

Migrant Rights Centre Ireland's submission to the Commission on the Future of Policing in Ireland

January 2018



1. 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. In 2017 MRCI provided information and support to 2,155 people from 127 different countries.

2. Persons with an immigrant background.

According to Population and Migration estimates released in April 2017 there were 566,600 (or 11.8% of the population) non-Irish nationals residing in Ireland and among those 139,600 where from outside the EU. Census 2016 has shown that 810,406 persons or 17.3% of the population were born abroad. MRCI works with migrants in low-paid and precarious work at risk of poverty, discrimination and social exclusion for over 12 years. We work predominantly, but not exclusively, with non-EU migrants and their families to ensure their access to rights and entitlements. The non-EU migrants in Ireland represent 24.6% of the overall migrant population. The vulnerabilities and precariousness associated with immigration status merits special consideration when developing strategies to ensure equality outcomes for migrants. A police force which aims to serve all sections of our society must acknowledge diversity in Irish society.

3. Scope of the Submission

We welcome the opportunity to make a submission to the Commission on the Future of Policing in Ireland and in particular we make reference to the guiding principles of An Garda Síochána, namely:

- Independence and Impartiality.
- Respect of Human Rights.
- Support the proper and effective administration of justice.
- Support and cooperation of local communities and their engagement.

4. Issues and Recommendations

- *Ethnic Profiling*

Ethnic or racial profiling is the act of singling out an individual because of their 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. This cannot be tolerated when Ireland is moving towards an intercultural society where the contributions of first and second generation migrant communities are valued.

The United Nations Committee on the Elimination of Racial Discrimination, in its concluding recommendations related to Ireland's 5th to 7th combined reports has urged the State to introduce legislation that prohibits racial profiling. In its recommendation it has expressly cited the need for the humane treatment of people of non-Irish origin by An Garda Síochána in accordance with human rights law. Incidences of ethnic profiling have been reported at borders, on public transport and in accessing services from An Garda Síochána. It is important that An Garda Síochána raises awareness of ethnic profiling among its members.

In particular, we would like to stress the incidences of ethnic profiling highlighted at border posts, including Dublin Airport, where no information on how to submit a complaint is provided to those who feel they have been wrongly treated or their case prejudiced.

- Anti-Racism

Racism prevents the successful integration of migrant communities. Unfortunately, it is currently on the rise according to the latest publication of the iReport dated January 2018 and compiled by ENAR Ireland, a network of over 30 organisations of which MRCI is a member. The involvement of the police force in the fight against racism is crucial. The Garda Racial, Intercultural and Diversity Office has been instrumental in listening to members of communities affected by racist incidents. It is important that the learning developed by the GRID office is shared consistently with all members of An Garda Síochána and that it reaches policy-making spaces.

Ireland does not have legislation criminalizing hate crime, as such it is important that when reporting a crime, police officers are able to identify and note racial elements which could be the main factor or aggravating factor to the crime. Anti-racism training should be provided to all members of the force and prepared with input by members of different communities and anti-racist organisations.

It is important that AGS commits itself to the promotion of anti-racist values and that there are strong measures for members of AGS who are found guilty of racist behavior.

- Provision of services to Undocumented migrants

It is important to highlight that among the immigrant population there is a number of them who are undocumented, or in other words who may not currently hold authorization to reside in the State. MRCI estimates their number between 20,000 to 26,000 adults and a further 2,000 to 6,000 minors. Irregular

status, the lack of authorization to reside is not a criminal offence but rather an administrative offence and should be dealt as such.

Reasons for lack of legal status are varied, and can be as a result of exploitation or due to administrative failures, the MRCI works closely with undocumented migrants to ensure that they have access to fundamental rights despite of their irregular status and to put in place avenues for them to rectify their residence in the State where possible.

Like any other members of our society, undocumented migrants may be in need of the services provided by An Garda Síochána as they could be victims of a crime or at risk of them. Ireland has adopted the European Union's Victims of Crime Directive which explicitly names the need to ensure that migrants are able to report crimes and receive an adequate service irrespective of their legal status. This is particularly important for victims of domestic violence which may fear reporting violence with life-threatening consequences.

It is important that members of AGS understand the implication of living with an irregular status and that undocumented migrants are able to have trust in the police force. For this purpose, information on immigration status should not be collected outside of immigration controls, and when the issue of irregularity arises, undocumented migrants should be reassured that they will receive the same services as other persons and their undocumented status will not be reported to immigration authorities. Failure to do so may result in undocumented migrants alienating themselves from the police force, exacerbating their vulnerabilities.

The MRCI recommends the implementation of a firewall as a policy of An Garda Síochána, this will allow for the safe reporting of crimes by undocumented migrants. Such scheme exists in other jurisdictions, and in particular the Dutch model in place in the Amsterdam region has been heralded as a model of success. In the following [link](#) more information can be found regarding this model. The MRCI has met with members of An Garda Síochána and members of the Dutch police to discuss the possibility of the introduction of such model in policy and practice in Ireland. We would to see more progress being made in this regard to make safe reporting a reality in Ireland.

Finally, member of AGS in charge of immigration control should perform their tasks in a humane and considerate manner. Any checks on immigration residence and status should be performed with consideration for children and family members. They should not occur in public transportation, places of employment or at unsociable hours. Immigration control should not occur jointly with labour inspections as often reported as they will limit the numbers of people coming forward to report crimes or exploitation.