



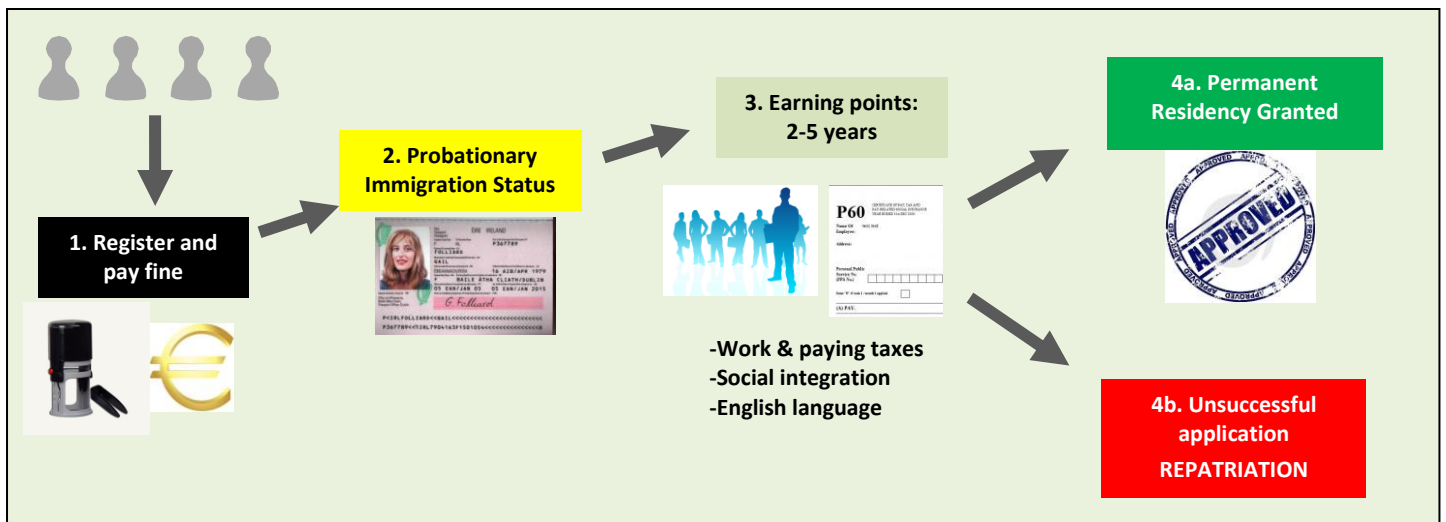
Earned Regularisation Scheme: How it would Work

What is an Earned Regularisation Scheme?

Regularisation is a process used by governments to afford undocumented persons the opportunity to legalise their immigration status. Earned regularisation is an approach of allowing undocumented migrants to “earn” temporary and/or permanent residency rights over a specified time period¹. An earned regularisation scheme is different to typical regularisation schemes that are solely based on a migrant’s length of time or employment in the State. Such blanket and retrospective schemes are often referred to as amnesties². International migration experts however consider earned regularisation schemes to be a more progressive and pragmatic model to respond to irregular migration. They deal more broadly and comprehensively with the undocumented population while attaching rigorous criteria which must be satisfied over time.

The steps of an earned regularisation scheme would involve an undocumented person registering with authorities and paying a fine. Qualifying applicants would be granted a probationary residency status and then earn points over a 2-5 year period to gain permanent residency status. Points would be earned by engaging in employment, paying taxes, gaining English language proficiency and participating and integrating into community life. Those individuals and families achieving a requisite number of points during the time period would gain permanent residency.

Steps to an Earned Regularisation Scheme



STEP 1. Registration

In order to qualify for an earned regularisation scheme an applicant must have been in the State for a minimum of six months at the time the scheme commences. A short timeframe in the state is recommended by experts to incorporate as many undocumented people as possible into the scheme. Registration would include the payment of a non-refundable fine, proof of identity and proof of time in the State. Demonstrating length of time in the State can be verified for example through public or employment records. The registration process would be time bound and allow authorities to rapidly identify applicants.

¹ Earned Amnesty: bringing illegal workers out of the shadows. Demetrios G. Papademetriou & Will Somerville: Centre Forum 2008

² Kerwin, Donald & Laglaron, Lauren *Structuring and Implementing an Immigrant and Legalization program: Registration the First Step*: Washington, Migration Policy Institute December 2010

STEP 2. Probationary Immigration Status

After registering, and provided that the applicant has no serious criminal convictions, individuals would be granted a probationary immigration status. This status would be renewable yearly for up to five years, and could only be withdrawn in the instance of serious criminal conviction. This status would allow the applicant to enter employment legally and give them the right to travel outside of Ireland subject to obtaining re-entry visas if applicable. Individuals would only be entitled to social welfare benefits provided they have made the pre-requisite contributions. During this period family reunion would be allowed only in exceptional circumstances.

STEP 3. Earning Points

Earning points would be the integral part of the scheme. Individuals or households would have 2-5 years to earn a minimum number of points. Points are earned through records and proof of employment, payment of taxes, English language proficiency, school attendance by children and participation in community life among other activities and criteria. The scheme would also allow individuals to earn points retrospectively by taking into account activities in Ireland up to two years prior to registration if they can be demonstrated. The scheme would be flexible and take account different types of employment, child rearing and care responsibilities and the dynamics of modern family life.

The following are some activities and criteria that would be used towards earning points.

- 1. Economic Integration:** Employment is a key indicator of social integration and a documented employment relationship is central to the scheme.
- 2. PRSI & Tax Contributions:** PRSI and tax contributions are important markers of formalised employment relationships and contributions to the State.
- 3. Family Integration:** Children born in the State and those who have been united with their families are often integrated into their respective communities. This demonstrates a strong connection to the State.
- 4. Educational Integration:** Takes into account previous and ongoing education in the State. Educational attainment in Ireland can be demonstrated through Junior/ Leaving/ FETAC/ HEATC certificates.
- 5. Social Integration:** Many applicants participate in their communities in various ways. It enhances an individual's social, cultural and political integration. A documented civic relationship, for example, voluntary work, participation in a community group, St Vincent de Paul or church could be demonstrated.
- 6. Continuous Residence in the State:** A person's length of residence in the country indicates a commitment to making Ireland their home and demonstrates a person's strong connection to State.
- 7. English Language Proficiency:** Command of the language allows a person to participate more fully and contributes to their economic mobility. Attaining an elementary English level or a course at a higher level can demonstrate English proficiency, for example a FETAC course in Childcare, or Communications.
- 8. Lawfulness Index:** There would be a serious criminal bar to the scheme³. This is designed to respond to security concerns and aims to bring the largest undocumented population into the legal framework.

STEP 4. Residency Granted or Denied

Once the minimum points are earned by an individual or household, an application would be submitted for final consideration. If no outstanding issues are identified, the applicant and/or household would be granted residency for five years or for the validity of their existing passport. This gives the right to family reunion, the right to work and the right to apply for citizenship. Individuals are entitled to social welfare benefits in line with pre-requisite contributions. If the minimum number of points are not earned within the time frame the applicant would face repatriation. An appeals process would be put in place to deal with unforeseen issues and concern.

³ In respect of serious criminal offences, adequate thought must be given to defining this bar and to what crime a person must have committed to be deemed a prolonged and series threat to the public at large.