

Ireland is Home



An analysis of the current situation of undocumented migrants in Ireland

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Migrant Rights Centre Ireland

SUMMARY

Irregular migration is a complex yet common outcome of modern international migration. Migrant Rights Centre Ireland (MRCI) estimates that there are between 20,000 and 26,000 undocumented migrant adults living and working in Ireland today. It is MRCI's experience that the majority of undocumented migrants have entered Ireland legally and have been working and living here for many years, and this is supported by new research conducted by MRCI with 540 undocumented migrants: Ireland is their home. To date, the State has done little to respond to their situation. Inward migration to Ireland over the past decades has taken place in the absence of a comprehensive legal framework, a gap which has contributed in no small way to irregular migration. The improved economy and the significant length of time most undocumented migrants have lived here means this is an opportune moment to correct past mistakes by implementing a time-bound regularisation scheme. This would afford undocumented migrants in Ireland an opportunity to come forward and regularise their status.

INTRODUCTION

MRCI was founded in 2001 and has worked with undocumented migrants and their families ever since. This work has included the provision of advocacy, information and support to thousands of undocumented migrants, along with developing pragmatic, sustainable and well-researched policy solutions and advocating for change with undocumented migrants and supporters through the Justice for the Undocumented group (JFU) ¹

This policy paper offers a snapshot analysis of the current situation of undocumented migrants living and working in Ireland. It details the findings of ground-breaking new research and draws on over thirteen years' experience working with undocumented migrants and their families. Research findings are situated in a broader national and international context in relation to irregular migration. Using well-established international research methods and data available from the Irish Naturalisation and Immigration Service (INIS), an estimate is provided of the number of undocumented migrants in Ireland. Informed by MRCI's work with undocumented migrants as well as in-depth discussions with JFU members, the lived

¹ Justice for the Undocumented is a campaign group set up by MRCI in 2009. The group uses community work principles to work for change and is comprised of, and led by, undocumented migrants.

realities of being undocumented are shared. Finally, this paper sets out a number of the core elements of a proposed regularisation scheme - a timely, considered and pragmatic policy solution to irregular migration in Ireland.

RESEARCH METHODOLOGY

To inform an up-to-date analysis of the situation of undocumented migrants in Ireland, MRCI carried out research with 540 undocumented migrants. The research methodology draws from Participatory Action Research, an approach to research in communities which emphasises participation and action. The content, design and methodology were agreed with JFU members to ensure representation of undocumented migrants throughout the process. Nine JFU leaders were upskilled to conduct cross-sectional surveys in different communities to ensure a broad sample. The findings constitute an analysis of 540 surveys of undocumented migrants, gathered by undocumented migrants in their own communities between July and September of 2014. Interviews consisted of 29 closed-ended questions, administered in person and collected anonymously in order to respect participant confidentiality. The questions reflect aspects of undocumented migrants lives in Ireland including length of residency, family life, employment, and engagement with the immigration system. Responses were inputted manually by interviewers using a web-analysis tool.

An analysis of over 2,600 files from MRCI's case management system supplements and supports this data.

IRREGULAR MIGRATION: A GLOBAL REALITY

Irregular migration is a global phenomenon: a modern feature of international migration and managed migration systems. Deregulation, an increased demand for flexible labour, and precarious working conditions are key drivers of irregular migration. There is a dearth of reliable data on irregular migration, but credible and considered estimates do exist. According to 2010 research by the International Organisation for Migration (IOM), approximately 10-15% of the world's 214 million international migrants are undocumented. The 2009 Clandestino project² funded by the European Commission estimated that there were

² An interdisciplinary project funded by the European Commission to support policy makers in designing and implementing appropriate policies regarding undocumented migration. Project report entitled *Undocumented Migration: Counting the Uncountable Data and Trends Across Europe 2009*

then between 2.5 and 5 million undocumented migrants in the EU. The Platform for International Cooperation for Undocumented Migrants (PICUM) estimates a figure closer to between 5 and 8 million. Closer to home, LSE researchers estimated that the UK has a population of some 618,000 undocumented migrants.³

The ways in which people become undocumented are many and complex, and are often the result of arbitrary policies and procedures over which a migrant has little or no control. PICUM states that while migrant workers currently make an important social and economic contribution to European communities, insufficient regular channels of migration are in place to respond to labour market needs. This means undocumented migrant workers, are pushed to the margins of society – often while providing services essential to society. They are at increased risk of exploitation, poverty and social exclusion.

Undocumented migrants include persons who have entered the country unknown to authorities, those who have overstayed their visas, and those breach the terms and conditions of their permission to reside. Irregularity is an administrative infringement and not a criminal offence. It is often compounded by misinformation, administrative delays and exploitation. Immigration policies which emphasise on control, enforcement and return - while overlooking skills and shortages - will continue to produce irregular migration, leaving thousands at risk of social exclusion, vulnerability and exploitation.

IRREGULAR MIGRATION TO IRELAND

Over the past number of decades of inward migration to Ireland, irregular migration and the presence of undocumented migrants have remained a consistent feature of our migrant population.⁴ Throughout the 1990s, the State simultaneously sought to respond to humanitarian migration, to meet its obligations under the 1951 Geneva Convention, and to regulate labour migration through the introduction of the employment permits system. However, from the late 1990s onwards the huge demand for labour generated unprecedented levels of inward migration, and policies and legislation were not prepared to deal with the level of labour shortages and the corresponding inward migration required. Some 20 years later, no comprehensive legislation has been brought in to replace the piecemeal and ad-hoc policy

³ Ian Gordon, *Economic impact on the London and UK economy of an earned regularisation of irregular migrants to the UK*, 2009

⁴ MRCI *Life in the Shadows – An Exploration of Irregular Migration in Ireland 2007*

solutions developed at that time. This inaction has contributed in no small way to the emergence of irregular migration in Ireland. The subsequent downturn resulted in a severe constriction of the employment permit system, rendering new migration to Ireland from outside the EU virtually impossible. Nonetheless, many workers and families who came to Ireland during the boom remain here, and Ireland continues to be a country of both inward and outward migration.

ESTIMATING IRELAND'S UNDOCUMENTED POPULATION

There is little official data in Ireland in relation to the number of undocumented migrants. While it is not possible to categorically state the number of undocumented migrants in Ireland, it is possible to make a well-informed estimate. To make these calculations, MRCI used a 'residual method' – a widely-accepted technique based on official government data. Coefficients were derived from research conducted by Gordon et al. 2009; Economic Impact on London and UK economy of an earned regularisation of irregular migrants to the UK. The study identifies a coefficient to calculate the numbers of undetected migrants based on the numbers of undocumented migrants known to the authorities. Pioneered in the UK, the study offers the most appropriate measurement tool as the UK has the most similar immigration system, geographic boundaries and immigration flows to Ireland. It also shares a physical border with Ireland. Our estimate is calculated from data available from the Department of Justice and Equality via INIS and informed by MRCI's case management system. This method calculates low, medium and high estimates of the number of undocumented migrants in Ireland, resulting in a range of between 20,541 and 25,506 adult undocumented migrants in Ireland. Combining the estimated numbers of undocumented adults with estimated children of undocumented migrants, there are between 22,880 and 30,600 undocumented people in Ireland. The medium estimate for undocumented adults in Ireland is 23,024.

UNDOCUMENTED ADULTS IN IRELAND

- Low Estimate 20,451
- Medium Estimate 23,024
- High estimate 25,506

UNDOCUMENTED CHILDREN IN IRELAND

- Low Estimate 2,423
- Medium Estimate 3,672
- High estimate 5,106

ANALYSIS OF MRCI'S CASE MANAGEMENT SYSTEM

MRCI has been providing information and support to undocumented migrants for over 13 years. In 2013, one third of migrants accessing the Drop-In Centre were undocumented. Between May 2009 and October 2014, MRCI provided information and support to 2644 undocumented migrants from 96 countries. Of those 2644 people, the average length of time living in Ireland was 7.7 years. The average age was 37.

FINDINGS FROM THE SURVEY

An informed estimate of the number of undocumented migrants in Ireland is vitally important in the formulation of an evidence-based policy response. However, numbers say little about the situation of undocumented migrants and the impact living in legal limbo has on their everyday lives. MRCI's direct contact with migrants has increasingly revealed that Ireland is home to a significant number of undocumented migrants who have lived and worked in Ireland for many years, who have put down roots and who feel a deep sense of belonging here. Findings from the survey carried out with 540 undocumented migrants reinforce this assertion.

Length of time

In MRCI's experience, the vast majority of undocumented migrants in Ireland are not recent arrivals to the country. In fact, many arrived long before the recession, during Ireland's 'boom' years when the demand for labour was at its greatest. 81% of survey respondents have been living in Ireland for more than 5 years. Of this 40.5% have been living in Ireland for 8 years and longer and 21.5% for over 10 years.



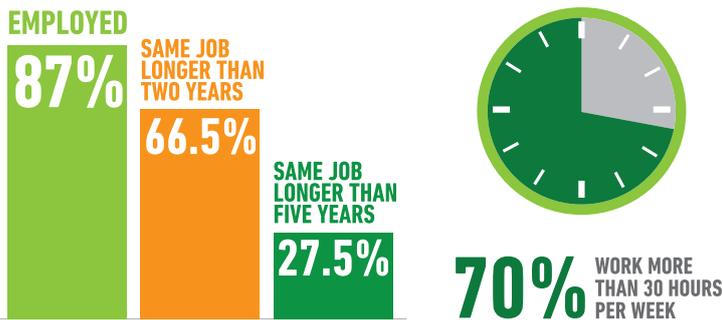
Entered Ireland legally

Consistently in MRCI's experience the vast majority of undocumented migrants enter Ireland with the appropriate documentation and subsequently fall into irregularity for a variety of reasons. There are many reasons – personal, financial and familial - why undocumented migrants choose to remain in Ireland. The continuous demand for their labour has been a significant factor in cementing their attachment to Irish society. In our survey, 86.5% undocumented migrants indicated that they had entered the country legally and then fallen into irregularity.

Employment

MRCI has found that the majority of undocumented migrants are in employment, typically (though not always) in lower-paid work. The survey confirmed that undocumented migrants are employed in a range of jobs across a number of sectors, concentrated in minimum- to low-wage work. The top five sectors of employment are Restaurant & Catering (37.5%), Domestic Work (32.5%), and Cleaning and Maintenance (10.5%). Other sectors include retail, hotel, medical, healthcare and agriculture.

This survey revealed that a huge majority (87%) are in employment. A high proportion of these (66.5%) have been in their current job for over 2 years and of this 27.5% have been in the same job for over 5 years. 70% indicated that they are working over 30 hours, with more than half earning over €300 a week. Of those not currently in paid employment – a group which includes stay-at-home parents - most have only been out of work for less than 6 months.



Nationality

Similar to the broader population of non-EU migrants in Ireland, undocumented migrants come from diverse backgrounds and represent a range of nationalities. The 540 undocumented migrants surveyed came from 29 countries across 4 continents. The top five nationalities revealed through the survey were Filipino (33%) – Chinese (25%) – Mauritian (11.5%) – Brazilian (6.5%) – Pakistani (6%). These are traditional economic migration sending countries.

Age and Gender

A significant percentage of those interviewed are of working age: 65.5% between the ages of 25 and 39. Of the 540 survey respondents, 51.5% are female and 48.5% male.

Tax Contribution

There are many difficulties associated with paying taxes as an undocumented worker, including the inability to secure a PPS number, fear of being tracked by authorities, and non-compliant and/or exploitative employers. In spite of these difficulties, one third of those surveyed indicated that they are currently paying taxes and almost half of those surveyed indicated that they have at one time paid tax. Despite paying taxes, undocumented migrants are not entitled to any social benefits.

UNDOCUMENTED MIGRANTS CONTRIBUTE €255 MILLION A YEAR IN CONSUMER SPENDING

Level of Education

Similar to the Irish undocumented in the USA, undocumented migrants have a variety of educational backgrounds. The survey reveals that many undocumented migrants in Ireland are well-educated, with 97% possessing secondary school education and 53% educated at third level.

Family Situation

Ireland is no longer a country of recently-arrived migrants. We now have a diverse multi-ethnic population. Young people make up a growing proportion of this diverse population, with one in seven children now coming from a migrant background. Similarly, many undocumented migrants are parents of children either in Ireland or in the home country. 44% of those surveyed for this research have children under 18, and just under a third of these have children in Ireland.

Legal Situation

Many undocumented migrants who are in contact with MRCI are 'undetected' - that is, they are currently unknown to the authorities. They live in fear of being brought to the attention of the authorities while working, raising families and going about their daily business. 94% of those surveyed indicated that they are not or have not been in any formal process to regularise their status. At the same time, over two thirds have sought advice

on how to regularise their status, indicating that many undocumented migrants are anxious to formalise their presence in Ireland.

The Impact of Being Undocumented

It is well-recognised that being undocumented has a direct and usually very negative impact on all aspects of one's life, be it in employment, accessing essential services, quality of family life and beyond. Ireland is well aware of the hardships and difficulties experienced by the Irish community living undocumented in the United States, and this is no different from the reality of life for the undocumented migrants who now call Ireland home.

Life in the Shadows, published by MRCI in 2007,⁵ outlined some of the difficulties and vulnerabilities experienced by migrants living with an irregular status in Ireland. Ongoing and recent discussions with migrants active in JFU confirm that these hardships remain.

WE WERE BROKEN INTO. EVERYTHING WAS TAKEN. WE COULDN'T CALL THE GARDAÍ. WE WERE AFRAID THEY WOULD ASK TO SEE OUR GNIB CARDS. IT WAS SUCH A HORRIBLE TIME FOR ME AND MY FAMILY. WE LOST OUR MONEY, ALL OF OUR STUFF. WE WERE FRIGHTENED, WE WERE IN TROUBLE AND THERE WAS NOTHING WE COULD DO.

Serena

Fear Factor

Undocumented migrants often live in the shadows under tremendous stress and constant fear of deportation. They fear the authorities, in particular the Gardaí, and are reluctant to report crimes such as domestic violence, theft and racist incidents.

⁵ MRCI, Life in the Shadows: An Exploration of Irregular Migration in Ireland, published in 2007 and based on in-depth interviews with over 60 undocumented migrant workers, highlighted a number of themes in terms of the impact of living with an irregular status: fear and psychological distress, barriers accessing services and support, working and living conditions, survival strategies, contact with home.

Accessing Essential Services, Fundamental & Social Rights

Once undocumented, migrants are systematically denied their fundamental rights. They encounter significant problems in accessing basic and essential services like healthcare. Medical emergencies and serious illnesses can be left undiagnosed for long periods; diminished access to pre- and post-natal services due to complex administration procedures and fear of officialdom can have long-term health implications for undocumented women. Children of undocumented migrants born in Ireland are unlikely to progress to third level; their legal status results in them being categorised as international students and therefore liable for the highest level of fees. Contrary to popular belief undocumented migrants in Ireland are unable to claim any benefits whatsoever from the Irish state, regardless of whether they are contributing tax or PRSI. This situation puts enormous strain on local actors such as health and education professionals, NGOs, and local authorities, who work with limited resources to overcome the obstacles that prevent undocumented migrants from accessing essential services.

Families and Children

Similar to the Irish undocumented in the United States, undocumented migrants in Ireland remain effectively cut off from visiting their families. This is a daily challenge for undocumented migrants and becomes particularly upsetting at times of family emergency such as illness and loss of loved ones. Parents involved in JFU also speak of the painful separation and sacrifice of being away from their own children, who are often being raised by extended family thousands of miles away. Children born to undocumented migrants in Ireland, along with those who have joined their parents at a young age and grown up in Ireland, face very uncertain futures. These children consider Ireland their home, yet have no right to residency or citizenship and are in a legal limbo upon leaving secondary school and attempting to get a job or access further education. There is a very significant and worrying impact on the mental health and well-being of young people growing up with this burden and a general feeling of hopelessness about the future.

Poor Working Conditions

Undocumented workers are much more likely to experience poor working conditions and are highly vulnerable to exploitation. Every year a significant percentage of migrants seeking support from MRCI in relation to employment rights violations are undocumented. Many are employed in less-regulated sectors of the labour market where non-compliance and exploitation are more commonplace. Faced with few options and alternatives, many are forced to stay in exploitative situations, fearing the risks of coming forward

and losing their income which would impact on nuclear and extended families both in Ireland and the home country.

TWO YEARS AFTER I LEFT MOROCCO MY GRANDMOTHER DIED AND A YEAR LATER MY GRANDFATHER DIED. AND THEN LAST YEAR MY FATHER PASSED AWAY. IT WAS A BIG SHOCK FOR ME WHEN HE PASSED AWAY. IT WAS VERY HARD TO BE AWAY FROM MY FAMILY, AND AS THE ELDEST SON NOT BEING THERE FOR HIS FUNERAL... THIS HAS BEEN THE HARDEST TIME FOR ME BEING UNDOCUMENTED IN IRELAND.

Abdullah

THE SOLUTION: REGULARISATION

Regularisations are internationally recognised as essential mechanisms for dealing with irregular migration in a systematic, responsible and fair manner. At this point in our migration history, some 20 years on and with an estimated number of up to 26,000 undocumented migrants resident in Ireland, it is imprudent to continue to ignore their situation. MRCI believes this situation can best be addressed through the introduction of pragmatic policy measures allowing for the administration of a comprehensive regularisation scheme. Such a scheme would give undocumented migrants a window of opportunity to come forward and regularise their situation.

Over the past ten years, the state has implemented two limited regularisation mechanisms: the 2005 Irish Born Child Scheme and the Undocumented Workers Scheme 2009. INIS have also administered preventative measures to stop migrants falling into irregularity, such as the Student Probationary Scheme. These policies and procedures have provided necessary and timely tools to address the some of the collateral damage produced by an immigration system that evolved in an ad-hoc fashion at a very quick pace.

In response to growing numbers of undocumented persons accessing our services, MRCI developed a

proposal for the introduction of an earned regularisation scheme (2010) which has been endorsed by over 30 organisations across civil society and the business sector, including a number of city and county councils. This scheme draws on international best practice and is based on informed, evidence-based policy. This earned regularisation proposal is centred on an agreed set of transparent criteria, including a provision for the length of time resident in Ireland, a requirement to enter into a probationary period,⁶ the operation of a criminal bar,⁷ and an administration fee to offset the cost of implementation. Expert legal advice indicates that a scheme such as this can be introduced as part of a policy package and does not require legislation.

THE SINGLE HARDEST THING ABOUT BEING UNDOCUMENTED IS WHAT MY OWN DAUGHTER IS GOING THROUGH. SHE FEELS HOPELESS ABOUT HER FUTURE AND I AM HER MOTHER AND CANNOT HELP HER. SHE LOVED SCHOOL. SHE DID A BRILLIANT JUNIOR CERT. THE BOTTOM LINE IS SHE CANNOT MOVE ON, SHE CAN'T GO TO UNIVERSITY – EVEN IF WE HAD THE MONEY SHE DOESN'T HAVE THE RIGHT PAPERS. SHE CAN'T GET A JOB EASILY BECAUSE SHE IS UNDOCUMENTED. SHE FEELS IRISH. SHE HAS GROWN UP HERE. SHE IS ROOTED HERE – BUT SHE HAS NO RIGHTS. SHE IS IN A DEEP DEPRESSION AND I FEEL HELPLESS.

Rebecca

⁶ During a probationary period undocumented migrants would be issued with a temporary status/visa, have the right to work without a work permit and have the right to travel. It gives the Department an opportunity to administer the scheme and puts in place reasonable conditions that applicants must satisfy in order to secure residency
⁷ Similar to other programmes internationally, this scheme would exclude all persons with a serious criminal conviction.

WHY REGULARISATION MAKE SENSE.

It's good for the economy

Undocumented migrants contribute to the economy through direct and indirect taxes and through consumer spending. If regularised, undocumented migrants could contribute over €18.3 million per year in direct taxation alone. Administrative immigration fees and additional income from employer PRSI contributions would increase this figure. This offsets immediate resource implications for the introduction of such a scheme and contributes significantly to the tax purse.

It's good for governance and Government

A regularisation programme enables the Government to quantify its undocumented population. This improves overall public security, law enforcement, and compliance, and enhances governance of the immigration system. A regularisation scheme simply deals with, rather than 'rewards', irregular migration. The alternative to a regularisation scheme is to mount mass deportations which would be prohibitively expensive, morally reprehensible, and legally questionable, given the reality that undocumented migrants are increasingly living and working in Ireland long term, many with families.

It keeps us in step with international practice

Ireland is out of step with many of its EU partners in not recognising that regularisation policies are a necessary part of managing migration. Although the Common EU Pact on Immigration and Asylum favours case-by-case regularisation, there have been more than 40 large-scale regularisations across the EU over the past 10 years. It also adds credibility to efforts by the Irish Government to agree regularisation for Irish citizens living undocumented in the United States. Implementing a regularisation scheme here would undoubtedly put Ireland in a stronger position when advocating for the regularisation of undocumented Irish migrants abroad.

It's good for communities and social cohesion

There are social, political, cultural and economic benefits to addressing the irregular status of thousands of migrant workers who have put down roots and call Ireland home. Not least of which is the contribution a regularisation scheme would make to aiding social cohesion in a diverse multicultural Ireland and proactively addressing barriers to integration. A significant number of undocumented migrants have children in Ireland who face very uncertain futures in the only place they have ever called home.

It lives up to Ireland's humanitarian commitments

A scheme such as this provides a humanitarian response for undocumented individuals, families and children to escape the constant fear, stress, poverty and isolation associated with living undocumented.

I WAS EMPLOYED BY A FAMILY TO WORK IN THEIR BUSINESS BUT I ALSO MINDED THEIR CHILDREN, CLEANED THE HOUSE, TOOK CARE OF THE GARDEN, PAINTED GATES AND FENCES... THE HOURS WERE 7AM – 7PM, EVERY DAY. I WORKED FOR THEM FOR SEVEN YEARS... I AM A MOTHER, MY YOUNGEST SON BACK HOME HAS A HEART CONDITION, I NEED TO PAY FOR HIS CARE. I THOUGHT, WHAT CAN I DO? I HAVE TO FEED MY CHILDREN.

Nelde

CONCLUSION

Irregular migration is complex and states are challenged to respond to it in a manner which is consistent with values of justice, democracy and human rights. Overlooking regularisation mechanisms and other forms of legalisation and attempting to deal with this situation through enforcement alone is ethically questionable, procedurally cumbersome, very costly, and will inevitably result in greater levels of poverty, disadvantage and social exclusion amongst migrant communities. What is very clear is that the situation of undocumented migrants who have made Ireland home can no longer be ignored. This policy paper demonstrates a small portion of the contribution that many undocumented migrants bring to Ireland socially, economically and culturally. It also highlights some of the many hardships and challenges faced by undocumented migrants.

To address this situation, strong leadership and a commitment to equality are required. If we continue to ignore the situation of undocumented migrants and their children in Ireland, we will continue to deny their human rights. As we move out of recession, we have an opportunity to draw a line under Ireland's broken immigration system and introduce a regularisation scheme.

We asked for workers, and people came. Undocumented migrants have contributed to Irish society and the Irish economy, put down roots and made Ireland their home. As successive Irish governments have advocated for the regularisation of the undocumented Irish in the US, the same consideration must now be given to the undocumented migrants living and working across Ireland.

Migrant Rights Centre Ireland is a national organisation working to promote justice, empowerment and equality for migrant workers and their families.

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