a major study on immigration within the past year. The work is being carried out under the aegis of the International Organisation for Migration, which undertook a previous study of comparative international immigration policy for the Department of Justice, Equality and Law Reform. This report should be available before the end of 2005 and has already involved widespread consultations with a range of academic, statutory and voluntary experts.

## Examples of the impact of research on policy

Two brief examples may be cited as an indication that evidence-based approaches are emerging in the field of immigration policy.

The publication by the Migrant Rights Centre Dublin of *Private Homes: a public concern* (Migrant Rights Centre 2005) highlighted the levels of exploitation of female domestic workers in Irish private homes. While specific policy and legislative proposals have yet to emerge the report and the subsequent debate have led to expressions of political concern at government level and further action may be expected.

In Cork, an *ad hoc* initiative in 2002 led to the establishment of a research consortium embracing academics, migrants and NGOs, and officials from a range of municipal, regional and national statutory bodies (see <http://migration.ucc.ie/sirp>). This led to three important research initiatives (a) a service provision analysis (b) a qualitative survey of labour migrants (b) a European Study Visit Programme, to six cities across

the EU, to identify examples of good practice, which could be adapted to an Irish context. Further work is being led by the social inclusion office of Cork City Council. The Department of Justice, Equality and Law Reform (Reception and Integration Agency) has commissioned research for completion in December 2005 on the integration needs of refugees and others with leave to remain in the Cork city area with a view to implementing a series of specific pilot initiatives in the city.

### **Summing up**

Most of the research to date has been concerned with legal issues and urgent issues. Relatively little research on policy or integration has been undertaken as yet. While some of these gaps will be addressed by Government-commissioned research referred to elsewhere (IOM, NESC/IOM), it cannot truly be said that a 'policy community' exists as yet in this field in Ireland, but this situation is changing rapidly.

## **2.2 Including stakeholders**

A number of channels may be discerned.

### **Political channels**

Immigration is of course still a relatively new issue in Ireland. There is no anti-immigration party and the country has so far avoided the type of divisive debate about immigration found in a number of other EU Member States. A strong degree of cross-party consensus clearly exists regarding immigration issues, although opposition parties have been relatively quicker, unsurprisingly, to address issues of alleged exploitation and the more general issue of the rights and entitlements of migrants.

### **Social partnership**

The Irish social partnership model has been very successful, in providing a forum for discussion between government, employers, trades unions, agricultural interests and the community and voluntary sector and in delivering a series of consensus-based national agreements embracing a range of issues including wage rises but also broader issues of fiscal and social policy. The present agreement *Sustaining Progress* agreement expires at the end of 2005 and negotiations for the next round are already in the preparatory stage. While previous agreements referred to immigration in largely perfunctory terms an opportunity now arises for a more substantive approach to be adopted. It remains to be seen whether labour migration will feature as one of the approximately twelve priority areas likely to be adopted in the context of a new agreement, but it can at least be said that a developing degree of consensus is emerging between responsible employers, trade unions and NGOs concerning such key issues as the need for a path to permanence and the question of family reunification.

### **Public consultation processes.**

The public consultation processes already referred to constitute the main means of assessing general public opinion regarding migration.

## **The National Consultative Committee on Racism and Interculturalism (NCCRI)**

The National Consultative Committee on Racism and Interculturalism (NCCRI) is a partnership of government departments, agencies and non-government organisations. It was established by the Department of Justice, Equality and Law Reform. NCCRI seeks to provide an ongoing structure to develop programmes and actions aimed at developing an integrated approach against racism and to act in a policy advisory role to the government. It also promotes a more participative and intercultural society that is more inclusive of groups such as refugees, Travellers and other minority ethnic groups. NCCRI aims to mainstream the commitment and expertise to address racism in policy making and implementation measures by government and into the approach and concerns of other relevant institutions. It supports the development of anti-racism policy and measures at the European, local and regional levels. NCCRI was established in July 1998. It has a staff of five and is assisted by its Members in different sub-committees.

### **The community and voluntary sector**

A strong landscape of vibrant organisations has emerged in recent years. As well as the NCCRI there is now a range of NGOs, both Irish- and immigrant-led, which engage in advocacy and support as well as service provision for migrants and new communities in Ireland.

Insofar as there is a lacuna in this field, it is that there are as yet very few formal consultative structures in which migrants and/or their representatives must be consulted as of right or where there is any obligation on the statutory side formally to take their views into account.

## References

Chambers of Commerce of Ireland (2004). *Labour Force 2004*. Dublin: Chambers of Commerce of Ireland.

Coleman, D.A. (2001). 'Replacement migration; or, why everyone's going to have to live in Korea'. Department of Social Policy and Social Work, University of Oxford. [www.google.ie/url?sa=t&ct=res&cd=1&url=http%3A//www.apsoc.ox.ac.uk/Oxpop/publications%2520files/wp03.pdf&ei=Sp4LQ5v2N7H6RarCmbgG](http://www.google.ie/url?sa=t&ct=res&cd=1&url=http%3A//www.apsoc.ox.ac.uk/Oxpop/publications%2520files/wp03.pdf&ei=Sp4LQ5v2N7H6RarCmbgG), accessed 23/08/05.

CSO (2004). *Quarterly National Household Survey Quarter 1 2005*. Dublin: CSO. [www.cso.ie/releasespublications/documents/labour\\_market/current/qnhs.pdf](http://www.cso.ie/releasespublications/documents/labour_market/current/qnhs.pdf), accessed 23/08/05.

Department of Foreign Affairs (2002). *Report of the Task Force on Policy regarding Emigrants*. Dublin: Department of Foreign Affairs. [www.foreignaffairs.gov.ie/policy/TASKFORC.RTF](http://www.foreignaffairs.gov.ie/policy/TASKFORC.RTF), accessed 23/08/05.

Department of Foreign Affairs (2003). *Report of the Interdepartmental Working Group to consider the recommendations of the Task Force on policy regarding emigrants*. Dublin: Department of Foreign Affairs. <http://193.178.1.205/policy/documents/ReportoftheWorkingGroup.doc>, accessed 23/08/05.

Department of Justice, Equality and Law Reform (1999). *Integration: a two-way process*. Dublin: Department of Justice, Equality and Law Reform.

Department of Justice, Equality and Law Reform/International Organisation for Migration (2002a). *International Comparative Study of Migration Legislation and Practice*. Dublin; Stationery Office. [www.justice.ie/80256E010039C5AF/vWeb/fiJUSQ5XFGNA-en/\\$File/intstudyom.pdf](http://www.justice.ie/80256E010039C5AF/vWeb/fiJUSQ5XFGNA-en/$File/intstudyom.pdf), accessed 05/09/05.

Department of Justice, Equality and Law Reform (2002b). 'McDowell publishes Review of Public Consultation Process on Immigration and Report of the International Comparative Study on Migration Legislation and Practice'. Dublin: Department of Justice, Equality and Law Reform. [www.justice.ie/80256E01003A02CF/vWeb/pcJUSQ68QKTX-en](http://www.justice.ie/80256E01003A02CF/vWeb/pcJUSQ68QKTX-en), accessed 05/09/05.

Department of Justice, Equality and Law Reform (2004). *Irish Nationality and Citizenship Act 2004*. Dublin: Department of Justice, Equality and Law Reform. [www.justice.ie/80256E010039E882/vWeb/pcJUSQ68YGRW-en](http://www.justice.ie/80256E010039E882/vWeb/pcJUSQ68YGRW-en), accessed 05/09/05.

Department of Justice, Equality and Law Reform (2005a). 'Minister announces establishment of Irish Naturalisation and Immigration Service'. Dublin: Department of Justice, Equality and Law Reform. [www.justice.ie/80256E01003A02CF/vWeb/pcJUSQ6A3MVN-en](http://www.justice.ie/80256E01003A02CF/vWeb/pcJUSQ6A3MVN-en), accessed 05/09/05.

Department of Justice, Equality and Law Reform (2005b). *Immigration and Residence in Ireland: outline proposals for an immigration and residence bill*. Dublin: Department of Justice, Equality and Law Reform. [www.justice.ie/80256E010039C5AF/vWeb/pcJUSQ6BDEKH-en](http://www.justice.ie/80256E010039C5AF/vWeb/pcJUSQ6BDEKH-en), accessed 05/09/05.

Department of Justice, Equality and Law Reform (2005c). *National Action Plan against Racism*. Dublin: Department of Justice, Equality and Law Reform.

[www.justice.ie/80256E01003A21A5/vWeb/pcJUSQ5ZAFR5-en](http://www.justice.ie/80256E01003A21A5/vWeb/pcJUSQ5ZAFR5-en) accessed 06/09/05.

Department of the Taoiseach (2000). *Programme for Prosperity and Fairness 2000*. Dublin: Department of the Taoiseach.

[www.taoiseach.gov.ie/attached\\_files/upload/publications/310.pdf](http://www.taoiseach.gov.ie/attached_files/upload/publications/310.pdf), accessed 05/09/05.

Dóchas (2005). Website of Dóchas (umbrella body for Irish development NGOs), quoting study by Johns Hopkins University.

[www.dochas.ie/Documents/Facts/irish\\_private\\_philanthropy.htm](http://www.dochas.ie/Documents/Facts/irish_private_philanthropy.htm), accessed 18/07/05.

ESRI (2003). *Medium Term Review 2003-2010*. Dublin: Economic and Social Research Institute.

European Commission (2005a). *Green Paper on an EU approach to Managing Economic Migration*. Brussels: European Commission.

[http://europa.eu.int/comm/justice\\_home/doc\\_centre/immigration/work/doc/com\\_2004\\_811\\_en.pdf](http://europa.eu.int/comm/justice_home/doc_centre/immigration/work/doc/com_2004_811_en.pdf), accessed 05/09/05.

European Commission (2005b). Response of Irish Government to European Commission Green Paper. The copy of the letter on the Commission website is unsigned and unheaded.

[www.google.ie/url?sa=t&ct=res&cd=1&url=http%3A//europa.eu.int/comm/justice\\_home/news/consulting\\_public/economic\\_migration/contributions/contribution\\_ireland\\_en.pdf&ei=lcUdQ-ycOorORr-TwZMN](http://www.google.ie/url?sa=t&ct=res&cd=1&url=http%3A//europa.eu.int/comm/justice_home/news/consulting_public/economic_migration/contributions/contribution_ireland_en.pdf&ei=lcUdQ-ycOorORr-TwZMN), accessed 06/09/05.

European Commission (2005c). Public Opinion Analysis Sector of the European Commission.

[http://europa.eu.int/comm/public\\_opinion/index\\_en.htm](http://europa.eu.int/comm/public_opinion/index_en.htm), accessed 18/07/05.

European Union (1992). *Treaty on European Union*.

Eurostat (2005a). *Eurostatistics – data for short-term economic analysis No. 3/2005*.

[http://epp.eurostat.cec.eu.int/cache/ITY\\_OFFPUB/KS-BJ-05-003/EN/KS-BJ-05-003-EN.PDF](http://epp.eurostat.cec.eu.int/cache/ITY_OFFPUB/KS-BJ-05-003/EN/KS-BJ-05-003-EN.PDF), accessed 05/09/05.

Eurostat (2005b). Demographic Statistics: Fertility. Metadata SDSS.

[http://europa.eu.int/estatref/info/sdds/en/demo/dfer\\_sm.htm](http://europa.eu.int/estatref/info/sdds/en/demo/dfer_sm.htm), accessed 19/06/05.

Government of Ireland (2000). *Human Rights Commission Act 2000*.

Hodson, D., Maher, I., (2001). "The Open Method as a New Mode of Governance: The Case of Soft Economic Policy Co-ordination", *Journal of Common Market Studies*, Vol. 39(4), pp. 719-745.

Home Office (2005). *Home Office Accession Monitoring Report*. Croydon: Home Office.

[www.ind.homeoffice.gov.uk/ind/en/home/0/reports/accession\\_monitoring.Maincontent.0012.file.tmp/AM.pdf](http://www.ind.homeoffice.gov.uk/ind/en/home/0/reports/accession_monitoring.Maincontent.0012.file.tmp/AM.pdf), accessed 05/09/05.

IEBI (2005). *International students in higher education in Ireland 2004: current status, future trends*. Dublin: International Education Board Ireland.

Irish Times (2003a). Cliff Taylor, 'Report urges rise in retirement age', *Irish Times* 25 September 2003.

- Irish Times (2003b). Chris Dooley, 'Minister rejects raising retirement age', *Irish Times* 26 September 2003.
- Irish Times (2002). Nuala Haughey, 'Foreign Worker Schemes suspended to stem abuse', *Irish Times* 30 October 2002.
- Irish Times (2004). Carol Coulter, 'Urgent need for new immigration policy'. *Irish Times*, 14 June 2004.
- Irish Times (2005). 'From East to West: the Migrant Medics', Polish doctors in Ireland, *Irish Times*, 31 May 2005.
- Lentin, R. (2004). 'From racial state to racist state: Ireland on the eve of the citizenship referendum'. *Variant*, vol. 2. number 20, summer 2004.  
[www.variant.randomstate.org/pdfs/issue20/raciststate.pdf](http://www.variant.randomstate.org/pdfs/issue20/raciststate.pdf), accessed 05/09/05.
- Mac Einri, P. (2003). *Labour Migration into Ireland*. Dublin: Immigrant Council of Ireland.  
[www.immigrantcouncil.ie/labour.pdf](http://www.immigrantcouncil.ie/labour.pdf), accessed 23/08/00.
- Mac Éinrí, P. (2002). *Immigration and the Irish Media: one year of coverage in the Irish Times* (summary). <http://migration.ucc.ie/section2.htm> accessed 05/09/05.
- MacGréil (1977). *Prejudice and tolerance in Ireland*. Dublin: IPA. Revised edition published 1996.
- McVeigh, R (1992). 'The Specificity of Irish Racism.' *Race & Class* [Great Britain] 33, no. 4 (1992): 31-45.
- McVeigh R. (1996). *The Racialisation of Irishness: Racism and Anti-Racism in Ireland*. Belfast: Centre for Research and Documentation.
- Scott, M.L., Whelan, A, Dewdney, J., Zwi, A.B. (2005). "Brain drain" or ethical recruitment? Solving health workforce shortages with professionals from developing countries'. *Medical Journal of Australia*.  
[www.mja.com.au/public/issues/180\\_04\\_160204/sco10883\\_fm.html](http://www.mja.com.au/public/issues/180_04_160204/sco10883_fm.html), accessed 18/7/05.
- Migrant Rights Centre (2005). *Private Homes: a public concern*. Dublin: Migrant Rights Centre.
- NCCRI (2005). *NCCRI submission to the Immigration and Residence Discussion Document*. Dublin: NCCRI.  
[www.nccri.com/submissions/05JulyImmigrationResidence.pdf](http://www.nccri.com/submissions/05JulyImmigrationResidence.pdf), accessed 05/09/05.
- NCCRI (2002). *Migration Policy in Ireland: Reform and Harmonisation* Dublin: NCCRI.
- NESC (1986). *A Strategy for Development 1986-1990*. Report no. 83. Dublin: National Economic and Social Council.
- NESC (1990). *A Strategy for the Nineties: economic stability and structural change*. Report no. 90. Dublin: National Economic and Social Council.



NESC (1993). *A Strategy for Competitiveness, Growth and Employment*. Report no. 93. Dublin: National Economic and Social Council. Dublin: National Economic and Social Council.

NESC (1996). *Strategy into the 21st Century*. Report no. 96. Dublin: National Economic and Social Council.

NESC (1999). *Opportunities, Challenges and Capacities for Choice*. Reports nos. 104 and 105. Dublin: National Economic and Social Council.

NESC (2003). *An Investment in Quality: Services, Inclusion and Enterprise*. Dublin: National Economic and Social Council.

Netherlands Interdisciplinary Demographic Institute (2005). *First EU demographic estimates for 2004*. The Hague: Netherlands Interdisciplinary Demographic Institute. [www.nidi.knaw.nl/en/news/nowcast2004/](http://www.nidi.knaw.nl/en/news/nowcast2004/), accessed 25/05/05.

OECD (2005). *OECD Economic Outlook No 77*, May 2005. [www.oecd.org/document/18/0,2340,en\\_2649\\_201185\\_20347538\\_1\\_1\\_1\\_1,00.html](http://www.oecd.org/document/18/0,2340,en_2649_201185_20347538_1_1_1_1,00.html), accessed 05/09/05.

Statistics Sweden (2004). 'No immigration rush from new EU Member States' Statistics Sweden Press Release, 6 December 2004. Stockholm: Statistics Sweden. [www.scb.se/templates/pressinfo\\_\\_\\_\\_109269.asp](http://www.scb.se/templates/pressinfo____109269.asp), accessed 05/09/05.

Xinhua National News Agency (2004). 'Sino-Irish Relations at Record High'. [www.china.org.cn/english/2004/May/95077.htm](http://www.china.org.cn/english/2004/May/95077.htm), accessed 20/7/2005

Migration Policy Group  
Rue Belliard 205, box 1  
B-1040 Brussels  
Tel. +32 2 230 5930  
Fax. +32 2 280 0925  
email: [info@migpolgroup.com](mailto:info@migpolgroup.com)  
[www.migpolgroup.com](http://www.migpolgroup.com)