

# JUSTICE FOR THE UNDOCUMENTED



Living here. Working here. Belong here.

## CAMPAIGN SUMMARY

There are an estimated 30,000 migrants including children and families living undocumented in Ireland. Most have been in Ireland for several years working and paying taxes, and have become deeply rooted within Irish communities. People who are undocumented live under tremendous stress and fear, are more vulnerable to exploitation and are excluded from basic services. Most are cut off from their families similar to the Irish undocumented in the United States. Much of this issue has come about as a result of the previous government's failure to establish coherent immigration structures and policies. Ireland has the opportunity to provide a fair and responsible solution to this situation by introducing an Earned Regularisation Scheme which would benefit undocumented migrants, their families and Irish society.

## Background

The last ten years of government have seen a culture of denial, poor governance and a failure to address immigration matters fairly and effectively. The poorly thought-out and ad-hoc nature of the immigration system in Ireland contributed to thousands becoming undocumented. An estimated 30,000<sup>1</sup> migrants, including families and children, are now living undocumented in Ireland. This is having an extremely detrimental impact on their lives and on Irish society.

## Living Undocumented in Ireland

MRCI has been working with undocumented migrants and their families since 2001. In the two year period from July 2009 to July 2011, MRCI provided information and support to 1,250 undocumented migrants from 75 different nationalities. 75% were over 30 years of age and 87% had been living in Ireland for 4 or more years. Significant numbers of the undocumented population are families and children. An MRCI survey of undocumented migrants in 2011 revealed that 62% live with their spouse and 58% have children under the age of 18 years. 50% of all children were born in Ireland.

The majority of undocumented are engaged in some form of employment, typically in more informal job sectors such as restaurants and cleaning, often living on meagre incomes. Many have been with the same employer for several years. Due to their irregular immigration status undocumented migrants are much more vulnerable to mistreatment. Faced with few options and alternatives, they are forced to stay in exploitative situations.

Undocumented migrants often live in the shadows under tremendous stress and fear of deportation. They encounter significant problems in accessing basic and essential services, such as health and education. They remain effectively cut off from visiting their extended families just like the Irish undocumented in the US. They fear the authorities, in particular the Gardaí, and are reluctant to report crimes such as domestic violence, theft and racist incidents.

## Earned Regularisation Scheme

It is critical that Ireland address the situation of the undocumented by providing a fair and responsible solution that recognises and balances the issues and concerns of undocumented migrants and the State. MRCI believes this can be best achieved by introducing an Earned Regularisation Scheme. Such a scheme would give undocumented people and their families living in Ireland a window of opportunity to come forward and earn their way to permanent residency status. Upon registering for the scheme and paying a fine, eligible applicants would be granted a temporary residency status. Then individuals would work their way to earning permanent residency status by meeting specific criteria such as working, paying taxes and contributing to the community, over a limited time period.

Earned regularisation is not an amnesty. It is earned over time as opposed to being rewarded automatically. It is a pragmatic solution which considers both the rights and responsibilities of undocumented migrants, and the Irish state. International migration experts consider earned regularisation as the most effective model to respond to the undocumented situation. They also point out that any potential pull factor in terms of irregular migration is likely to be minor relative to other factors, such as the labour market and family reunion<sup>2</sup>.

<sup>1</sup> The figure is compiled from DJELR data and based on figures from ICMPD on regularisations in the EU, January 2009.

<sup>2</sup> Demetrios. G. Papademetriou & Will Somerville (2008) *Earned Amnesty: bringing illegal workers out of the shadows*. (PUB: Centre Forum)

# JUSTICE FOR THE UNDOCUMENTED

Living Here. Working Here. Belong Here.



## **Benefits of an Earned Regularisation Scheme**

An Earned Regularisation Scheme would benefit undocumented migrants, their families and Irish society. It would:

- Provide a humanitarian response for undocumented individuals, families and children to escape the constant fear, stress, poverty and isolation associated with living undocumented;
- Generate an estimated €75-100 million annually in additional tax revenue from undocumented workers and their employers;
- Improve overall public security, law enforcement and compliance, and enhance governance of immigration;
- Add credibility to efforts by the Irish Government for a solution to regularise Irish citizens living undocumented in the United States.

## **Political Support for the Undocumented Irish**

The undocumented Irish in the US has been an issue for over 20 years. There has consistently been cross party support to legalise and assist undocumented Irish families, children and workers in the US. In fact in 2007, a Fine Gael motion to support this issue received all-party support in Dáil Éireann. Many TDs currently sitting in the Dáil have travelled to the US to advocate for fair and humane treatment for Irish people living undocumented in the US. The situation of undocumented migrants in Ireland is very similar.

**“Tens of thousands of undocumented Irish citizens have over the decades settled in the United States, obtained employment and remained undocumented illegal migrants for many years. Members of the Houses of the Oireachtas from all parties, including myself, and Ministers have regularly visited Washington to persuade legislators and a succession of American Presidents to provide an amnesty for the undocumented Irish on basic humanitarian grounds. To avoid charges of hypocrisy and to give credibility to any such representations we may make in the future in Washington, should we not also show the same level of consideration and humanity to our undocumented immigrants as we expect be shown to the undocumented Irish in the United States?”**

**-Alan Shatter, TD (6 October 2010)  
(Current Minister for Justice since 2011)**

There is no reason why the Irish Government should not extend the same level of understanding and effort to resolve the situation of undocumented migrants in Ireland. Developing and implementing this type of scheme would be a ground breaking step by the Irish State. It would show leadership and vision in the area of regularisation and demonstrate the Irish government's commitment to solving the situation of the undocumented.

**“My life is here I have been living and working in Ireland for seven years. My daughter is top of her class in school. She is very talented. You know, all her friends are here. She feels she is Irish. I consider Ireland my home but we are stuck. We cannot move ahead with our lives. I am very fearful and worried for my daughter's future”.**

**-Laila from Malaysia**

## **Justice for the Undocumented Campaign Group (JUCG)**

*“We are not looking for a hand out, but for fair consideration to be given to our situation. Many people are living on the edges, and our group is determined to build support for our campaign so that it will make a difference not only in my life but in the lives of thousands of people.”*

*– Jayson, member of JUCG campaign group*

The JUCG is made up of undocumented migrants who have come together to work for a solution for all undocumented migrants in Ireland. The desperate situation and the welfare of undocumented families and children is a key concern for the group. The group is committed to working collectively through building broad-based support for an earned regularisation and working closely with the State to realise this.

Join Us on Facebook



[www.facebook.com/pages/Migrant-Rights-Centre-Ireland/](http://www.facebook.com/pages/Migrant-Rights-Centre-Ireland/)

Contact the MRCI

55 Parnell Square West, Dublin 1

T: (01) 8897570

F: (01) 889 7579

E: [info@mrci.ie](mailto:info@mrci.ie)

W: [www.mrci.ie](http://www.mrci.ie)