

How to secure a regularisation

Case Study

Ireland Regularisation



Organisation: Migrant Rights Centre Ireland (MRCI)

Year of Regularisation: 2022

Overall context

Migration and geographic context

Historically Ireland is better known as a country of emigration; a small island on the edge of Europe from whose shores Irish people emigrated in steady and at times enormous numbers, depending on the country's political and socio-economic situation. However, in the mid 1990s, inward migration began to steadily increase, to the degree that by the early 2000s, Ireland had become a country of net inward migration for the first time.

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 system¹. However, from the late 1990s onwards the Celtic Tiger economic 'boom'² created a significant demand for labour which in turn generated unprecedented levels of inward migration. Labour migration policies and legislation were not prepared to deal with the level of labour shortages and the corresponding inward migration required. Throughout this time the government neglected to bring in comprehensive legislation to replace the piecemeal and ad-hoc approach, which contributed, in no small way, to the emergence of irregular migration in Ireland.

A subsequent economic downturn resulted in a severe constriction of the employment permit system, rendering new migration to Ireland from outside the EU virtually impossible for a time. Nonetheless, many workers and families who came to Ireland during the boom remained here, put down roots and made Ireland their home.

History of advocacy for undocumented rights

In 2014 the Migrant Rights Centre Ireland (MRCI) provided an estimate which placed the undocumented population living in Ireland at the time at between 20,000 and 26,000 people, of which 2,000-6,000 were children³. By that time, MRCI, the Justice for the Undocumented (JFU) campaign (established five years earlier), and a growing number of allies, were actively campaigning for a 'pathway to papers' for undocumented migrants.

Whilst initially hostile to the concept of granting rights or regularising undocumented migrants, successive governments were not completely averse to finding solutions for Ireland's growing undocumented population. Throughout the 2000s Ireland continued to be a country of both inward and outward migration. And whilst there was never an official 'amnesty' or regularisation during that time, there were several discrete and timely attempts to 'clear backlogs', which have had the same effect of granting a stable immigration status to undocumented people. Over the past decade, the state has implemented three schemes; the 2005 Irish Born Scheme⁴; the Undocumented Workers Scheme 2009⁵; and the Special Scheme for Students 2018⁶. This was a key milestone in the JFU journey and was a result of both legal cases and the work of JFU. While not a mass regularisation by any means⁷, it was nonetheless a positive step in terms of establishing pathways to papers for undocumented people in larger numbers, given the political and social context nationally and globally regarding migration.

1. Ireland is Home. An analysis of the current situation of undocumented migrants in Ireland. November 2014 Migrant Rights Centre Ireland
 2. "Celtic Tiger" is the term referring to the economy of the Republic of Ireland from the mid-1990s to the late 2000s, a period of rapid real economic growth, mainly fuelled by foreign direct investment. The boom was dampened by a subsequent property bubble bust which resulted in a severe economic downturn.
 3. Ireland is Home. An analysis of the current situation of undocumented migrants in Ireland. November 2014 Migrant Rights Centre Ireland
 4. Under the Irish Born Child administrative scheme for immigrant residency (known as IBC/05) qualifying immigrants could apply for a renewable form of residency in Ireland based on their parentage of a child born in Ireland. Almost 17,000 people were granted residency under this scheme. The scheme was introduced after an ill-fated citizenship referendum of 2004 which removed the automatic right to citizenship of infants born in the republic of Ireland, unless one of their parents was an Irish citizen.

5. The Undocumented Workers Scheme, now referred to in policy terms as the Reactivation Employment Permit, is for non-EEA nationals who came to Ireland on a valid employment permit, but who fell out of the system through no fault of their own or because of exploitation in the workplace. The Reactivation Employment Permit enables them to work legally again. This administrative discretion was established as a direct consequence of MRCI's early advocacy work which highlighted how work permit holders attempting to leave exploitative employment, were becoming undocumented.
 6. Status to just over 2,250 people under this scheme-Parliamentary Question 405 submitted Thursday March 5th, 2020, by Deputy Roderic O' Gorman and responded by Minister for Justice Charlie Flanagan.
 7. The scheme was open to non-EEA nationals who held a student permission in the State during the period between 1 January 2005 and 31 December 2010, and only open to non-EEA persons who commenced their presence in the State lawfully under a student permission and who maintained that lawful presence for at least two years.

Advocacy & Campaigning

How MRCI initially got involved

MRCI has worked with undocumented migrants from its inception in 2001, initially providing information and casework support through its national Drop-in Centre. This involved direct advocacy with the state on behalf of undocumented people regarding their immigration status, employment permit or visa. MRCI developed a first-hand analysis of the issues as people came to the Drop-in Centre and began to document their experience.

In July of 2007, MRCI launched a campaign to regularise people who had become undocumented by falling out of the employment permit system. In tandem, MRCI commissioned research to develop a greater understanding of the dynamics and complexities involved in irregular migration in Ireland, and to highlight the experience of undocumented migrants⁸. Former president Mary Robinson launched Life in the Shadows on International Migrants Day 2008 marking the first ever publication on the situation of undocumented people in Ireland.

The campaign for a 'bridging visa' gathered momentum, and in 2009 the Undocumented Workers scheme was introduced for people who once held an employment permit and fell out of the system 'through no fault of their own' i.e., as a result of exploitation, abuse, fraud, deception. This concession by the Department of Justice was brought into law in 2014 through the 'reactivation permit', a permanent mechanism still in existence today.

However, it was apparent even then that people were becoming undocumented for a variety of reasons and that many more people needed a more comprehensive solution. The inability of the immigration system to keep pace with a demand for workers, coupled with poor and complex immigration policies led to greater numbers of people becoming undocumented. What was also apparent was that undocumented migrants were more likely to experience poor working conditions, were at greater risk of exploitation and social exclusion, and were unable to report crimes or access many basic services.

Community work and organising underpins MRCI's model of advancing migrant rights. In short, ensuring those impacted by injustice and inequality are front and centre of a collective approach to

8. Life in the Shadows Migrant Rights Centre Ireland 2007 page 14

bring about systemic change. What followed over the coming years was a concentrated effort to develop relationships built on trust and mutuality with undocumented migrants and their families creating the conditions for a highly participative and collectivised approach to advancing solutions.

Overall advocacy strategy and development

Justice for the Undocumented (JFU) campaign group came into existence when a small group of undocumented workers showed up at an outreach meeting called by MRCI in 2010. With MRCI now putting resources into a community development response to the issues facing undocumented migrants, these founder members were supported to plan Ireland's first public event to highlight the justice issues for undocumented migrants at a Candlelight Christmas March in 2011.

Between the establishment of JFU in 2010 and the announcement of the Undocumented Regularisation Scheme in 2021, MRCI and JFU adopted a range of tactics and actions that successfully brought the idea of rights and regularisation for undocumented people from the very margins of political and public consciousness to the mainstream of discourse and decision-making. Tactics and actions in those earlier years initially sought to 1) raise awareness of the situation facing undocumented migrants, 2) grow power and support with usual and unusual allies around the need for a pragmatic solution i.e. a regularisation, 3) identify and successfully engage relevant policy and decision-makers, and crucially, 4) build confidence and connectivity with undocumented migrants so they would lead the collective efforts to bring about change.



A two-strand approach emerged in 2015 when the campaign became intergenerational with the establishment of Young Paperless and Powerful (YPP), a youth group using youth work processes, aimed at supporting young undocumented people to come together to gain support, highlight their situation and seek solutions. This group emerged due to the longevity of the campaign and the fact that JFU members had children who were either born in Ireland or had spent most of their lives here, taking the form of the 'This is Home' campaign. Whilst we were dealing with the technicalities of the campaign, other NGOs were mobilising their own networks and in January 2016 a solidarity walk was organised and attended by thousands of people, including migrants.

Tactics/Actions employed

The following section outlines the strategy, tactics, and actions used in this campaign over an 11-year period. It is not in chronological order, but rather grouped into sections for greater ease. Core to the success of the campaign were undocumented people leading out, coupled with having a credible evidence base, choosing the right tactics at the right time, building a strong alliance of supporters, and developing strategy to engage politicians and civil servants. Key to winning this campaign was being able to have independent resources to support a community work and organising approach to in this work.

1. Participation of undocumented people

Ensuring the active and critical participation and leadership of undocumented migrants in the JFU campaign was both an underpinning organisational value as well as a tactical strength. Referred to as 'building the base' for campaign planning purposes it was both the most resource-intensive and rewarding 'tactic' pursued throughout the campaign. Actions and activities were adapted in order to 'meet the community where they were at'; initially investing in pre-development work and creating the conditions for collective action moving on to investing in leadership transferring key skills, knowledge, and action to lead the way. Ultimately the participation of those affected made every element of the JFU campaign stronger.

- **Creating safe welcoming spaces** for undocumented people to come together was key to move people from the individual to the collective. As part of JFU people were encouraged to share their stories and build relationships with each other and with MRCI before ultimately becoming involved in the campaign. Throughout the campaign

and as membership grew, a concerted effort was made at organising specific 'induction meetings', which ensured that people moved from individual recipients of a service to becoming more active members of the campaign.

- **Using creative and empowering methods** and tools to encourage participation of members and advance the campaign. This included creating visible and tangible opportunities for people to get involved in a process for change through storytelling, filmmaking, drama, photography, photo stunts (human shamrocks, banner drops for St Patrick's day, Journey for Justice across Ireland). These were just some of the actions and efforts used to great effect by both JFU and YPP.

- **Resourcing the building of a community** is a central part of long-term campaigning and sustaining participation, engagement, and action. In tandem with campaigning for regularisation of undocumented people, JFU led many softer and more social activities such as fundraisers, celebrations, and family days out. This helped sustain people on a long and exhausting journey to change.

- **Investing in the leadership** of JFU members as the campaign advanced. Workshops, residential overnights, and one-to-ones were regularly organised with the intention of growing the confidence and skills of JFU members. Reviewing organising practice to ensure decision-making and power was shared between JFU and MRCI. Actively creating roles and opportunities for decision-making, representation and learning from other models was key.

- **Engaging young people.** Young Paperless and Powerful were resourced to develop a powerful and creative campaign and was a key driver of change on this long journey. This group of young people (16-24) brought a fresh perspective, great energy, and courage. Their call, that no child or young person should grow up undocumented in the country they



know as home, was difficult to ignore. The use of creative methods to highlight their demands--spoken word, videos, delivering a petition, speaking to media--proved a 'game changer' in terms of story-led campaigning and narrative-shaping, and ultimately moving the political dial.

- **Storytelling** was an important part of this campaign. Having credible and powerful people willing to speak out and share their stories was key to success. This included producing videos by JFU in 2013, 2015, and 2020, to tell the story of different aspects of people's lives. YPP also used this to great effect in 2015 and 2018.

2. Evidence-based solutions and rationale

Producing evidence-based solutions and research was a key tactic throughout the campaign. This was based on the premise that the Irish government was in general terms open to solutions and could respond positively to persuasive evidence and potentially adopt solutions. This proved very challenging in the earlier years, particularly when the Irish economy went into a recession at the outset of the campaign.

- **Examining regularisation policies and solutions** across the EU and US and updating our own policy solutions based on 'international best practice'. Ensuring civil servants had this analysis and evidence through briefings, Chatham house rules meetings, seminars and easy to read data and policy documents.

- **Addressing common misconceptions**, such as highlighting the lack of evidence to show that regularisation is a pull factor for irregular migration and illustrating the manner in which regularisations were now common practice and proven to reduce exploitation and abuse of migrants.

- **Conducting action research.** In 2014, 2016 and 2020 MRCI and JFU engaged in action research led by undocumented people in their communities. The research was designed with undocumented people and used community connectors to reach out to undocumented people, normally one of the hardest-to-reach groups of people.

- **Communicating the data.** The research resulted in the publication of infographics and data on the situation of undocumented migrants and their families in Ireland for the first time. Statistics highlighted the length of time undocumented migrants were in Ireland and their invaluable contribution across essential sectors in the economy. Producing this data with policy briefing papers and infographics meant the evidence was accessible, quotable, and persuasive for media, political

representatives, and allies. It succeeded in changing the dominant discourse about undocumented migrants.

- **Opinion Polling.** At the height of campaigning in 2015, a public opinion poll was commissioned, producing evidence that was clear and hard to ignore, and which intended to advance regularisation as a viable solution. Survey results allowed JFU to state that 68% of the Irish public were behind a regularisation and that "the public had given the Government a mandate to act now and introduce a regularisation"⁹.

- **Seminars and conferences.** In 2016 JFU and MRCI launched new research and highlighted both the moral and business case for regularisation. Undocumented young people and members of JFU shared testimonies about working and living undocumented in Ireland. Speakers included employer bodies, the London School of Economics and mental health institutes. Media coverage of the event gave more credibility to a growing body of evidence that regularisation was the right and smart thing to do.

- **New data on children and young people.** YPP produced first-of-its-kind data on the situation of undocumented children and young people in Ireland. Launching its first video in 2015, an infographic in 2017 and a second video in 2018 to highlight their concerns and showcase their lived experience.

- **Updating the 2016 data.** A survey of 1,000 undocumented people was published in October 2021. The research provided hugely useful data that enabled the government to understand the people behind the statistics. It cemented MRCI and JFU as experts in this arena and improved channels of communication with government and civil servants. It also brought to life the personal stories of undocumented people and helped secure a broader scheme.

- **Framing and messaging** were hugely important as part of an overall communications plan. Communicating values and people's stories was key to changing the narrative to see regularisation as a viable and necessary solution that was good for people and the state. Part of this included highlighting the hypocrisy of successive governments advocating for the regularisation of Irish people in the US while doing nothing at home.

- **Engaging the media** was central across actions, activities and launches in this campaign to build awareness of undocumented people and to sensitive and the public. Media engagement took different forms at different times, including engaging, print, radio, and TV.

9. The Irish Times Wednesday July 15th, 2015, Majority supports regularisation of migrant workers

3. Alliance-building

It was clear from the outset that collective power was needed to advance support for regularisation and ensure systemic change; alliance building was identified and pursued as a major tactic throughout JFU's campaign influencing many of the actions organised.

• **Stakeholder mapping** was a simple exercise which identified potential allies. Initially this involved approaching 'low-hanging fruit' in the form of usual allies in civil society to seek their public endorsement and support of a regularisation.

• **Power analysis** Later a more thorough analysis identified leverages for power and influence across a variety of sectors. This helped identify more 'unusual allies' across the Trade Union movement and business sector for JFU and children rights and youth sectors for YPP.

• **Growing support** was communicated through media and in particular social media channels. A visual representation capturing the logos of organisations who had given regularisation the green light was created and shared widely. This image was used on JFU banners and at events and actions; this was a simple tool showing the collective power behind regularisation.

• **Solidarity and supporter actions.** Over the years campaign actions sought to activate the supporter and ally base. Open letters to national newspapers, photo opportunities with organisations and stakeholder representatives taking up public roles at campaign events, e.g. key note address, interviews with media. At the 2021 launch of our undocumented research allies from the Trade union movement and business sector spoke at this event—a culmination of many years of engagement and support.

• **Showing power.** During government negotiations in 2020, campaign supporters signed a letter published in the Irish Times in support of regularisation. This proved vital in securing a commitment to the scheme from the incoming government.

4. Political engagement

JFU's campaign pursued an 'insider/outsider' political engagement strategy. This meant identifying primary and secondary targets with the power to sign off on a regularisation and trying to build relationships with them. Insiders included high level civil servants and of course the relevant Ministers. This is challenging work as we always had balance working with insiders with maintaining the capacity to challenge and disagree with them when needed. We also

made a concerted effort to use different political mechanisms and meet with as many politicians as possible, to put forward the case for regularisation, even if they did not currently have the power to greatly influence government policy.

• **Local Government.** As early as 2012 the campaign embarked on an endorsement strategy initially targeting city and county councils (local government) to get regularisation formally agreed through a public vote. We later dropped this approach as it proved difficult to advance on a national basis and was not delivering as we had hoped.

• **Permanent Government.** The importance of engaging with civil servants with responsibility for this work cannot be overstated. MRCI and JFU developed and put forward a range of solutions and approaches and engaged in constructive dialogue to the solve and advance this complex issue.

• **Political Targeting.** Over the years political target identification improved, revealing key individuals with the power to bring in a regularisation but also a better understanding of who else mattered and what and whom 'moved' our targets. This often meant engaging media with a view to moving targets, JFU members engaging voters in a particular constituency and lobbying individual political representatives.

• **Political Champions.** This campaign lasted through four different Ministers for Justice and three governments. As such, political champions changed over time but were always identified and opportunities nurtured. This also included carrying out briefings in the parliament and engaging both Senator and TDs. The Green Party championed regularisation as part of negotiations for a new government. The Minister for Justice Helen McEntee, once the commitment was agreed, championed the effective implementation of the scheme.

• **Engaging Elected Representatives.** Engaging politicians personally, giving them direct insights, stories, analysis and solutions on the situation of undocumented people in Ireland makes it hard for politicians to ignore. Over the years MRCI and JFU lead constituency visits calling for regularisation.

• **Direct communications** in the form of email and telephone calls to target in a designated time (for example in run up to Irish government travelling to the US to lobby on behalf of undocumented Irish around St Patricks Day every year) proved very successful.

• **Oireachtas Committees.** At pivotal moments in the campaign, JFU, YPP and MRCI secured speaking time before the most relevant parliamentary committees

with the ultimate aim of increasing political support for regularisation. In September 2017 the Irish Dáil (parliament) debated regularisation for the first time ever on the back of a report published by this Justice Committee which gave historic cross-party support for regularisation. This was a significant milestone.

Stakeholders involved

There were a broad and diverse range of stakeholders behind the introduction of this regularisation. The Irish government itself; more specifically, ministers, other politicians and civil servants in relevant government departments. The solidarity of NGOs both in the field of migration and in broader civil society was paramount. So too was the leadership and support of the Irish Trade Union movement and at the other end Business Organizations and employer groups who supported regularisation. The media, a growing body of active everyday supporters and of course undocumented people themselves.

Undocumented people co-founded, grew, and led the campaign engaging their own communities and supporters to show a groundswell of support through various actions. The JFU, YPP and MRCI network of allies were called upon at key moments to show a broad support for regularisation across a range of sectors of society. Stakeholder engagement built carefully over a decade was essential in creating the conditions for change to happen.



Process for securing commitment

By 2020 (10 years after the campaign was established), JFU, YPP and MRCI had deployed multiple well thought through tactics, grown and strengthened its base of undocumented members and supporters ultimately ensuring regularisation was now on the political agenda in Ireland.

LABOUR



Support regularisation strongly in their election manifesto

green party
comhaontas glas



Support regularisation strongly in their election manifesto

Social Democrats



Support regularisation strongly in their election manifesto

FINE GAEL



Made commitment to regularisation for undocumented children & young people in their manifesto

FIANNA Fáil
THE REPUBLICAN PARTY



Written commitment on regularisation to MRCI

Sinn Féin



Written commitment on regularisation to MRCI

• **General Election.** To build on the progress of the student scheme 2018, MRCI and JFU members met with all political parties in advance of the 2020 General Election. In the run-up to the election, MRCI presented a range of organisational priorities but made the decision with JFU to focus on regularisation as our one key ask. Leaders of the parties were contacted, and this work resulted in a political commitment from all political parties, pivotal in regularisation becoming a policy reality. This clarity of focus worked very well.

• **Programme for Government.** An opportunity arose with the formation of a three-party coalition government and the negotiation of its new programme for government. Tactics included identifying and targeting negotiators in the main parties along with an email action from voters in their constituency calling for regularisation. We also engaged the media and our allies at a pivotal moment in negotiations to help get the commitment over the line. A coalition of 25 allies encompassing trade unions and business organisations had a letter published in the Irish Times (key national newspaper) in support of a broad and inclusive regularisation

The government was eventually formed by Fine Gael, Fianna Fail (both of whom had made some commitment to regularisation) and The Green Party who were a champion of regularisation. Regularisation was agreed in the programme for government in June 2020. On the 26th of June 2020, the three parties agreed to the following commitment: *Create new pathways for long-term undocumented people and their dependents, meeting specified criteria to regularise their status within 18 months of the formation of the Government, bearing in mind EU and Common Travel Area commitments*¹⁰

The undocumented scheme 2022 was launched in December 2021, officially opening on January 31st, 2022. From the outset it established two strands, one for undocumented people and one for those in the asylum process. 8,311 people¹¹ applied for the undocumented strand and 3,093¹² people applied for the asylum strand. In total 11,404 people applied for a legal status as part of this overall scheme.



11. Parliamentary Question 290 submitted Thursday December 15th 2022 by Deputy Ivana Bacik and responded by acting Minister for Justice Heather Humphreys

12. Email received by MRCI from Department of Justice on 28th November 2022

Key challenges

- **It takes time** to create the conditions to build public and political support and change a narrative to secure a regularisation.
- **Building participation and leadership** is skilled work and requires investment in deep organising/community development work
- **Bringing the issue into public view** was initially challenging as it was hard to generate public interest and political support for what was then a marginal issue
- **Impact of the economy on winning:** Launched a broad and inclusive campaign to regularise as many people as possible in the middle of a recession
- **Overcoming fear and risk** of people to come forward and being visible in the media and representing JFU
- **Government took a segmented approach to regularisation** and the 2018 student scheme left the majority of JFU out. Supporting community leaders to manage the disappointment in their communities and managing a split in the group was very challenging.
- **Campaign fatigue and burnout.** It required substantial work to sustain leaders to keep hope alive and the group active and engaged while investing in new people coming into the group.
- **Change of Government,** in the course of the campaign there were three different governments and four different ministers for Justice, including two who were very conservative.
- **Estimating the population** and quantifying the problem with little data and information was a challenge.
- **Developing solutions** with few relevant and documented examples of successful regularisations from other countries.
- **Communicating to a range of audiences,** across the political spectrum, with allies, to the media and to undocumented people, required different messages and focus

Key learning

- **Community building** alongside intensive campaigning is key; people want to win campaigns and see a solution for them and their communities but also need support, compassion, and friendship along the way
- **Resourcing.** Planning to invest in consistent campaigning over many years is key from the outset as it takes time to achieve progress.
- **Participation and leadership** by those impacted makes every part of the campaign stronger. This is skilled work and requires investment in deep organising/community development, and engaging in reflective practice, with a commitment to power-sharing.
- **Celebrate the wins and the milestones.** This is hugely important as it helps sustain long-term campaigning and recognises progress on the journey.
- **'In and against the state'** means having a clear insider/outsider political engagement strategy, i.e. not being afraid to hold the government accountable and call out their inaction but also seeing them as part of the solution
- **Reliable and influential evidence** Data and evidence gives legitimacy and makes the problem hard to ignore. Action research on the situation of undocumented migrants works really well and is a great way to build participation, generate data, and identify community leaders.
- **Having strong allies.** Building relationships with a wide range of allies- trade unions, business, civil society, and faith groups - including unusual ones, makes a big difference in building power and influencing decision makers.
- **Creative and innovative approaches,** with strong communications and attention to framing and messaging is key through the campaign. Key to this is value-led repetitive messaging.
- **Taking risks,** and having the ability to move and pivot, to change strategy and tactics in response to the politics of the day and not being afraid to get it wrong, as we can learn and come back stronger.
- **Engaging young people.** Central to winning this campaign was centring children and young people and bringing their stories to the fore.
- **Elections** are a hugely important time for securing commitments to regularisation and asking political parties and candidates for support. Focusing on one clearly defined campaign demand ultimately makes the campaign ask more achievable.
- **Programme for Government,** negotiations for new government priorities are key in terms of getting action agreed and implemented. Getting a government timeline for the commitment was also key, ultimately the scheme was introduced very close to the timeline in the commitment



Implementation

Involvement of NGOs in scheme creation

- MRCI and JFU secured a number of direct meetings with the Minister for Justice, her advisers and key civil servants.
- At the same time, we published a survey of the experiences of 1,000 undocumented people. This positioned MRCI and JFU as experts who could provide data and insight on undocumented people, their work, and their lives in Ireland. The Minister for Justice launched this research and it was used in our dealings with those crafting the scheme. We believe it positively influenced the criteria chosen for the scheme.
- A consultation process was carried out by The Department of Justice. NGOs and key stakeholders were able to make written submissions and were consulted via a number of zoom meetings with civil servants creating the scheme.
- MRCI took the lead on ensuring that other NGOs were briefed on the main priorities for the scheme criteria. These key priorities were reflected in as many submissions as possible.
- JFU & MRCI developed its proposal for the regularisation, which included specific criteria. Having this proposal created with undocumented people gave us huge confidence that it would be acceptable, should it be achieved. In the end the scheme that was introduced borrowed a lot from this JFU-endorsed proposal, even though it did not implement everything we proposed.

Announcement, dissemination and outreach

- JFU members gathered outside the Parliament to celebrate the announcement of the scheme. (Pic) The Minister for Justice came and publicly greeted members. The media were engaged, and members spoke about the positive impact the scheme will have on their lives. Huge media attention spread the word on the incoming scheme amongst some communities.
- However, the Department of Justice was overly reliant on NGOs to get the word out to people about the scheme as it was not hugely publicised by them. The lack of dissemination meant that

some people didn't find out about the scheme in time to apply.

- To respond MRCI implemented a substantial communications and outreach plan of our own. This included training volunteers (some of whom were undocumented) to reach their own communities, a national poster day of action with 200 volunteers across 900 locations and an extensive promotion of the scheme through social media and email.
- MRCI also heavily lobbied the government to introduce their own communications plan and were eventually successful with this. Significant communications were released in the final months of the scheme by the Department of Justice through social media, retail screens and outdoor locations.
- With the support of JFU, MRCI conducted 19 face-to-face clinics with undocumented people interested in applying for the scheme.

Applications and process

Long-term undocumented strand

The undocumented strand opened on January 31st, 2022, for six months, closing on July 31st 2022.

To be eligible for the scheme, a person needed to meet the following criteria¹³:

- On the day the scheme opened (31st January 2022) you had to have been undocumented for 4 years or more.
- If you had children under 18 living with you in Ireland (prior to Jan 13 2022) then on the day the scheme opened (31st January 2022) you had to have been undocumented for 3 years or more.
- Dependent children between 18-23 and spouses could be included with main applicants if they had 2 or more years of undocumented residence.
- A break period was allowed—60 days outside of the state in the 4-year undocumented residence period.
- Those with an existing Deportation Order or who have an ongoing application can apply, if they meet the minimum undocumented residence requirement.

13. Summarised from info available on <https://www.gov.ie/en/press-release/44a1f-international-protection-strand-of-the-regularisation-scheme-for-long-term-undocumented-migrants-now-open-for-applications/>

Asylum strand

The asylum strand opened on February 7th 2022, was open for six months, closing on August 7th 2022.

To be eligible for the asylum strand of the scheme, a person needed to meet the following criteria¹⁴:

- On the day the scheme opened (7 February 2022) you had to have a current application for International Protection submitted and accepted.
- Applicants had to have resided continuously in the State with a Temporary Residence Certificate (TRC) for at least the 2-year period immediately prior to the opening date for this strand.

Applicants also had to provide documentary evidence to prove their Identity, residence in Ireland, and (in the case of family applications) family relationship¹⁵.

The fee for the undocumented strand of the scheme was €550 for an individual and €700 for a family. This was non-refundable in the case of refusals¹⁶. People also needed to pay €300 if successful in registering their new permission.

People applied for the scheme via an online portal on the Department of Justice website.

A parallel strand was also introduced for those in the asylum process 2 years or more and still awaiting a decision. There was no fee for this strand and applications were submitted by filling a form and sending it by email.

Documentation and timeframe

Applicants needed to prove their residence for 4/3/2 years undocumented. A list of acceptable documents was produced but there was still a major challenge in sourcing and securing these for vulnerable people.

Exclusions/ineligibility

- Only undocumented residence counted towards the residence requirement of the scheme. That meant that some people with a very long history in the state but less than 4 years undocumented could not apply.
- Those who reached the residence requirement during the lifetime of the scheme could not apply. A person had to meet all the criteria on the day the scheme opened.
- A significant cohort of people fell between the two strands and couldn't apply for either.

These were people who had more than 4 years residence as a combination of time in asylum and time undocumented. In many cases they didn't meet the criteria of either strand.

Application costs

- The asylum strand did not have any costs associated with it which was very welcome
- The cost of €700 per family and €550 for an individual undoubtedly excluded some people from the scheme, especially workers and families working in low paid employment.
- A large number of applicants who already had cases pending in the court system, Section 3 Applications, Change of Status or a Revocation of DO application, had already experienced a long waiting period and incurred high fees from solicitors. Many were frustrated that they had to pay more and wait again for a further period.

Outcomes

Successful applicants received a Stamp 4 for a two-year period which could then be renewed. A stamp 4 entitles the holder to full access to the labour market without a work permit, to travel outside the state and is considered as reckonable residence.

Refusals and appeals

In cases of refusal, MRCI sought a guarantee that those refused would not face further action. The Department unfortunately did not provide any such assurance. Undocumented people expressed great fear that should their application be refused, they might be issued with an intention to deport notice, and we could only advise that there was a risk. This fear prevented some from applying.

Anyone who receives a refusal from either strand of the scheme is entitled to appeal that decision. They will be given a clear reason for the refusal and have 30 days to submit an appeal through an online portal on the Department of Justice website.¹⁷



14. Summarised from info available on <https://www.irishimmigration.ie/regularisation-of-long-term-undocumented-migrant-scheme/>

15. Summarised from info available on <https://www.irishimmigration.ie/regularisation-of-long-term-undocumented-migrant-scheme/>

16. Summarised from info available on <https://www.irishimmigration.ie/regularisation-of-long-term-undocumented-migrant-scheme/>

17. Summarised from info available on <https://www.irishimmigration.ie/regularisation-of-long-term-undocumented-migrant-scheme/>

Key challenges

- The exclusions referred to above proved to be very challenging. People were understandably distressed and didn't understand why they couldn't apply.
- There was limited advertisement and a lack of communication of the scheme from the Department of Justice. MRCI had to advocate for a communications plan, implemented in the final month of the scheme.
- It was difficult to apply for those with limited IT access and skills.
- We sought an assurance that those refused would not face any negative consequences. No assurance was provided in relation to those refused.
- There was no possibility to apply if you did not meet the criteria exactly. This limited our ability to push for borderline cases to get positive results. The fees for the scheme were a huge challenge. MRCI set up a hardship fund to help very vulnerable families with the cost.

Key learning

- Presenting a workable proposal vastly improves the chance that it may be accepted. JFU and MRCI policy proposal, gave us great strength in negotiations and the final scheme was positively influenced by our proposal.
- The Department of Justice engaged in an open consultation process which was very important in influencing the final scheme criteria.
- This scheme had a reasonably straight forward application process. MRCI recommends that any scheme be made as simple as possible so that eligible people can apply themselves without the needs for additional supports, including a clear appeals process.
- In design and planning there is a need to allocate adequate resources in advance for the processing of applications to deliver the best outcomes for people and the Department.
- This scheme had relatively broad criteria by international standards. Criteria should be as broad and inclusive as possible. Criteria for eligibility needs to take account a range of factors; the historical context of migration; the cohort of people the scheme is trying to reach and respond to; and the complexity of people's lives so as to maximise the scheme's impact. This scheme included those with ongoing applications and deportation orders which was very positive.

- Early positive results (while the scheme is open) are vital to build confidence and ensure a good take up of the scheme
- Equally, the speediness and transparency of processing applications is very important to build confidence in the scheme
- While it is understandable that there is a need to prove how long a person has been in the state and the relationship to a family member, MRCI recommends keeping the required documentation to a low threshold to take into account the nature of being undocumented, to ensure application processing is expedited and to avoid undue complications in sourcing documents.
- Schemes need to be kept as low cost as possible as people may struggle to pay both the cost of the application and a registration fee if this is required.
- Determining the immigration permission and rights attached from the outset is vital to communicate effectively to people and ensure take up of the scheme. In this scheme the stamp awarded offered full access to the labour market and a clear pathway towards citizenship which was very welcome.
- MRCI has always recommended a lead in time from announcement to the opening to allow more people to hear about the scheme, prepare the necessary documents and to save funds.
- We strongly recommend a longer opening period of the scheme and that when a person hits the eligibility criteria they can apply.
- It is also worth considering the provision of additional resources to organisations supporting migrants to make applications, or at a minimum providing a clear lead in time to organisations so as to find and/or re-allocate resources needed to assist people.
- Official communication is really important to reach communities and dispel rumours. MRCI had to advocate for a communications plan from the Department of Justice to be implemented.
- After last minute advocacy from MRCI, the department took on board a family approach in the design of the scheme, enabling the primary applicant to include their partner and children (aged 18-23¹⁸) in the application, if they had 2 years or more undocumented residence. We recommend a family approach in all schemes of this kind.



18. Initially all family members of the primary applicant had to also meet the full criteria of the scheme. This would have meant many family members of a newly documented person would have been left undocumented.

This publication is part of the RISE UP project funded by EPIM, The European Programme for Integration and Migration.

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RISE UP stands for Rights, Innovation, Solutions and Evidence based policy for Undocumented People.