

MRCI's submission on Integration, 'Multiculturalism' and combating Racism to the Joint Committee on Justice, Defence and Equality.



Introduction

The Migrant Rights Centre Ireland (MRCI) is a national organisation working to promote the rights of migrant workers and their families living in situations of vulnerability throughout Ireland. The MRCI works collectively with migrant workers to become involved in decision-making processes that affect their lives. We seek to influence policy, build public awareness on migration issues, undertake research and document the experiences of migrant workers. The MRCI supports locally based initiatives and networks at a local, national, European and global level

During the first half of 2013, MRCI assisted over 900 people from 88 different countries. Half of our queries related to regularisation or change of legal status, followed by issues related to the employment permit system, access to citizenship and access to social protection.

Realising Rights for Migrants, Immigrants and their families

MRCI believes that the integration of migrants extends from the full realisation of a person's socio-economic and cultural rights. Central to this concept is the active participation of migrants in civil and political life, in decision-making processes and structures that affect their lives. Equality measures and principles, coupled with ensuring access to rights, justice and basic services are central to realising integration. Therefore integration must be measured and based on equality, social inclusion and participation in society through - education, the labour market and civic and political life.

MRCI believes in the promotion of interculturalism over multiculturalism. In an intercultural society, the conditions are created for multiple cultures to live together and engage in cross-cultural dialogue and avoiding segregation. Being free from racism and discrimination are key indicators of integration in society. Racism in all its forms hinders the realisation of a person's socio-economic and cultural rights and is detrimental for society as a whole. The increase in racist incidents is a worrying trend.

Access to the Labour Market

Migration has been a key feature of the Irish Labour Market for the past 15 years. There is wide consensus that labour migration to Ireland will continue in some form for the foreseeable future. Migrant workers face a number of barriers when accessing the Labour Market; complex bureaucracy, employment permits, high costs and discrimination at recruitment. It has been widely accepted that the employment permit system, in its current format, prevents a number of migrants from entering employment and sets the ground for their future ability to participate within the labour market.

Currently over 12% of the population is non-Irish and this is reflected in our labour market. It is important to note that a person's entry to the state directly impacts on their experience within the State. This coupled with experiences and treatment within the labour market will have a direct link to a person's ability to integrate into Irish Society.

Access for migrant workers to the labour market can be understood as; those who require an employment permit; those who no longer require an employment permit - long term residency holders; those who have partial access - students and those whose lack of legal status prevents them from accessing the labour market - irregular migrants and asylum-seekers.

Participation and Progression in the Labour Market

Currently, despite having levels of education that are equal or higher, Non-EU migrants and nationals of the Accession countries still find themselves in lower-paid sectors of the economy and are disproportionately represented on the Live Register. Unemployment among migrants is 4% higher than among Irish workers standing at 17.5%. Correspondingly, migrants at risk of poverty are estimated at 18.5%, this figure is also 4% higher than for Irish nationals.

Migrant workers in the employment permit system, just over 32,000, continue to be linked to one employer and one job. To change employers, a person has to go through complex administrative procedures. This puts them at risk of falling out of the immigration system. Often, due to the fear of becoming undocumented many migrant workers accept exploitative conditions of employment. This unequal relationship often results in breaches in employment law and non-compliance.

Equality and recognition before the law and access to a fair hearing are enshrined in our International commitments. It is important that those affected by breaches of employment law have access to justice. Since the aftermath of the *Hussein v The Labour Court and Younis* decision, undocumented migrants have found their access to the Labour Court restrained. It is important that this matter is addressed as soon as possible to send a strong message to unscrupulous employers that exploitation will not be tolerated, and that anyone who is exploited will have the right to seek justice.

Within the labour market, migrant workers are overly represented in sectors of employment where part-time work, unsociable hours and over-time are prevalent. The dismantlement of Employment Regulations Orders (EROs) has severely impacted these sectors and in turn migrant workers. The dismantlement of EROs, the attacks on the minimum wage, the drive to cut costs and wages, underemployment and shorter working weeks has resulted in a section of society which is referred to as the "working-poor". MRCI has seen an increase of migrants and their families, including

children at risk of and living in poverty. The concentration of migrants in low paid, poorly regulated employment, coupled with the lack of training or opportunities for advancement, and with the problems associated with the work permit system has resulted in stagnation. This inevitably impacts on the extent of participation within the labour market and progression in society.

Immigration Legal Framework

The Irish immigration system is based on ad hoc legislation and administrative policies and practice. Ministerial discretion underpins the Irish immigration system, making it difficult for migrants to challenge decisions made by the State. Immigration law impacts on all aspects of a person's life and including a person's access to education, employment and social protection. Without certainty and clarity in these spheres integration remains aspirational. A transparent, robust and comprehensive immigration system outlining rights and entitlements which gives confidence and security to people is central to the integration of migrants.

Ireland has been waiting the passage of the Immigration Residence and Protection Bill for over 8 years. There is an urgent need for a comprehensive immigration legislation dealing with all aspects of migration. Previous legislative proposals did not address key issues, such as pathways to permanent residency, rights and entitlements for spouses and dependants, the right to appeal decisions or independent status for victims of violence.

Addressing Irregular Migration

The situation of undocumented migrants, which are currently estimated at 30,000, is a growing area of concern both nationally and internationally. In the Government's commitment to deal with the problems in our current immigration system, it is an issue that cannot be overlooked. MRCI has been advocating for an Earned Regularisation scheme as a practical solution to address the situation of undocumented migrants. If a person is undocumented – without legal status, they are unable to realise their fundamental rights. Access to housing, health, education and employment becomes extremely difficult, leaving a large group in Irish society without access to basic rights.

Access to Education

Education is a key element of successful integration. Currently, children of migrant workers, some of who have completed their primary and secondary education are faced with uncertainty and a lack of clarity about their legal status in the State. Key advancements have been made by the Department of Education and Science to address the reversal of fee status for young people who obtained citizenship. However it is essential that changes to our immigration legislation are made to recognise the long-term residency of those who entered as children dependants and that such residence is taken into account for appropriate fees structures at 3rd level education.

Racism and Discrimination

Racism prevents the successful integration of migrant communities. Unfortunately, it is currently on the rise. ENAR Ireland, a network of which MRCI is a member, has recently launched a national racist incidents reporting mechanisms. It is important to promote a centralised reporting mechanism in order to better understand racism and to put in place strategies and effective responses to end it.

Ethnic or racial profiling is the act of singling out an individual because of his race or ethnicity. Incidents of ethnic profiling by law enforcement agents and other State services have been on the rise. Currently, ethnic profiling in Ireland is not criminalised. Failure to address will stop Ireland from moving towards an intercultural society which values the contributions of first and second generation migrant communities.

Conclusion

The MRCI believes that migration positively contributes to building a more open and dynamic society to the benefit of all. The regulatory framework for migration inclusive of laws and policies needs to be based on human rights principles otherwise it will continue to result in violations of rights and undermine social cohesion. The values of human rights, equality and non-discrimination need to be at the heart of policy development and responses to ensure the integration of migrant within Ireland.

Recommendations

- It is important to address the gaps identified in our current Immigration legislation, preferably through the passage of a comprehensive Immigration, Residency and Protection Bill.
- In efforts to reform our Immigration system, an Earned Regularisation Scheme should be introduced in order to deal with the issue of Irregular Migration
- The Employment Permits System should be reformed in order to avoid exploitation and promote the access and participation of migrants to the Labour Market
- It should be ensured that every victim of labour exploitation has access to the Labour Court irrespective of legal status, to send a strong message that exploitation will not be tolerated.
- Residency over Citizenship should be taken into account when considering fees structure for third level education in recognition young dependents that went through the Irish educational system.
- Measures should be put in place to protect the rights and conditions of employment of those workers in low-paid, poorly-regulated sectors of employment.
- Racism and Ethnic Profiling should be regarded as a crimes and combatting them should be considered paramount in the achievement of Integration and Interculturalism.
- Prioritising funding measures which promote the participation of vulnerable migrants in society.