



MRCI's submission to the Anti-Racism Committee
National Action Plan Against Racism
July 2021

Migrant Rights Centre Ireland

Founded in 2001, MRCI is a leading national community work organisation working at the intersection of immigration and employment with migrants predominantly in non-unionized low paid and precarious sectors of employment. MRCI works directly with migrants who become undocumented, with people who have been trafficked for forced labour, with minority ethnic young people, and with migrant workers in domestic work, agriculture, homecare, restaurants, hotels and catering, cleaning and with fisheries.

Our work combines frontline services, policy, and advocacy with a community development approach that builds deep connections with migrant workers and supports their participation and leadership on migrant rights issues. In 2020, our Drop-in Centre provided information, support and advocacy on 3,442 cases to people across 125 nationalities. For the past 20 years, MRCI has been bringing issues of discrimination, exploitation and social exclusion into public view.

Introduction

MRCI welcomes the engagement on this strategy and the consultation process to date. It is important that the strategy articulates a vision of Ireland free from racism and discrimination. It therefore must be brave and ambitious in the action it takes to lead in the fight against racism. The plan must not only respond to direct racism, but make great strides to address institutional racism in Ireland.

Recommendations are as outlined below to address this. The plan therefore needs to be informed by definitions that assist in understanding and addressing institutional racism in all its forms. Failure to do this will undermine this plan.

This strategy has the opportunity to ensure that people can live free from racism and discrimination, have a decent standard of living and working, giving people what is needed to progress and flourish in work and life.

1. Overarching Recommendations

1.1 NAPAR Strategy, Implementation + Measurement Framework

An effective National Anti-Racism Strategy requires a number of key elements. Clear objectives and benchmarks inclusive of civil society concerns and be integrated across all Government departments as well as a number of new initiatives are key. Detailing targets with concrete actions, activities, outputs and timelines are essential to deliver the strategy. Developing an impact measurement framework with short, medium and long term indicators is essential along with putting in place a clear, robust and transparent monitoring system and implementation plan. This strategy must also make reference to and intersect with Ireland's National Integration Strategy.

At its core, the strategy must have a commitment to community development and principles of empowerment, participation, collectively, anti-poverty, inclusion, social justice, human rights and equality. To shore up success additional funding must be allocated towards its implementation, including funding for organisations working on the ground.

1.2 Establishing a new Anti-Racism and Integration Body

Establish a new independent National Expert Body for Minority Ethnic Communities, Integration and Interculturalism which would be responsible for the design, oversight and implementation of a NAPAR among other responsibilities to address all forms of racism in Ireland. This body will also advise the Government on ways to address new and emerging challenges and concerns, including responding to Far Right actors. MRCI recommends that funding for this area is ring fenced in budget 2021/2022 to establish this new body.

2. All forms of media and communications, including new technologies

Overview

The sheer lack of diversity across the workforce within the media is a significant factor in shaping people's perspective on ethnic minority and marginalised communities. Media coverage too often is framed in a negative light or told as a 'single story' and is not cognisant of the damaging effects harmful and racist language which often goes unchallenged has on marginalised and under-represented communities.

We live in a world where people's opinions are shaped and informed by the media, whether broadcast, print or social. If one only hears negatively about a particular group, that's the opinion they will form. Media has a significant role and responsibility in addressing racism. Diversity and difference across our communities need to be celebrated as the norm, not the exception.

Recommendations:

Department of Environment, Climate and Communications

- Anti-racism training for staff to combat racist ideologies and practices within media organisations, with a particular focus in the State Broadcaster RTE
- Transparency in pay grades, promotion and recruitment policies so that people from diverse backgrounds can apply and thrive in these organisations.
- Introduce paid internships targeting people from diverse backgrounds
- Ensure companies are taking actions to stop hate speech from proliferating in their platforms
- Invest in ways to report and block accounts that are promoting hate speech
- Invest in technology/algorithms to identify hate speech

Data Commissioner

- Provide additional funds to the Data Commissioner to bolster their role in the protection of people's data from manipulation and to hold big tech firm to account

3. Labour Market - Exploitation + Discrimination

Overview

The Irish Census 2016 shows that 17.3 percent of the population in Ireland was born abroad¹. Central Statistics Office (CSO) figures also show that 14.9 percent of the workforce are non-Irish nationals, with almost half employed in Food Services, Manufacturing Industries and Human Health and Social Work. Nearly half (46.9 percent) are classified as non-manual, manual skilled, semi-skilled or unskilled workers, compared to 39.2 percent of Irish nationals².

Despite the presence of a legislative framework related to discrimination in the labour market, it is acknowledged this is not consistently applied. While the Employment Equality Acts, 1998-2007, along with the Equal Status Acts, 2000-2004, seeks to protect employees from discrimination in employment on the grounds of gender, marital status, family status, age, disability, race, sexual orientation, religious belief, and members of the Traveller community, there remain still many limitations in the protection of workers.

Irish Labour Market

The labour market is characterised by low pay, underemployment and precarious work, which disproportionately affect migrant workers. According to the Think-tank for Action on Social Change (TASC), one in four people work for low pay in Ireland³, and about 44% of workers are 'precariously

¹Chapter 5 Population and Diversity (2017) https://www.cso.ie/en/media/csoie/releasespublications/documents/population/2017/Chapter_5_Diversity.pdf

²Census Profile 7 Migration and Diversity (2017) <https://www.cso.ie/en/csolatestnews/pressreleases/2017pressreleases/pressstatementcensus2016resultsprofile7-migrationanddiversity/#:~:text=Economic%20Status,for%2014.9%25%20of%20the%20workforce>

³The State We are In; In-Equality in Ireland; Sweeney, R. TASC March (2020) https://www.tasc.ie/assets/files/pdf/the_state_we_are_in_tasc_final_030320.pdf

employed'⁴. The Nevin Economic and Research Institute (NERI) also points to a hidden precarity in the Irish labour market⁵.

The Organization for Security and Co-operation in Europe (OSCE) identifies a markedly higher rate of underemployment in Ireland than in many other OECD countries, due to the high incidence of part-time employment⁶. **The Migrant Integration Policy Index (2020) identified labour market mobility in the Irish labour Market as below average for migrants, leaving workers much less supported than in any other EU countries⁷.**

In addition, the International Labour Organisation (2020) carried out important research into pay gaps faced by migrant workers across 49 countries. **It found that in the last five years the migrant pay gap has widened in Ireland to 21 per cent compared to 19 per cent in 2015⁸.**

In tandem, a person's point of entry to the labour market and their immigration status can further compound precariousness. It is well documented that this has a significant impact in determining labour market outcomes⁹. Despite some positive advancements prior to Covid-19, people still face many barriers in accessing and progressing within employment¹⁰.

3.1 Discrimination

Research carried out by the Economic and Social Research Institute into the impact of Ethnicity and Nationality in the Irish Labour Market showed that Black non-Irish people are 0.4 times as likely to be employed as White Irish and five times as likely to experience discrimination when seeking work. Black Irish people are twice as likely to experience discrimination seeking work and just under three and a half times as likely to experience discrimination in the workplace as White Irish people. Both Black Non-Irish and Black Irish people are much less likely to hold a managerial or professional job¹¹.

It went on to identify that White EU-East nationals had no difference in employment rates, but that this group is more likely to experience discrimination in the workplace. Members of this group are also

⁴Precarious Work, Precarious Lives, how policy can create more security; Pembroke, S. TASC (2018) https://www.tasc.ie/assets/files/pdf/precious_workersweb_version.pdf

⁵The new OECD Jobs Strategy Good jobs for all in a changing world of work (2018) <http://www.oecd.org/ireland/jobs-strategy-IRELAND-EN.pdf>

⁶Evidence of persistent precariousness in the Irish Labour Market; NERI Nugent, C. (Feb 2020) <https://www.neriinstitute.net/blog/evidencepersistent-precariousness-irish-labour-market>

⁷Migrant Integration Policy Index, Ireland 2020 <https://www.mipex.eu/irelandhttps://www.oecd.org/ireland/jobs-strategy-IRELAND-EN.pdf>

⁸The migrant pay gap: Understanding wage differences between migrants and nationals; International Labour Organisation (ILO) December 2020; https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_763798.pdf

⁹Policy and Practice Targeting the Labour Market Integration of Non-EU National in Ireland; Arnold, S. Quinn, E. Groarke, S. McGinnity, F. and Durs, C.; ESRI Research Series Number 89 (June 2019) https://www.esri.ie/system/files/publications/RS89_1.pdf; Ethnicity and Nationality in the Irish Labour Market Frances; McGinnity, Raffaele Grotti, Sarah Groarke & Sarah Coughlan ESRI + IHREC 2018

¹⁰Ethnicity and Nationality in the Irish Labour Market. McGinnity, F., Grotti, R., Groarke, S., & Coughlan, S. (2018) Economic and Social Research Institute and the Irish Human Rights and Equality Commission. <https://www.esri.ie/publications/ethnicity-and-nationality-in-theirish-labour-market>

¹¹Census 2016 Summary Results - Part 1; CSO (April 2017) <https://static.rasset.ie/documents/news/census-2016-summary-results-part-1-full.pdf>

considerably less likely to occupy managerial and professional jobs. The research also showed that Asian non-Irish groups do not differ from White Irish in terms of their overall employment rates but they are less likely to be in the top jobs. Amongst the reasons were lack of progression, inequality and underemployment which is consistent with the experiences of workers presented below.

In December 2020, MRCI produced research; *Access, Progress Thrive, Towards an Inclusive Labour Market* ¹² which highlighted problems across the labour market for people from an immigrant background. It outlined barriers to labour market participation and progression as a result of limited mobility, immigration status, terms and conditions of employment including exploitation, racism and discrimination, underemployment, the lack of social capital, recognition of skills and education and language acquisition.

3.2 Exploitation

It has been well documented that migrant workers experience exploitation and discrimination to a significantly higher degree to a range of factors/barriers including language, access to information and supports to contest issues, lack of union presence, vulnerability of non-EU migrants with employment permits held by their employers and undocumented migrants.

Covid-19 has shone a light on essential work across the labour market – care, retail, agri-food, manufacturing and processing. It put a sharp focus on the value of essential workers keeping the country going, in particular migrant workers and those who hold general employment permits and moreover migrant workers in meat factories, one of the hardest hit sectors under COVID-19. However this value is not reflected in their rights. It also laid bare deficiencies in institutions set up to protect workers. The Health and Safety Authority came under huge scrutiny and pressure in its inability to inspect workplaces and protect workers.

This period also amplified the social exclusion and has embedded exploitation in the experience of migrant workers. Migrant workers are overrepresented in sectors where pay is low, there are unsafe and poor conditions e.g. meat, fruit pickers, mushrooms, care work, hospitality. Many non-EU/EEA workers are tied to their employers due to the inflexible employment permit, and risk of precarious immigration status if they seek to change their employer. The lack of mobility for workers on general employment permits continues to put workers at risk of poor working conditions and exploitation.

Recommendations

Department of Enterprise, Trade and Employment, Department of Justice; and Department of Children, Equality, Disability and Youth

¹²Access Progress Thrive, Towards an Inclusive Labour Market in Ireland, MRCI Dec 2020

- Critical and long term funding to organisations reaching out, supporting and educating workers in precarious job sectors to better understand and assert their workplace rights, organise for better conditions and access redress when necessary.

The Department of Enterprise Trade and Employment

- Introduce gradual mobility to all Non EU/EEA workers as per recommendations below regarding employment permit rules
- Introduce stricter fines and penalties against employers who consistently fail to comply with employment and health and safety laws and regulations.
- Conduct research into the migrant pay gap that has significantly and worryingly widened in Ireland
- Introduce a Living wage for all workers in the state.

Workplace Relations Commission

- Active programme of information and inspection by the Workplace Relations Commission compliance section into low wage, precarious sectors.
- Clear access of undocumented migrants to seek redress through the Workplace Relations Commission.
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Health and Safety Authority

- The Health and Safety Authority to develop guidelines for the meat processing sector

Education and Training Board

- A review of the impact of the ETB Skills for Work programmes. This should measure outcomes for migrant workers and progression and willingness of employers to give time off to staff. It should inform an outreach strategy to target migrant workers into training with a view to reform with more proactive engagement with workers particularly in low paid and precarious sectors of the labour market.

3.3 *Employment Permit System*

Overview

Ireland continues to operate an employment permit system that promotes inequality and limits the rights and progression of people on general employment permits. This system values IT workers over meat factory workers providing a suit of enhanced rights for the former. We believe that everyone who comes to Ireland to live and work deserves to be treated equally, have the same basic set of rights and opportunities to progress in the labour market.

Ireland operates a work permit system for non-EU/EEA workers. The Employment Permit system has created a multi-tiered system with different sets of rights and entitlements. The *Critical Skills Permit* gives immediate family reunification rights and access to the labour market after two years without the need for a permit. Spouses of *Critical Skills Permit* holders are given full access to the labour market on

a stamp 1G, while on the other hand a worker on a *General Employment Permit* is tied to an employer for five years, must wait for a year to apply for their dependents and spouses. In addition, spouses or dependents are only given a stamp 3 dependent status and must apply for a *General Employment Permit* to access the labour market which is subject to a limited list of job categories.

To change employers, workers have to go through complex administrative procedures which involve undertaking a Labour Market Needs Test, a minimum salary threshold and an ineligibility for certain sectors of employment. This complex process of changing employers puts non-EU/EEA workers at huge risk of falling out of the immigration system and at risk of poor working conditions and exploitation. Many migrant workers accept poor conditions of employment as they fear losing their immigration status. This unequal relationship often results in breaches in employment law, non-compliance and exploitation. Non-EU/EEA workers are clearly in a more vulnerable position in comparison to other workers, and unscrupulous employers can use this to their advantage.

Dependency on one employer for their immigration status which often leads to an abuse of power and exploitation. Currently if an employment permit holder leaves employment due to a dispute or exploitation they are not allowed to work for a new employer until a new application is made and a new permit issued. Thus, due to fear of losing their job, workers tend to endure the exploitative situation and opt not to access redress.

This is compounded if their permission to remain is nearly expired and with little time to look for a new employer, workers find themselves without legal status. Whilst a *Reactivation Permit* is in place which allows any person who loses their work permit through no fault of their own, for example as a result of exploitation, deception or fraud, an avenue to get back into the system. This however should be a mechanism of last resort.

Some newly arrived Employment permit holders depend on information with their employers. It is very challenging for workers to access information and make complaints especially when they are in the state for a short time and working in isolated places.

Reducing time spent on employment permits would give migrant workers access to live and work without a permit and to apply sooner for family reunification. This will allow workers a better opportunity to combat poor treatment and conditions, and have the moral and financial support of their families.

Recommendations:

The Department of Enterprise Trade and Employment

- Dissemination of Employment Rights booklet included in the Employment Permit
- Equality of all types of Employment Permits issued to workers;
- Change the general employment permit conditions to make them the same as critical skills permits which allow:
 - full access to the labour market after two years

- immediate family reunification rights and
- The right to work for spouses and dependents.

Finally, MRCI is also concerned about moves to amend legislation to introduce new seasonal employment permits with few rights and no provision to move to other work in the State will lead to eth exploitation on newly arrived migrant workers. We are firmly against such moves. However, should this go ahead, any seasonal permit introduced must make provision for permit holders to transition to more long term work and status in the state.

3.4 Undocumented workers, children, young people and families

Undocumented Migrants

Overview

Irregular migration is a common feature of all modern managed migration systems. MRCI very much welcomes the introduction of the regularisation scheme to respond to long term undocumented migrants in the state. This is due to be signed off by the Cabinet in September and application accepted in Q4 of 2020.

In 2020 the Justice for the Undocumented campaign group launched the *Live Here, Work Here, Belong Here*, a survey with over 1,000 undocumented people to strengthen the call for a broad and inclusive regularisation scheme¹³. The survey found that over 75% of undocumented people have been here for over five years. Undocumented workers work across low-wage and non-unionised sectors such as elderly care in the private home, restaurant and catering, child-care and construction. The survey also found that 46% of people are working long hours over 40 hours per week and 26% don't receive the minimum wage.

A regularisation scheme's criteria for eligibility needs to take account of a range of factors; the historical context of migration; the cohorts of people the scheme is trying to reach and respond to; and the complexity of people's lives to maximise the scheme's impact. This regularisation scheme needs to be accessible, simple and clear so that eligible people can apply themselves without the need for additional support.

However we are deeply concerned that the criteria currently being proposed could undermine the intention of this scheme to be broad and inclusive. We are concerned that the current residency requirements coupled with a lack of clarity on the inclusion of those with Section 3's and deportation orders puts up to 8,000 people¹⁴ at risk of being excluded from this scheme. It is imperative that this scheme is broad and inclusive.

¹³ 'We Live Here, We Work Here, We Belong Here' A survey of over 1,000 undocumented people in Ireland 2020

¹⁴ Question No: 468 DÁIL QUESTION addressed to the Minister for Justice (Deputy Helen McEntee) by Deputy Patrick Costello for WRITTEN ANSWER on 17/12/2020 (To ask the Minister for Justice the number of persons with an open application for leave to remain on humanitarian grounds at present.

Recommendations:

Department of Justice

- Ensure the regularisation scheme outlined in the Justice Plan 2021 is as broad and inclusive.
- Any definition of undocumented used for the purposes of this scheme MUST include those in the Section 3 process and with deportation orders.
- Any definition of undocumented for the purposes of this scheme must include dependents, spouses and de facto partners.
- A shorter residence requirement be included as part of this scheme - including those who reach the residence requirement during the lifetime of the scheme; the undocumented residence requirement should not have to be continuous and unbroken
- Legal residence prior to becoming undocumented should also be taken into account.
- Low fee for application and registration as part of this scheme, especially in light of the Covid 19 pandemic, so that workers and families can regularise without difficulty.
- Assurance that it is safe to apply and that information gained as part of the application process will remain confidential and will never be used in order to pursue those who are not successful in any way.

Undocumented children and young people

Children of undocumented families are impacted by their legal status. They are more likely to have poorer outcomes in terms of access to third level education and the labour market, and they are more at risk of poverty and social exclusion. Under the Child First Act, all children living in Ireland, whether born here or not, are treated equally and afforded the same rights, it was amended in 2015 to reflect this. However it is not always the case, eg undocumented children do not have access to Child Benefit payment, due to the Habitual Residence Condition. Without access to this intended universal payment, this perpetuates cycles of poverty and inequality in undocumented communities.

In addition, undocumented children and young people are less likely to report a crime or abuse, for fear of being reported to the authorities. Undocumented parents in some cases don't register the birth of their child due fear and no Firewall between departments to protect people's data from being shared. Undocumented children in the care of the state require a specific set of supports, primarily to have their immigration status rectified before turning 18, when state support is removed. To date the State has not implemented any of the recommendations set out by the Committee on the Rights of the Child in their Concluding Observations for Ireland in 2016.

Undocumented children and young people in the State are being denied their basic human rights. They have no rights to residency, despite being born in the State or having spent their formative years in primary and secondary education in Ireland. There are no formal procedures to retrospectively address the situation of children with an irregular migration status. Equally no provisions have been made for children who may be born to undocumented parents in the future.

Recommendations:

Department of Justice and Department of Children, Equality, Disability and Youth

- Introduction of a long-term mechanism in law whereby undocumented people, children and young people can regularise their status on an ongoing basis. This will provide protection against poverty and social exclusion, and from long term exploitation as young people move into the labour market
- Ensure child appropriate and safe reporting of crime and abuse to services; immigration status should not be investigated in these proceedings
- Undocumented children in care need access to a clear legal framework so that they can regularise their status before turning 18, when state support is removed.

Department of Health

- Make it safe for undocumented parents to register the birth of their child.

4. Access to Justice

4.1 Access to Workplace Relations Commission

Overview

Undocumented employees are unable to access the workplace relations tribunals (Workplace Relations Commission and labour court) to seek redress for breaches of employment law. Under the Employment Permits Amendment Act 2014 must seek recourse in the ordinary court, which is a lengthy and costly process requiring access to legal representation, and could leave workers open to costs. This discriminates between workers and creates conditions for exploitation to fester.

Recommendations:

The Department of Enterprise Trade and Employment

- The Workplace Relations Commission must be open to all workers regardless of immigration status.

4.2 Reporting crime safely

Overview:

People who are undocumented fear engaging with public authorities, especially with the police, because of the risk of being deported/ put into deportation proceedings and detained. This allows them to be targeted by criminals who know that their crimes will go largely unreported. It makes neighbourhoods less safe and undermines security. EU law does provide protections for undocumented people who have

been victimised and several EU countries have extended protections¹⁵. *“The 2012 EU Victims’ Rights Directive places priority on a person’s safety, security and protection ahead of enforcement measures based on residence status. While it doesn’t resolve the status of an undocumented person, it requires states to ensure that rights do not depend on the victim’s residence status or their citizenship or nationality. The directive entitles all victims to access free and confidential support services, even if they choose not to file a criminal complaint.”* The 2012 EU Victims’ Rights Directive creates common standards across all EU member states for the rights of victims of crimes. The directive clearly places the priority on a person’s safety, security and protection ahead of enforcement measures based on residence status. While it doesn’t resolve the status of an undocumented person, it requires states to ensure that rights do not depend on the victim’s residence status or their citizenship or nationality. The directive entitles all victims to access free and confidential support services, even if they choose not to file a criminal complaint.

Recommendations:

Department of Justice and An Gardaí Síochána

- Implement a firewall to allow safe reporting of crime under a guarantee that no information will be shared with immigration authorities and that a person’s immigration status will not be investigated as part of the criminal investigation.
- Introduce a visa or status for undocumented victims of crime to allow them to safely report crime, not dependent on conviction.
- Comprehensive anti-racism training across An Gardaí Síochána
- A recruitment drive that increases diversity across An Gardaí Síochána, which addresses the cultural bias in recruitment practices.

4.3 Domestic violence

Overview:

The Migrant Rights Centre Ireland Drop-In Centre (DIC) provides support, advocacy and information to victims of domestic violence, predominantly in the areas of immigration, housing and social welfare. Through this support, the DIC has identified a number of key issues in supporting victims of Domestic, Sexual & Gender Based Violence (DSGBV) from a migrant background and how they are treated differently.

People who are undocumented are generally unable to access refuges, on the basis of their immigration status. The majority are refused, or when they are permitted to stay, this is on a shorter basis than people with a valid immigration status.

In many cases a victim’s immigration status is dependent on the perpetrator’s immigration/ residency/ citizenship status. A number of key issues arise from this:

¹⁵ <https://picum.org/what-justice-for-undocumented-migrants/>

- The victim is reluctant to leave the relationship, on the basis their permission to remain in Ireland is dependent on the perpetrator
- In the instance the victim does leave, they can apply for independent status in the State, however the time spend waiting for a decision on their application for independent status generally outlasts the time permitted to stay in the refuge
- Independent status is still based on a number of factors including length of time in the State, circumstances of relationship, etc.

Immigration offices, social welfare officers and housing authorities are not cognisant to the issues of domestic violence and are limited in compassion when interacting with victims.

While we welcome the rent supplement provision, more social welfare support and housing supports must be provided to ensure individuals can support themselves. Limited social welfare or long term housing supports are provided to victims of domestic violence, who are leaving a relationship, particularly individuals who were previously on Stamp 3, and therefore have never worked in the State.

Recommendations:

Department of Justice

- Introduce a 6 month temporary 'recovery' immigration status. This is an immediate temporary Stamp 4 status, granted to victims of domestic violence, ensuring access to basic social welfare supports, housing assistance, job opportunities, ability to move out of refuge with little worry of immigration status and access to family law court
- Make provision for funding to give enhanced support to victims including culturally specific court accompaniment services

Department of Housing, Planning and Local Government

- Eliminate all barriers for people who are undocumented and are victims of DSGBV, in accessing refuges and housing
- Increased funding to facilitate more available beds in safe houses and refuges, to overcome the limited spaces victims can access. This needs to be addressed in a rural dimension, including supply and ensuring information is provided in multiple languages.
- Ensure refuges and safe houses are culturally welcoming including but not limited to: Designated places to pray; Offering Halal food; Providing culturally appropriate and language appropriate counselling services

Department of Social Protection

- Training should be provided to all immigration officers, social welfare officers and housing authority officers in anti-racism and on the complexity of the immigration system

4.4 Arrivals at the border/Border management Unit

Overview

Under the 2004 Immigration Act officials have wide discretion to refuse permission to enter the state, thus there is little transparency and data on reasons for refusal that could show patterns of discrimination and racism.

The rise in numbers of people detained in state prisons for immigration breaches – both in the country and on arrival – is concerning. The use of prisons for this purpose is a disproportionate response to an administrative breach, as held by European Committee on the Prevention of Torture and can amount to discrimination. This includes the imprisonment of people who have been denied leave to land/permission to enter the state. MRCI advocates the use of alternatives to detention e.g. reporting requirements, community supervision arrangements, surety, and residence requirements.

Recommendations:

Department of Justice

- Introduce transparent in the leave to land process and produce robust reporting in this area
- At a basic level individuals should have the reasons for their refusal clearly explained in a language they understand. Section 4.4 of 2004 Immigration Act requires explanation in writing, but does not address translation into another language.
- Eliminate the practice of unsolicited search on mobile phones, computer, emails etc looking for evidence
- Ensure a programme of anti-racism and cultural sensitivity training for all border staff; for example to apply a humane and respectful way of questioning by Immigration officer

3.5 Online appointment booking system

Overview

There is very serious difficulty in booking any appointments via an online booking system in INIS and there is significant evidence to show that many people who successfully obtained appointments have been paying €20 to €40 to private services (bots). INIS needs to improve their online system and enhance security features to prevent the exploitation of people in vulnerable positions.

Recommendations:

Department of Justice

Irish Naturalisation and Immigration Service

- Efficient online registration is in place to prevent people falling out of immigration system and unscrupulous private service.

5. Education

Overview

The current education system in Ireland does not fully reflect an inter-cultural Ireland. This includes the lack of diversity within the workforce and outdated curricula.

There are not nearly enough teachers from diverse backgrounds visible in our schools and colleges. Teachers with qualifications from outside of Ireland and the EU often find that their qualification isn't recognised here. Furthermore, the high percentage of schools (*90% of primary schools and 50% of secondary schools*) and teacher training colleges are under the Catholic patronage and present limited options for those of different faiths or non-religious communities. Students and teachers from minority ethnic backgrounds do not see themselves or their stories told and represented in curricula. Unfortunately, schools can often be the place where children and young people experience direct racism. Without adequate anti-racism training and policies in place, they are less likely to come forward and seek help.

Children and young people who are undocumented and those recently documented face significant barriers in terms of equality of access to educational opportunities. For example, parents are required to have a PPSN when registering a child at school, though not a legal requirement, it creates further fear and anxiety in undocumented communities. When undocumented young people complete their second level studies, they are left with little to no opportunities to continue with education.

Scholarships and access pathways require an immigration status, thus furthering exclusion of a cohort of young people. Arbitrary and complex grant applications often deter people from applying, as it has been noted that administrative bodies aren't prepared when an applicant with a recent residency status via a scheme or leave to remain application comes forward to apply for state financial assistance. Young people from a migrant background, with precarious immigration status are not given the same opportunities to reach their full potential as their peers, and can find themselves working in low-paid and poorly regulated sectors for a long period of time.

Recommendations

Department of Education and Skills

- Robust and permanent age appropriate curriculum on anti-racism and diversity, from preschool to 3rd level
- Curriculum and policies need to be cognisant of minority and ethnic communities; decolonisation of school curriculum and removal of mandatory Irish language curriculum for recently arrived children and young people
- Remove requirement for PPSN to register in schools (only necessary for capitation grant for schools, not a legal requirement)
- Training and upskilling across all teacher training institutes on anti-racism and diversity

- Targeted efforts to increase representation of teachers and educators from minority ethnic backgrounds

Department of Further and Higher Education

- Training and upskilling across all educative administrative bodies (institutions, universities and grant bodies) regarding anti-racism and migration;
- Robust Anti-racist policies, regulation and safe reporting procedures in schools and universities
- Allow access to 3rd level education for undocumented young people
- Remove ineligibility criteria so that undocumented people can access scholarships

6. Health

Overview

People from a migrant background, especially those who are undocumented, are disproportionately affected when accessing fundamental health services. It should not be the case whereby a person's immigration status or lack of a PPSN denies them access to healthcare - unfortunately such people face discrimination and limited access to health. Their access is compounded by a number of factors: lack of accessible information in a language they understand; fear of engaging with authorities; lack of safe access to PPSN; frontline service providers not getting the up-to-date information. For example, we've been supporting people who are undocumented and those without a PPSN to access the COVID19 vaccine and, there have been instances of people being denied the vaccine and turned away from vaccination centres because the information isn't reaching the frontline.

Many people report not feeling their experience is validated when accessing health services, due to cultural and linguistic differences. This further discourages people from attending to their health needs.

Recommendations:

Department of Health and the Health Service Executive

- Implement clear anti-racism policy and practices within all healthcare settings in Ireland, this includes diversity policies, suitable reporting mechanisms to reports instances of discrimination or racism
- Remove ante-natal cost barriers for people who are undocumented
- Ensure people who are undocumented have the same level of access to medical and health services, this includes access, cost and ability to access medical cards and PPSN
- Validate and amplify the experience of individuals from ethnic and minority backgrounds
- Implement a permanent Firewall between the Department Health and Department of Justice so that no data is shared, and people can come forward and access health services. Make this clear on the HSE website.

7. Accommodation

Overview

As with health, we have recorded people from migrant backgrounds not having equality of access to housing - whether that's in the private rental market, emergency accommodation and social housing. As above, those who are undocumented or without a PPSN face significant barriers in accessing decent housing.

Recommendations

Department of housing planning and Local Government

- Remove all barriers for people who are undocumented to access emergency accommodation in Ireland
- Remove the barrier of a PPSN for urgent emergency accommodation
- Remove barriers of people who are undocumented and victims of domestic violence accessing refuges or emergency accommodation
- Remove the need for people accessing emergency or temporary accommodation to have to return to the county they came from
- Provide more options for medium and long term accommodation and supports to people to remain in their accommodation
- Implement a permanent Firewall between the Department Housing, Planning and Local Government and Department of Justice so that no data is shared, and people can come forward and access health services. Make this clear on all relevant websites.

ENDS*

Contact

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