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Life in the SHADOWS

An Exploration of Irregular Migration in Ireland



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An Exploration of Irregular Migration in Ireland

The Migrant Rights Centre Ireland is a national organisation working to promote the rights of migrant workers and their families. Based in Dublin the MRCI provides direct support to migrant workers throughout Ireland. We also work with migrant workers to become involved in the issues concerning them, and support their visibility and inclusion in Irish society. Influencing policy development and campaigning for positive social change are core aspects of MRCI's work. In addition we are active in supporting locally-based initiatives, and networks at a national, European and global level.

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Foreword

Irregular migration is a complex and diverse phenomenon. There are no accurate estimates of the number of people involved in irregular migration. Despite increasingly far-reaching measures to combat it, irregular migration will continue to be an inevitable by-product of migration policies and practices. Deregulation and liberalisation of the global economy has generated a heightened demand for mobile labour. All too often irregular migrants are identified as a cheap, dispensable, unlimited source of labour.

Irregular migration poses very real social, economic and political challenges for states, as well as exposing migrants themselves to insecurity and exploitation. While acknowledging the right of states to manage migration, the human rights of all members of society, including irregular migrants, must be respected. Policies, practices and public statements that seek to criminalise and demonise irregular migrants must be avoided. This requires political leadership and sensitive handling by all the key societal institutions, in particular political parties, trade unions, media and education bodies. We need to be sensitive to the gender dimension, and the fact that the impact and barriers may be different for women and men who are undocumented migrants. We should also be careful about the language we use. Human beings should not be classified as 'illegal aliens' which is a regrettable tendency currently in the United States.

Irregular migrants enjoy the protection of fundamental human rights as enshrined in a range of international conventions and covenants. These rights include non-discrimination on the basis of ethnicity, sex, language, religion or social origin; the right to life; the prohibition of torture, slavery and servitude; the right to recognition before the law, and freedom of thought, conscience and religion. These rights must be realised in practice, and respected in the operation of societal institutions. Too often rights such as health care and access to justice are denied, thus undermining the principles of human rights and equality on which modern democracies are founded.

This report is the first of its kind in Ireland and makes for thought-provoking and unsettling reading. The report highlights the reality that most irregular migrants become undocumented through no fault of their own. This is consistent with international research, and raises questions regarding the effectiveness of traditional policy responses such as tighter border controls and employer sanctions. Migrants living and working in an irregular status are clearly one of the most

vulnerable and marginalised groups in Irish society today. Ireland prides itself on its track record in promoting human rights across the globe. We are now challenged to respond to the situation of undocumented and irregular migrants in Ireland in a way that is consistent with our human rights commitments.

Finally, it is important to acknowledge and salute the bravery of those individuals who participated in this study, many of whom are actively involved in supporting and seeking justice for irregular migrants. At a time when concepts of active citizenship and integration are highly valued it is important to recognise the work and commitment of those who frequently pay the greatest price in seeking to make the world a more equal and humane place. The MRCI plays a significant role in supporting migrant workers and their families to access their rights in Ireland, including those who are undocumented. In publishing this report, the MRCI has made an important contribution to shedding light on the phenomenon of irregular migration in Ireland, and towards finding meaningful and long-term solutions to these challenges.



Mary Robinson

Executive Summary

This study is an exploration of the complex issue of irregular migration in Ireland. It offers an insight into the situation of migrants with an irregular status, and aims to provide greater clarity and understanding of the dynamics and complexities involved in irregular migration in Ireland. It focuses on the different routes that brought migrants into having an irregular status, how migrants with an irregular status live their lives, the different routes that brought them to having an irregular status and examines the problems they experience as a result. This report focuses on economic migrants who have become undocumented or who are working in an irregular situation.

Until the mid 1990s, when inwards migration to Ireland began to occur in large numbers, the issue of irregular migration was not considered. While there are no statistics on the numbers of migrants with an irregular status in the country the issue of irregular migration in Ireland is beginning to be discussed. Since little or no research has been carried out on the topic in Ireland this report examines some of the research that is available from an international perspective and highlights key issues being debated in relation to irregular migration.

One of the key issues surrounding the debate is the question of the most appropriate terminology for describing those who are liable to be deported as a result of their immigration status. It was pointed out that the terms are highly politicised and often tell us more about the people using the term than they do about the populations they are describing. This report acknowledges that most 'illegal' migrants have committed administrative infringements rather than criminal offences and thus uses the more appropriate terms 'irregular migration', 'undocumented workers', and 'migrants with irregular status'. The International Labour Organisation and Council of Europe all use the latter term rather than referring to them as 'illegal' migrants.

In political and media discourses there is an increasing vilification of migrants. A trend towards the securitisation of migration issues has increased since the events of 11th September 2001. Linking immigration to terrorism can be a compelling scare tactic in the formation of public opinion. But since migrants with an irregular status generally find themselves confined to informal employment sectors that expose them to insecurity and vulnerability they represent little threat to public order and security.

Ireland is not alone in having no official data on irregular migration. There is no authoritative source

on global trends and numbers involved in irregular migration and the available sources are not comprehensive. The Platform for International Cooperation on Undocumented Migrants (PICUM) argues that NGOs should engage in data collection as this can enable policy makers to realise that many migrants with an irregular status may have had a regular status at one point and that a major route to irregularity comes about from bureaucratic procedures. PICUM estimates that there are approximately eight million undocumented migrants in Europe.

The report also examines policy options and their effectiveness. In general, the approaches adopted can be separated into three main categories; prevention, removals and regularisation programmes. But many of the factors influencing migration are largely beyond the control of direct state intervention such as globalisation, conflict and the widening economic gap between different parts of the world. Furthermore, control policies often have unintended consequences such as fuelling the growth of migrant trafficking and pushing migrants to more dangerous and complicated ways of crossing borders.

From the interviews conducted the report outlines the lived experiences of migrants with an irregular status in Ireland. It points to difficulties they experienced and highlights the vulnerability of these individuals in terms of their dignity and human rights. The vast majority arrived in Ireland with some valid documentation which entitled them to legally enter the country and reside for a time. Very few actually intended to be, or become, migrants with an irregular status. Others had hoped that on finding work they would be in a position to change their immigration status and reside legally in Ireland.

The vast majority found once they were in an irregular situation they were vulnerable to abuse and exploitation. Many had paid large sums of money to recruitment agencies or intermediaries to organise their work permits or student visas and this increased their vulnerability as they needed an income in order to pay back debts, or to support their families back home. While the situation and experiences of those interviewed varies greatly, the research shows some common characteristics. These include little or no access to social protection and a life lived very much on the margins, occupied in employment sectors in which they were generally low paid.

At the same time it was very evident from the interviewing process that migrant workers in such situations are very capable of developing their own coping and survival strategies. Some became actively involved in lobbying for change in this area e.g. joining a Bridging Visa Campaign¹ and others by seeking help and support from organisations like MRCI and others.

Many of the problems they experienced related to an uncertainty about the present and the future and not knowing who they could trust. For some participants these pressures undermined their physical and mental well-being. Public services were often unavailable to them, contributing to their vulnerability and powerlessness. Finally, for many of the participants, the problem of being unable to return home for family crises or emergencies, if they wished to continue working in Ireland, was a major source of distress.

1. MRCI launched a Bridging Visa Campaign calling on the Minister for Justice, Equality and Law Reform to introduce a temporary permission to remain, or 'Bridging Visa', in forthcoming Immigration, Residence and Protection legislation, which would provide an opportunity for individuals to become regularised and secure employment.

A complex range of motives accounts for why migrants with an irregular status wish to remain in Ireland ranging from financial, changes in personal circumstances, fear of failure, expectations of family back home, the demand for their labour and the inflexibility of the immigration system itself. The fact that they remain here reflects the fact that going home is not always a realistic option and highlights their need to find somewhere to live and work in order to support their families, or repay debts.

Current Irish immigration legislation does not provide pathways for migrants with an irregular status living and working in the Ireland to regularise their immigration status and remain in the country legally. Despite the fact that there is demand for their labour and that they contribute to our social and economic well-being, these immigrants rarely have opportunities to achieve a legal immigration status. The study indicates that measures to address irregular migration require strong leadership.

Finally, many undocumented Irish workers in the US share the vulnerable position that migrants with an irregular status in Ireland experience. The Irish Government are in a position to contribute in a positive manner to the situation of such migrants in Ireland by providing pathways to regularise their status. Not only will this contribute to a reduction in irregular migration in Ireland it will place the Irish government in a stronger position to help the undocumented Irish in the US.

1

“Returning home is not an option. I am the main breadwinner in my family I have a responsibility to the family and they have high expectations of me.”

Introduction

The topic of irregular migration is increasingly recognised as a complex and controversial issue for the European Union and individual states. It is generally viewed as problematic in relation to protecting state sovereignty and welfare systems, and since 11th September 2001 is increasingly linked to security concerns. The extent of irregular migration can only be roughly estimated and available estimates vary significantly. The International Labour Organisation (ILO) claims that information obtained from regularisation programmes and other sources suggest that 10 - 15% of migrants are irregular indicating that irregular migration is not a major share of labour migration (ILO, 2004:11).

No comprehensive research has been carried out on the subject in Ireland and to date no official source has estimated the number of migrants with an irregular status. The Garda National Immigration Bureau provides some statistics on irregular migration, such as the number of outstanding deportation orders (8,902 in 2005). The Minister for Justice, Equality and Law Reform interprets the number of people refused 'leave to land' as an indication of the number of migrants attempting to come to Ireland illegally. 'Leave to land' in Ireland was refused to 4,477 in 2004 and 9,000 persons in the period 2002 to end 2003 (Quinn and Hughes, 2005). However, this type of data gives an incomplete picture as it does not take into account the numbers who entered the country legally and subsequently found themselves with an irregular status. Organisations such as the Migrant Rights Centre Ireland (MRCI) and others point out that this is how the majority of their clients come to have an irregular status.

If little is known about the extent of irregular migration in Ireland even less is known about the circumstances and realities of living with an irregular status. Generally, these migrant workers are not in a position to give voice to their treatment and experiences or explain the factors that led them to be in this position. Raising awareness of their difficulties could bring them to the attention of the authorities and thus increase the possibility of being deported. For many it is safer to stay silent and therefore the lived experiences of these migrant workers are largely invisible and unheard.

The aim of this report is to bring greater clarity and understanding of the dynamics and complexities involved in irregular migration in Ireland and to voice the experience of migrant

workers who find themselves undocumented or working irregularly. Through this report we seek to enable migrant workers to highlight their experiences and in doing so provide evidence-based information and analysis that we hope will assist in the development of humane and effective responses and policies.

Irregular migration can involve overstaying visas (for example holiday visas); entering the country without documents required (for example nationals from visa-required countries); working outside the terms of the residency permit (for example a student visa holder working full time); residing and working on false papers etc. There are many contributing factors involved, including the actions of exploitative employers who do not renew work permits, the existence of trafficking for forced labour, the actions of recruitment agents, misinformation and restrictive policies and laws. Furthermore, the boundaries between regular and irregular migration are not always clear and to date there has been little discussion on the array of issues involved. This report does not attempt to identify the numbers involved but highlights the lived experience of migrants with an irregular status, the different routes that brought them into an irregular status and examines the problems they experience as a result.

1.1 Research Methodology

The research conducted was of a qualitative nature and given the obvious difficulties of obtaining a representative sample of migrant workers to interview, the sample should be viewed as one of convenience. A combination of interviews and desk-based research was used. Semi-structured interviews were conducted with 60 migrant workers who had been, or were currently, working in Ireland with an irregular status. The majority of the interviewees (41) were accessed through the MRCI. However, a significant number (19) were accessed through personal contacts from those interviewed for the project. The research adhered to ethical principles of confidentiality, anonymous data, consent and ensuring pressure was not put on the individuals contacted to participate in this study. In the absence of Irish-based research, a literature review was used to examine some of the international research that is available and to highlight key issues surrounding the topic of irregular migration.

1.2 Profile of participants

Of the 60 participants interviewed 31 were men and 29 women. They came from the Philippines (13), China (9), Bangladesh (5), Brazil (5), Morocco (4), Egypt (4), Ukraine (4), Romania (3), Pakistan (3), Algeria (2), Thailand (2), Peru (2), Belarus (1), Ecuador (1), Turkey (1), and Zimbabwe (1).

The vast majority (49) were aged between twenty and forty. One participant was under twenty and the remainder were in their forties or fifties. They worked in a variety of sectors, the majority of which would be regarded as 'low-paid' occupations. A significant number worked in restaurants

(17), domestic work (5), mushroom harvesting (5), cleaning (5). The remainder worked in hotels, construction, security, meat processing, circus, catering, odd jobs, self-employed and carers. 4 participants were not working at the time of the interviews, 3 of them had come to join family members already in Ireland and 1 was seeking work.

The vast majority of participants (54) entered the country legally on a valid visa. The remaining 6 entered the country in an irregular manner. All found themselves at some point with an irregular status in some form or another. The length of time the participants worked in Ireland in compliance, semi-compliance and non-compliant with the terms and conditions of their entry visa varied greatly.²

2. 6 participants entered the country in an irregular manner and never worked with appropriate documentation, and 4 participants did not want to discuss the length of time they had been in the country with an irregular status.

2

“I applied for several jobs but the work permit was the problem. I started to run out of money and people I met through work gave me financial assistance. I was very afraid that I could be deported. I was thinking that my employer knows where I live and will tell the Garda. I was afraid of the Garda on the streets.”

Key Concepts in Irregular Migration

2.1 Introduction

In Ireland discussions on irregular migration have generally focused on the plight of Irish migrant workers in the USA and the campaign for a regularisation programme for those with an irregular status. Little discussion has taken place on the situation of migrant workers who find themselves with an irregular status in Ireland. This is partly due to the relatively recent phenomenon of inward migration. However, in other European countries, with a longer history of immigration, irregular migration has been at the centre of political discussions on migration, and the focus of research, for quite some time. In this section some of the key concepts and policy developments surrounding the topic of irregular migration will be examined.

2.2 Terminology

There is considerable debate regarding the most appropriate terminology for describing those who are liable to be deported as a result of their irregular immigration status. Ireland, like many other countries, has developed a complex immigration system underpinned by an array of laws and policies. There are many grey areas and inconsistencies within this system and consequently the question of who is legal and regular is not straightforward. The main terms used are unauthorised, undocumented, illegal and irregular. However, there is some controversy surrounding the adequacy of these terms. The term 'illegal' has associations with criminality, which is viewed as objectionable as the vast majority of irregular migrants are not criminals. The terms 'undocumented' and 'unauthorised' are not an accurate description of all migrants with an irregular status as some have documents and are authorised to be in the country. While the term 'irregular' captures the complexity of the issue it also has shortcomings as an individual person cannot be 'irregular', but rather be in an irregular situation. The Global Commission on International Migration (GCIM, 2005) refers to the people concerned as 'migrants with irregular status'.

Anderson and Ruhs (2006) argue for a move away from a legal/illegal dichotomy to the notion of a spectrum of compliance. "Compliant migrants are legally resident and working in full compliance with the conditions of their immigration status. Non-compliant migrants are those without the rights to reside in the host country. Semi-compliance indicates a situation where a migrant is legally resident but working in violation of some or all of the conditions" (2006: 2).

The notion of compliance is helpful in that it indicates that grey areas exist within the concept of irregular migration, and highlights that immigration status is not static and it is possible to slip in and out of irregularity, according to the visa requirements of the countries concerned. An example of this could be the spouse-dependant of a work permit holder who is legally resident in the country but working without a permit and is therefore semi-compliant with the conditions of their immigration status.

Whatever terminology is used to describe those with an irregular status, Anderson and Ruhs (2006) point out that the terms are highly politicised and often tell us more about the person using the term than they do about the populations they are describing. For example, when dealing with the issue of Irish workers with an irregular status in the US, the Government uses the term 'undocumented' but when referring to migrants with an irregular status in Ireland they use the term 'illegal'. For the purposes of this report the terms 'irregular migration', 'undocumented workers', and 'migrants with irregular status' will be used. The Anderson and Ruhs (2006) spectrum of compliance will also be referred to.

It is also important to acknowledge that most migrants with irregular status have committed administrative infringements rather than criminal offences. This has been emphasised by a number of bodies including the ILO and the Council of Europe. The UN Special Rapporteur on the Rights of Non-Citizens recommends that 'Immigrants... even those who are in a country illegally and whose claims are not considered valid by the authorities, should not be treated as criminals' (Khosler, 2005: 5).

2.3 Push and Pull Factors

States have devoted enormous attention and resources to stem irregular migration yet according to International Organisation of Migration (IOM) the number of migrants in an irregular situation has not declined. Migration is primarily influenced by a range of push and pull factors rather than the existence of regulations and controls. Push factors include poverty, and lack of work opportunities. Pull factors include the higher wages that are available in developed countries together with a demand for cheap and flexible labour. However, migration cannot be adequately understood solely on the basis of economic criteria. It is also important to consider social and political factors. (Castles and Miller, 2003).

Social factors can play an important role in irregular migration. The growth of diaspora communities and trans-national social networks has made it easier for people to move from one country to another in an irregular manner. Furthermore, it is acknowledged that a so-called 'migration industry', including travel agents, lawyers, labour recruiters and interpreters, develops from these networks (GCIM, 2005 and IPPR, 2006). In addition, greater access to global information and cheaper transport mean that the distance between sending and receiving countries poses less of a barrier to movement.

The political context in both sending and receiving countries is also crucial. Many of the people who migrate in an irregular manner do so because their own countries are affected by armed conflict and political instability, leading those affected to migrate in pursuit of asylum and protection. The policies of receiving countries also play an important role in the creation of irregularity; “A migrant only becomes ‘irregular’ if they have been defined as such by immigration laws and regulations in receiving countries. Therefore, there is an intimate relationship between immigration regulation and irregular migration” (IPPR, 2006: 8). Moreover, a lack of regular migration opportunities can drive people to use criminal networks that profit from human smuggling and trafficking. Castles (2005) emphasises that nobody wants to be an undocumented worker, but the receiving country’s laws and policies create irregularity (Compass, 2005).

Research conducted in the UK by Jordan and Duvell (2002) examined why migrants with irregular status came to the UK, how they survived and what they planned to do in the future. The research shows that the motives for, and justifications of, irregular migration are diverse and that they vary between migrants’ countries of origin. It also showed that whatever the reasons migrants used for coming, they risked becoming trapped in the informal economy, and those who wanted to return were usually forced to stay longer than they planned.

2.4 Routes into Irregular Migration

There is usually a complex range of issues involved in falling into an irregular status, many of which migrant workers have little or no control over. Whatever the case, it is apparent that migrant workers with an irregular status are very vulnerable and are often excluded from all forms of social and legal protection. There are a variety of pathways to becoming undocumented or falling into an irregular status. Becoming undocumented can be described as having no legal right to reside in the country. Falling into an irregular status is more complex but put simply the term describes someone who is working outside of some or all of the conditions of their visa.

Irregular Entry

This includes individuals who have entered a country without passing through the border controls, or entered with false documents (wittingly or unwittingly).

Visa Overstays

This refers to those that have legally entered a country with a tourist visa or as students, but have remained in the country after their visa has expired. There are also non-visa-required countries whose nationals do not require a visa in order to enter and holiday in Ireland but do require permission in order to legally work and stay longer in the country. It also includes migrant workers whose work permit has expired or whose employers have failed or refused to renew their work permits.

Visa Violations

This group includes individuals who have entered a state legally but at some point violate the terms of their residency conditions. The most frequent of which are holders of tourist visas who accept

employment and students who work more hours than is allowed. There are also those who hold spouse-dependant visas but are working without permission.

Family members of legally resident migrants

This refers to the spouses or children who do not have an independent right of residence of their own, and who become undocumented as a result of marital breakdown. It also includes family members that join their relatives living in a regular situation in the host country but do not acquire a legal status for themselves.

Asylum-seekers not granted refugee status

This category refers to those who have applied for refugee status and have been refused.

Trafficking in Persons

The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (often referred to as the Palermo Protocol) makes trafficking in persons an international criminal offence and defines trafficking as the deceptive recruitment, transporting and finally enforced exploitation of a person. It is now recognised that many people are trafficked for forced labour in addition to those trafficked for sexual exploitation. Individuals who are the victims of trafficking may find that they have infringed a country's admission rules or have violated the terms of their visa. They will have done so because of coercion or deception. Whether or not that person knew they were committing an illegal act is immaterial. The act was part of a process that from beginning to end had only one goal: that of exploiting the victim.

The routes described here capture the majority of ways into becoming a migrant with irregular status, and highlights that immigration status is not static, with individuals moving between regularity and irregularity. Those who enter regularly may become irregular when they work without a permit, overstay a visa or violate their visa conditions. Similarly, those who enter irregularly may regularise their status by applying for asylum and obtaining refugee status or by obtaining permission to remain at ministerial discretion.

2.5 Securitisation of Migration

In political and media discourses there is an increasing vilification of migrants. Migration is often associated with crime, arms and drug trafficking. In extreme cases it has been linked to state security. Specifically, it has been suggested that irregular migration and asylum may provide channels for potential terrorists to enter other countries. Furthermore, there is a perception that states are at risk of being overwhelmed by enormous numbers of irregular migrants. Another threat that appears in public discourse is that migrants are associated with the spread of infectious diseases and can threaten economic stability by increasing employment competition (Koser, 2005).

Castles (2003) believes that since 11th September 2001 the trend towards the 'securitisation' of migration issues has gained new momentum. In Irish political discourse there has been some

effort to link the risk of terrorism and organised crime with immigration control. 'People who cross borders illegally may do so for the purpose of working illegally but may also do so with a view to involvement in crime, including terrorism.' (McDowell, 2002). Linking immigration to terrorism can be a compelling scare tactic in the formation of public opinion. The association of migrants with criminality, and now terrorism, appears to be reinforced by usage of terminology of illegal migrants and language of combating illegal migration. "In the context of an increasingly diverse work force across Europe, discrimination and outright violence against foreigners are encouraged by the language of illegality. The use of military terms further suggests that 'illegal migrants' are some kind of an enemy in military confrontation" (Taran, 2003: p. 14).

The linking of immigration to national security can also be seen in the shift of migration management responsibilities from labour ministries to interior, home affairs ministries or in Ireland's case the Department of Justice, Equality and Law Reform (DJELR). "To the vast extent that migration is about work, ministries of labour/employment must retain a central role in administration of migrant worker policies, because labour migration inevitably has direct implications on labour market regulation, conditions of work and other fundamental areas of their competence" (Taran, 2003: p. 21).

2.6 Collecting Data on Irregular Migration

The extent of irregular migration can only be roughly estimated and estimates vary significantly from one group or organisation to another. There are also conceptual problems in comparing data, as different countries define irregular migration in different ways and migrants can move between regular and irregular statuses.

The majority of data collected is by 'direct' methods. This is data from administrative statistics such as detection at entry points, deportation statistics and regularisation programmes. However, according to Baruah and Cholewinski (2006: p. 163) this kind of data gives an incomplete picture and frequently is a reflection of the extent of the resources assigned to, and the level of effectiveness of, immigration enforcement agencies. Indirect methods try to deduce the size of the irregular population by comparing different population censuses and registers, including data on births and deaths. "Direct methods have the potential to be more accurate but encounter problems due to the hidden nature of the irregular migrant population. Indirect methods, if appropriately utilised, can often provide a fuller picture of the irregular population that does not rely on counting irregular migrants" (IPPR, 2006: p. 9).

There are no official figures for the numbers of irregular migrants in Ireland and any data that is available was collected by 'direct methods'. According to a recent report by the European Migration Network, the Minister for Justice Equality and Law Reform regards the number of people refused leave to land in Ireland as indicative of the number of migrants attempting to come to Ireland illegally; "Leave to land was refused to 4,477 persons in 2004 and 9,000 in the period 2002 to end 2003". Furthermore there were 11,270 deportation orders issued in Ireland since the commence-

ment of the Immigration Act 1999 and of these 8,902 are currently outstanding. It is not known how many persons evading a deportation order remain in the country (Quinn and Hughes, 2005, p: 19-20). The Department of Enterprise, Trade and Employment has recently announced its intention to undertake research to “try to determine the number of people working illegally in Ireland”.³

An analysis of data from MRCI’s Drop In Centre in 2006 shows that, out of approximately 1,000 migrants that entered the country legally on a work permit, one quarter had become undocumented by the time they sought the support of the MRCI. Close to three quarters of those that had moved from a documented to an undocumented status before contacting the MRCI were from Asia, with central and eastern Europeans constituting more than 15%. In this period, those employed as domestic workers in the private home were most likely to become undocumented, with both the agriculture and hotel and catering sector also having large shares of migrants becoming undocumented. The most common claim made was that the employer did not renew the migrant’s work permit, followed by a worker being made redundant and not being able to secure a new permit immediately. The Centre’s analysis makes the link between becoming undocumented and workplace exploitation. More than 60% of all those who lost their legal status had experienced exploitation.

2.7 State Responses

State policies in relation to irregular migration have evolved since about the mid-1990s and have overwhelmingly been control-oriented. They have tightened even more in the aftermath of 11th September 2001. In general, the approaches adopted fall into three main categories: prevention, removals and regularisation programmes.

2.7.1 Prevention

At their most far-sighted, prevention policies include support for human development and good governance in countries of origin. However action in this category is more likely to focus on tougher border controls, including the introduction of Transit Processing Centres (TPCs) where asylum seekers arriving in the EU would be transferred to a location outside the EU where their claim would be assessed (Koser, 2005: p. 25). This restrictive policy has been compared to an ‘outsourcing’ of European responsibility to accommodate largely unwanted migration (Patantoniou et al, 2004).

2.7.2 Removals

Most states view return as an integral part of policy on irregular migration. This was evident in Ireland in 2002, when the current government set out its plans in the “Programme for Government”; increasing the rate of repatriation of failed asylum seekers was the Government’s first priority in the section dealing with asylum and immigration.

Research projects have cast some doubt upon the benefits of return policies. In particular, large-

scale removals can be expensive and socially and economically disruptive. Furthermore, there is a risk of returning individuals to a precarious situation (most obviously for those seeking asylum). This also affects migrants who are moved by smugglers and who may return to their countries of origin in debt. "One implication of returning to a precarious situation is that the very migrants who are returned may have an incentive to leave again straight away. The idea that return deters irregular migration by others also probably underestimates the forces underlying a significant proportion of irregular migration." (Koser, 2005: p. 22).

Recently, attention has turned to the extent to which assisted voluntary return programmes might be a more effective way to promote returns. But one argument against providing any assistance at all is that it might become a 'pull factor' attracting new migrants with irregular status. Koser (2005: p. 23) claims that the emerging consensus is that some combination of deportation and assisted voluntary return is the most effective way to achieve the return of irregular migrants. However, he believes that certain irregular migrants are effectively irremovable for practical, legal or humanitarian reasons. To leave them interminably in an irregular situation is not a humane option, and alternatives need to be developed.

2.7.3 Regularisation

Regularisation programmes are one of the mechanisms states use to manage the undocumented immigrant situation in their countries. Generally, regularisation offers migrants who are in a country irregularly the opportunity to legalise their status. Most regularisation programmes fall into one of two categories. At one end of the scale there are the 'general' programmes. These general regularisations are ones for which migrants must qualify within a limited period of time by satisfying a number of criteria. These programmes often involve large numbers of migrants and are portrayed politically as 'exceptional' and as a way to 'clean the slate'. At the other end of the scale there are continuous or permanent regularisations. These are done on a case-by-case basis by administrative or judicial bodies, usually without much publicity (Migration Policy Institute (MPI), 2004).

According to the Institute for Public Policy Research (IPPR, 2006) regularisation programmes increase regulation of the labour market and increase the collection of tax revenues. Furthermore, they allow immigrants to access educational and training opportunities, join labour organisations and address exploitation. In these situations both immigrants and receiving societies benefit from regularisations.

Regularisation programmes are often criticised for rewarding those who break the law and for encouraging future irregular migration especially if there is an expectation of further regularisation. The Migration Policy Institution (MPI, 2004: p. 7) believes that the evidence for this is not conclusive and that in Southern European countries the general availability of work for unauthorised migrants is a greater draw than is the prospect of regularisation. In addition, where the residence permit is temporary and its renewal depends on evidence of formal and stable employment this may lead to a reversion to irregular status initiating a vicious cycle that traps migrants in the informal labour market.

2.7.4 Effectiveness of Policy Options

There is a growing realisation that control policies alone cannot prevent irregular migration. This is supported by the fact that in many states irregular migration has increased despite the introduction of such policies, and where numbers have dropped it has normally not been to acceptable levels. Koser (2005: p. 15) points out that many of the factors shaping migration are largely beyond the control of direct state intervention, such as globalisation, conflict and the widening economic gap between different parts of the world. Control policies do not change the fundamental reasons for irregular migration. Furthermore, once migration becomes established, its momentum can be hard to stop. This is in part due to social networks and chain migration. Finally, control policies often have unintended consequences such as to fuel the growth of migrant smuggling and even where smugglers are not involved, control policies have often pushed migrants to more dangerous and complicated ways of crossing borders and ending up with an irregular status.

2.8 International and Irish Policy Developments

2.8.1 International Context

Migrant workers, irrespective of status have a range of human rights as defined by bodies such as the International Labour Organisation (ILO) and most recently the United Nations. Exercising these rights continues to be a difficulty but is an important factor in the discussion regarding undocumented workers rights. These rights include those set out in conventions such as the UN Declaration of Human Rights, the International Convention on the Elimination of Racial Discrimination, the Convention on the Elimination of Discrimination Against Women, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights. In addition the ILO defines a vast array of protections relating to labour rights that apply to all workers. The ILO Convention on Migrant Workers (No 143) specifically addresses the rights of undocumented migrant workers. In addition, the International Convention on the Protection of the Rights of All Migrant Workers and their Families entered into force on July 2003, formally placing the rights of migrant workers in the international human rights framework. The UN Convention defines the term migrant worker as a 'person who is to be engaged, is engaged, or has been in a remunerated activity in a state of which he or she is not a national'. The UN Convention does not exclude irregular workers from its definition of migrant workers. Instead, the State Parties expressly recognise 'that workers who are non-documented or in an irregular situation are frequently employed under less favourable conditions of work than other workers and that certain employers find this an inducement to seek such labour in order to reap the benefits of competition'. As such the UN recognises that to protect the rights of all migrant workers, it must provide recourse to fundamental human rights for those in an irregular status. Unfortunately Ireland is one of the many states not to have ratified the UN Convention.

2.8.2 EU Policy Developments

Whilst there is no evidence that EU policies focusing on border control measures have reduced numbers of undocumented migrant workers, estimated at early eight million in the EU, strict measures have been developed to tackle irregular migration. Some of these measures have included a Community returns policy, reinforcement of external borders and readmission agreements. Tackling the issue of irregular employment and migration has to date focused less on strengthening undocumented migrant workers' rights and more on efforts to impose employer sanctions, fight trafficking and strengthen border control. In 2006 the EU commission issued a communication on policy priorities in the fight against illegal immigration of third-country nationals.⁴ Some of the policy priorities within this communication include securing borders, fighting human trafficking, tackling illegal employment, and return policies. Organisations such as PICUM have expressed regret that the communication predominantly focuses on employer sanctions as a way of addressing the issue of irregular migration employment, without elaborating on ways to promote and protect the fundamental rights of undocumented workers.⁵ Another important development at an EU level is the recent Council Directive on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State, and on a common set of rights for third-country workers legally residing in a Member State. This Directive opens up a much-needed debate on rights for migrant workers in the EU.

In relation to protecting the rights of migrants with an irregular status there are a range of protections at the EU level that are potentially applicable. These include the Convention for the Protection of Human Rights and Fundamental Freedoms, the European Social Charter and its Additional Protocols, the Charter of Fundamental Rights of the European Union, and the Framework Convention for the Protection of National Minorities. There is little evidence, however, that migrants with an irregular status have been successful in securing protections or advancing their rights in any meaningful way through the EU rights and protections framework.

Within the EU social inclusion process there is little or no mention of undocumented migrant workers. The social integration of undocumented migrants is not a policy priority at an EU level. The Platform for International Cooperation on Undocumented Migrants (PICUM) has advocated the importance of including undocumented migrants in discussions on European social inclusion strategies, given the obvious link between undocumented migrants and poverty, homelessness, labour exploitation and marginalisation.⁶ Whilst migrant workers have been named as a group vulnerable to social exclusion in previous Irish National Action Plans For Social Inclusion, there is no mention of undocumented migrant workers or specific actions to address their very basic social needs (including housing, health and fair working conditions). Similarly, the integration agenda is specifically focused on the integration of 'legally resident' immigrants.

4. Communication from the Commission on Policy Priorities in the Fight against Illegal Immigration of Third-Country Nationals Brussels, 19.7.2006 COM (2006) 402 final

5. PICUM's Comments on the Communication from the Commission on "Policy priorities in the fight against illegal immigration of third-country nationals" COM (2006) 402 final – www.picum.org

6. Report of PICUM International Conference on Access to Health care for Undocumented Migrants in Europe. June 28-29, 2007. Page 5

2.8.3 The Irish Situation

Apart from a very limited and ad-hoc discretionary approach on individual cases there are no clear mechanisms or criteria for a migrant worker to regularise his or her status. It appears that an informal ninety-day grace period is in operation whereby a person can be temporarily undocumented for up to three months while awaiting the outcome of a formal application.⁷ However it is the experience of the MRCI that this practice is not applied consistently and can vary with immigration officers across the country; a person can be granted permission to remain as an exceptional measure, or be served with a Ministerial notice of intention to deport (Section 3, Immigration Act 1999). In the event of a person being served an intention to deport letter, an appeal can be made within 15 working days. This application is granted on the basis of ministerial discretion. There is no time frame for consideration, few positive decisions and a very long waiting period. It has been the experience of MRCI that up to recently a relatively pragmatic and humanitarian response to workers who have become undocumented for reasons beyond their control, including workplace exploitation, was adopted primarily by the Department of Enterprise, Trade and Employment. However official responses remain inadequate and vague.

Irish Public Opinion

An opinion poll carried out in August and September 2007 by RedC, commissioned by MRCI and the Forum on Migration and Communications (FOMACS), indicates that three out of every four people believe that the Government should give undocumented workers the opportunity to legalise their status. The poll asked 1,000 adults what they thought the government policy should be towards the estimated 50,000 undocumented migrants working in Ireland. 77% of the general public polled thought the Government policy should be to give migrants the opportunity to legalise their status provided they worked and paid taxes. 19% felt that the Government should require undocumented workers to leave the country immediately. 4% did not know or refused to answer. The overwhelmingly positive results of this poll can be viewed as a strong endorsement for a pragmatic and realistic attitude on the part of the general public towards undocumented workers.

In an address to the Law Society on the Immigration, Residence and Protection Bill 2007, the then Tánaiste and Minister for Justice, Equality and Law Reform Michael McDowell acknowledged that, "our wealth and prosperity and economic well-being are built on and depend on inward migration". The Minister went on to say that, "those who are illegally here must remove themselves and if they do not then the State will do so.....the hospitality of the State and access to its services must be reserved for those who come through the legal route and who play by the rules.....I cannot accept that people should profit from illegality or that they should enjoy the same rights as those lawful immigrants who have worked hard to reach a particular level of entitlement and stake in society."

Immigration, Residence and Protection Bill 2007

In response to the need for comprehensive and updated immigration legislation the Immigration, Residence and Protection Bill (IRPB) was published in April 2007. A revised Bill is due to be

7. See Section 12 of the Immigration Residence and Protection Bill 2007 (published April 2007) where this grace period is laid down in the draft legislation.

published early in 2008. In relation to dealing with the situation of migrants with an irregular status it is expected that a number of provisions will be contained in the Bill including imposing a mandatory obligation to leave the State or face removal without notice from the State. It is likely that an individual may be arrested and detained for the purposes of securing their removal from the State. Draft provisions propose to remove the current safeguards that allow individuals to apply to the DJELR to regularise their status on a case-by-case basis, or to make an application for leave to remain (Section 3 process).

The original Bill states that a foreign national who is unlawfully in the State will not be entitled to any benefits or services provided by a Minister of the Government, a local authority or the Health Services Executive. A number of exceptions have been identified including access to essential medical treatment and education services to a person who is under the age of sixteen, legal aid and particular emergency social welfare payments.

In the original Bill there is no provision for a mechanism to re-enter the system if a person has become undocumented for reasons beyond their control. There is only provision for a ninety-day grace period whereby a person can be undocumented while awaiting the outcome of an official application. The IRPB also seeks to retain the principle of Ministerial discretion, which is the predominant feature of the existing system and has been widely criticised. The reliance on Ministerial discretion gives rise to concerns regarding the potential for arbitrary and inconsistent decisions.

Employment Permits Act 2006

The operation of the work permit system has greatly influenced how migrants become undocumented and find themselves with an irregular status. The Employment Permits Act 2006 was fully implemented in January 2007. Although the new provisions contain some positive developments, MRCI has expressed concern that the implementing regulations do not provide for mobility within and between employment sectors. A migrant worker who applies for and pays for his/her own work permit cannot move jobs with ease and the potential for exploitation to occur remains. Without this right to mobility within an employment sector migrant workers from outside the EU do not have the same protections under employment law as Irish or EU workers. Fees for work permits have also become a very real issue for many migrant workers trying to change jobs if made redundant or experiencing poor employment conditions. The applicant now pays for the work permit and this fee of €1500 is very prohibitive for many employers and especially for migrant workers. Upon changing jobs this fee is not refunded and places a massive financial burden upon non-EU migrant workers employed on work permits. The work permit system in Ireland remains very much employer-led and the lack of flexibility between schemes, the financial implications of applying for a valid work permit, and lack of options for workers who have been exploited in their jobs are undoubtedly contributing factors to migrant workers becoming undocumented.

3

“It seemed worth it as a once-off payment for a better life... I thought it would be better money, better life for my family. Thought if I stayed in a good society like Ireland I could bring my family.”

Contributing Factors to Irregular Migration

3.1 Introduction

Available research highlights that migrants with an irregular status are concentrated in low-paid and unstable sectors of employment, many of them filling jobs considered to be undesirable by the local population. It is clear that migrants can find themselves with an irregular status for a variety of reasons and that once they are in this situation, they are more vulnerable to exploitation and abuse. Furthermore, they have to remain invisible to immigration authorities and other law enforcement officials, and live without access to the institutions designed to support members of society. But what impels workers to stay in Ireland when they find themselves in this situation or what encourages them to risk violating their entry visas in order to work? To what extent are they free to choose, or are they trapped by personal circumstances or by the inflexibility of immigration regulations? This section examines the reasons why migrants with an irregular status remain in Ireland and why they take these risks despite the obvious disadvantage that having an irregular status brings.

3.2 The Impact of Globalisation

Globalisation and migration represent two of the defining features of today's world. It is generally agreed that globalisation has substantially influenced the labour market and is a major contributor to the insecurity of the work environment that exists today. Intense competition between companies, operating internationally and locally, forces the costs of labour down, and a demand for cheap and flexible labour is created. Furthermore, it is argued that this growth at the bottom end of the labour market has been further fuelled by a growing demand for low-paid workers to service the high-income lifestyles of an expanding professional and managerial class (May et al, 2006, p: 4). Frequently, this demand for cheap and flexible labour cannot or will not be met by the local population and inwards migration is an inevitable result. This process of globalisation can be clearly seen in Ireland where we have experienced a decline in manufacturing and a dramatic expansion of the service sector. Although the current regulations provide for sanctions against employers who employ irregular workers, these penalties do not seem to discourage employers searching for 'low-cost' labour, frequently not available on the domestic market.

“There are people working, the only thing they don’t have is a visa. The jobs are here. They are working but don’t have the permit. Only have visa now for high skilled people like doctors. Most migrants here are carrying out the hard manual, physical labour. Ireland needs these people too, no one else to do the work.” (Rodrigo)

3.3 Policy barriers within the immigration system

The majority of participants in this study entered the country with some form of documentation which entitled them to enter legally and to reside for a time. The majority of participants that entered with valid work permits found themselves in an irregular state through no fault of their own. This frequently occurred as a result of exploitation, redundancy, misinformation and administrative delays. The most common difficulty, for many workers, occurred when their employer promised to renew their work permit but failed to do so. The absence of a practical solution in such cases contributes directly to migrants becoming undocumented.

Another factor which contributed to migrants becoming undocumented or acquiring an irregular status was the difficulties they experienced when transferring between schemes and between different immigration statuses. Many of the students who participated in this study were unable to transfer from a student visa to a work visa or work permit. Some of them, in an effort to remain ‘semi-compliant’, still continued to attend English classes even though they were now fluent in the language and were employed on a full-time basis. The graduate scheme introduced as part of the Employment Permits Act allows a non-EEA student who has acquired a primary, masters or doctorate degree from an Irish third level educational institution to apply to the Irish Naturalisation and Immigration Service to remain in Ireland for six months after the receipt of their examination results. However many non-EEA students find it very difficult to secure employment that is over the €30,000 threshold required in order to qualify for a work permit.

It should also be pointed out that migrants are not simply economic units that live in social isolation. Whatever their initial personal circumstances may have been on entry to Ireland, partnerships develop and children are born, while other relationships can break up. This change in personal circumstances may necessitate a change immigration status. Immigration law and policy does not allow for a solution to such cases. It can thus become very easy for a person who entered the country legally on a spouse-dependent visa, and who remains in the country after the break up of their relationship, to become undocumented.

It is clear that increasingly restrictive immigration policies contribute to illegal flows and irregular residence of many migrant workers. Furthermore, they can play into the hands of criminal trafficking or smuggling organisations and can hinder rather than help in finding a solution to irregular migration.

3.4 Financial Pressure

One of the main reasons migrants with an irregular status do not return home relates to their financial commitments. As was pointed out earlier, many of the participants had paid money to come to Ireland. It has been well documented (MRCI, 2007) that migrants often pay large fees to agencies and intermediaries to enter the country legally. In most cases this money is borrowed from family and friends on the understanding that the worker will send money home to repay the debt. Therefore, even if they find themselves without a work permit and with an irregular status they still are obligated to repay the debts incurred. This increases the pressure on the individual to stay working even if they find themselves working in exploitative conditions.

Furthermore, many of the participants were supporting families in their countries of origin. They made regular financial remittances back home, supporting partners and children, parents or helping to educate younger members of their families. For each individual with an irregular status trying to survive in Ireland there may be a number of dependants elsewhere who are being supported by his or her work activities. Alma and Juan's experiences exemplify this situation very well:

“Returning home is not an option. I am the main breadwinner in my family. I have to support my parents and three brothers and one sister. My son is also at home. He is twelve years old. He was six when I left him. I haven't seen him in six years. You know if I return home there is no work. How could you survive? I'd be embarrassed. You know some of my friends are from the same place and people ask questions. I have a responsibility to the family and they have high expectations of me. They presume I have a good life, but....” (Alma)

“I cannot return to Peru. I need money to pay all the money that I owe. I need to pay my mother. She took a mortgage out to lend me money.” (Juan)

3.5 Fear of Failure

Migrants with an irregular status in Ireland will endure extreme hardship rather than face the shame of returning home as a 'failure' or return home still in debt. Often they have heard of others from their regions, who are supposed to have 'made it' in Ireland. Many of the participants received only positive information regarding life in Ireland before arriving here. This misinformation is distributed through employment agencies, friends and media reports. There is little access to accurate information, thus, most migrant workers leave the country with high hopes only to find themselves trapped in difficult and often exploitative working conditions. Many of these workers try and hide the difficulties they are experiencing in Ireland from their families back home. From an economic

and psychological point of view, returning empty-handed and being seen as the only one who has 'failed' is not an option. Aida now has a work permit but she describes how she felt when she had an irregular status:

“I have to say it is difficult to go back home as a loser. You know how people talk at home... Who is coming back home overnight? They all believe that you have done something, that something was going wrong here otherwise why should I have gone back home: I am sure this is how they would have perceived me. Moreover, it is so hard to go back because things are not the same as you left them. All my friends, the ones who are still there are married with children. They have their own families you know. Every thing is changed. The life goes on. I couldn't imagine at that time to go home.” (Aida)

3.6 Changes in Personal Circumstances

In a study of undocumented migrants in the UK Anderson points out that many students who became migrants with an irregular status never came with the intention of settling permanently. She points out that changes in personal circumstances made possible by education can broaden a person's intellectual and social horizon making a return to their old life increasingly unattractive. Furthermore, there is the additional factor of personal relationships that may have developed during their course of study. She also accepts that economic opportunity is an important factor in the decision to remain, knowing it is virtually impossible to change their status after completion of their studies (Anderson, p. 54). In Sabi's case the desire to maintain a relationship built up during what was initially planned as a temporary stay, and the offer of a job related to her qualifications, have strengthened her resolve to remain in Ireland even though she is aware of how difficult it is going to be to change from a student visa to a work permit.

A minority of participants experienced an improvement in their well-being when compared to their lives in their country of origin. Even though the migration itself was expensive and often dangerous, the conditions in their country of origin that had forced them to migrate, still existed:

“I would far prefer to take my chances here than return to highly competitive China. Ireland is better for living, better government, better policy. I hope I can get work permit and become legal again. I hope there might be amnesty for all illegal who have been here for five years.”

(Wei)

4

“I couldn’t send money. I cried that night and asked myself why did I come to Ireland? My uncle died also when I had no papers and I could not go to the funeral. That was hard too. I started to think about leaving the job and trying to find another with better money and where I could sort out my work permit.”

Reasons for Leaving Home and Pathways to Irregular Migration

4.1 Introduction

This section of the report examines the motivations that lead people to migrate to Ireland, and the variety of ways in which they became undocumented. The findings also identify that when a migrant enters a country illegally, or enters legally and subsequently is in violation of the terms of the residency visa their vulnerability to abuse and exploitation increases.

4.2 Motivations for migrating to Ireland

This study reveals that very few of the people interviewed actually intended to be, or intended to become, migrants with irregular status. Factors driving them from their countries of origin included poverty, lack of job opportunities, marital break up, family responsibilities, and political difficulties. Factors that attracted them to Ireland also varied, and included the availability of work, the presence of family, relatives and friends, the desire to study and the prospect of learning English with a view to improving job prospects back home. However, the vast majority of interviewees said that their main reason in coming to Ireland was to work in order to make a better life for themselves and their families.

In general, participants from Bangladesh, Pakistan and the Philippines emphasised the need to earn money to support their families. They considered this impossible to do by remaining in their home country. Women in particular wanted their children to remain in the education system until third level in order to enhance their career prospects. Chinese participants in the study believed that having good English would be an investment in themselves and their future careers. In general, younger participants had dreams of earning and saving for purchases such as cars or houses, or enough money to start a business back home.

Sveta

Sveta, a Ukrainian woman, gave a typical example of her motivations to migrate: Her wages were very low and she was unable to pay her bills. Her eighteen year old wanted to go to university, which is 90% fee-paying in the Ukraine. Without a university-level education, future work prospects would be very poor. In addition, Sveta had to support her elderly parents who are in poor health.

Rose, from Brazil, described her reasons for migrating:

“I need to work ten years maybe twenty years to buy a house and a car and I had a dream to have a house. I had a son you see. My life in Brazil was not very bad but I had a dream.” (Rose)

For 45% of those interviewed, the presence of a friend or family member already in the country was an important factor in their decision to migrate to Ireland. They relied on these social networks to get them over the first few days and put them in touch with networks on which they subsequently relied.

“It was a very difficult time for me. It was two months before I got job. I was searching all the time but my English was a problem. I lived in house with my friend and seven other men. My friend gave me money for food and only for him I would not have survived.” (Rose)

For three participants, their chief motivation to migrate was political rather than economic. A participant from Zimbabwe had family connections with the opposition political party and was encouraged by her family to leave in order to protect her son and herself from possible repercussions. With the help of her sister who was already living in Ireland, a job and work permit were obtained. Another participant from Morocco believed that because of his political beliefs he was constantly called in for questioning and decided that for his own safety he should leave the country. He had family already living in Ireland but knew his only hope of entering the country was on a tourist visa. He did not consider applying for asylum. He believed people's perception of asylum seekers was very negative.

4.3 Agencies and Intermediaries

With one exception, all the Chinese migrants interviewed arrived on student visas. These were organised through agencies and the amount charged varied with one student paying €700 and another €10,000. They were all studying at private language schools. One interviewee claimed that it was very difficult to obtain visas to leave China and that a student visa was the easiest to get. Another claimed that it was nearly impossible for Chinese people to get work permits and that the only way to enter Ireland legally was with a student visa:

“I think the government's policy for visas is pretty much a loophole for the colleges to take advantage of us. It is a type of discrimination. I'm very upset sometimes, you are willing to learn and you know you have the potential. You are making a better life for yourself and you are doing good to this country. It is very difficult”. (Sabi)

The vast majority of migrants from the Philippines originally had work permits. In general these were obtained through agencies where fees varied greatly. One participant paid €10,000 for a work permit, another paid €700 while some did not have to pay any fees. Migrants from Bangladesh and Pakistan were likely to have been recruited by an agent or directly by their employer. Even though this person was known to them or their families, in general they paid substantial sums of money to obtain a work permit. Hossain, a Bangladeshi man, described how when the opportunity to work in Ireland arose he willingly paid €10,000 to a businessman for a work permit. He was promised a good salary and citizenship:

“It seemed worth it as a once-off payment for a better life. Ten people came through this man who were all cousins to him. I thought it would be better money, better life for my family. Thought if I stayed in a good society like Ireland I could bring my family.” (Hossain)

Three participants paid money to an intermediary who claimed to have contacts with embassy officials in order to obtain tourist visas. They believed they would not have got their visas without payment:

“You pay this guy and he had a contact in the Irish embassy that would get you a permit. This guy made a lot of money”.
(Muhammad)

This participant paid the intermediary €5,500 and within six days he had a tourist visa. He was informed that it would be very easy to get work in Ireland as there were lots of jobs, and that a work permit would be easily obtained once in the country.

4.4 Routes into Irregular Migration

The vast majority of those interviewed (54) entered the country legally: 31 arrived on work permits, 14 on tourist visas, 8 on student visas and 1 seeking asylum. The remaining 6 all entered the country without legal permission: 3 came in through the North of Ireland via the UK, 2 left the ships they had been working on and 1 had her passport taken by immigration officials at the airport but did not return the next day, as directed. Of the 8 men and women who arrived in Ireland on student visas only 1 said that they had come to Dublin primarily to work. Breaching the terms of their visas was described as a means of survival and was not the original purpose of their migration to Ireland. This is in line with results of a study of irregular migration in the UK (Jordan and Duvall, 2002: 92). However, out of the 14 participants who arrived on tourist visas 12 admitted they came seeking employment, and believed this was the only way they could enter the country legally. The remaining 2 had family members here and were attempting to join them.

The majority of those interviewed (31) had valid work permits and entered the country legally. After a period of time in the country they experienced difficulties and found themselves without work permits. This group experienced a wide variety of situations that caused them to be in this position: employers not renewing work permits, businesses or companies closing, illness, exploitation by employers which caused workers to leave, lack of knowledge of their responsibilities, rights and entitlements and a lack of flexibility on the part of the Department of Justice, Equality and Law Reform (DJELR) in the face of a wide variety of unforeseen circumstances experienced by migrant workers.

A significant number of this group found themselves in an irregular position as a result of their employer not renewing the work permit. They were told the employer had applied to renew the permit and that the problem was due to delays from the Department of Enterprise, Trade and Employment (DETE). They tolerated the uncertainty of their situation in the hope that the work permit would arrive and the problem would be resolved. They were not in a position to complain in case they lost their jobs, propelling them into even greater difficulty:

Hossain

When Hossain came to Ireland to work as a chef he discovered the restaurant had closed down. His employer sent him to work in another restaurant in a different part of the country. After the first year his employer charged Hossain money to renew his work permit. When the work permit did not appear Hossain became very worried and regularly asked the employer where it was. He would reply, "It's not your business". By the time he realised the employer had no intention of renewing the work permit, Hossain was over a year and a half undocumented.

A number of those interviewed spoke about working in very bad conditions which caused them to leave their employer to find other work. Due to a lack of knowledge of the employment permits system, and lack of awareness of who to ask for help or advice, they found themselves without a work permit:

Svetlana

Svetlana worked on a mushroom farm. Before coming to Ireland she worked as a lecturer and as an engineer. Initially she earned €120 per week and the most she earned was €210, which she received only three times during the eight months she worked on the farm. She was paid cash-in-hand, never received payslips, holiday pay, Sunday or public holiday rates. It was nearly two months before she had a day off. At the time she did not complain as she thought that her employer was in compliance with Irish labour laws. She and four other people shared a small, cold mobile home. After eight months she could not tolerate the conditions any longer and left.

Some participants found themselves with an irregular status when the company they worked for closed down. Again a lack of knowledge of the work permit system and not knowing where to turn to for help or advice added to the workers difficulties:

Sajib

Sajib arrived in Ireland with a valid work permit. Four months later the restaurant he was working in closed down. He found a new job and the owner told him that his first permit was still valid and promised he would apply for a new permit when necessary. When his work permit ran out his employer kept making excuses as to why he hadn't applied for one. He kept saying he would apply the following week. Sajib worked for this man for one year without a work permit. When he heard work permits had been applied for new staff he realised he would be the only employee without a permit in the restaurant. He left the job as soon as he realised his employer was never going to sort out his situation. He has since managed to find an employer who applied for a work permit for him but there are difficulties as he no longer has a valid residency permit.

Addressing the European Parliament in 2004, the then Secretary-General of the United Nations, Kofi Annan, pointed out that EU States cannot extract the labour of immigrants and ignore other aspects of their humanity. Quoting the Swiss writer Max Frisch who said of the European 'guest worker' programmes of the 1960's, "We wanted workers, but we got people", he reminded EU States that acknowledging and responding to that reality is one of the central challenges facing them (Annan, K, 2004). In Ireland, the failure to accept the human realities of migration can be seen in the inflexibility of the system and the difficulty in changing one's immigration status when personal circumstances change. These factors contributed to some participants having an irregular status. The situations are exemplified by Alan and Maria's stories:

Alan

Alan is from the Philippines. He came to Ireland on a spouse-dependent visa. After a period of time his marriage broke up and he moved to Dublin to live with other family members. He did manage to get his spouse-dependent visa renewed by the immigration officer where he used to live, however this year, the immigration officer called him in and asked why he was in Dublin while his wife was still living locally: "The Garda ring me and ask what you are doing in Dublin. I don't want to lie so I tell the truth". Alan told the immigration officer his story to which she replied, "You have big, big problems". His application for a renewal was then sent to GNIB in Dublin. He continues to await the outcome of the decision.

Maria

Maria is also from the Philippines and came to Ireland on a work permit to care for three children in a private home. She worked for this family for six to seven months. She left due to the unstable character and erratic behaviour of her employer who suffered from depression. On one occasion she asked Maria to “throw away the contents of the fridge because she thought it was drugged. She also kicked my door open on a couple of occasions, there were many dramas.” Maria found another family who were willing to apply for a work permit for her. However, as she could not get a P45 from her previous employer who had not declared tax for her, the work permit application was delayed and by the time the situation was resolved her residency stamp had expired and the application was refused.

The eight participants in this study who entered Ireland on student visas are Chinese nationals. As mentioned previously, only one person declared that their main motive for coming to Ireland was to gain employment. Most of these participants are what Anderson and Ruhs (2006: 2) refer to as semi-compliant. They are ‘legally resident but working in violation of some or all of the conditions.’ In this case they are working more than the twenty hours they are entitled to. The cost of living in Ireland and the high cost of their language schools were given as the reason they were in violation of their visas. They all attended private schools and had paid substantial fees to agencies for arranging their first student visa and sourcing a language school.

Leila

Leila had studied up to third level but wanted to improve her English. She arrived in Ireland on a valid student visa and for the first few months she only worked the maximum number of hours she was permitted (20). She was not impressed with the standard of English teaching in her school but did attend as she knew her attendance was an important factor in having her visa renewed the following year. Leila worked in the hotel industry and was paid the minimum wage. When she was offered extra hours she was very pleased as she needed to save money for her fees and also wanted to return home for a holiday. She found living in Ireland very expensive. She believed she was not paid for all her hours and not paid overtime rates but she was afraid to complain as her employer knew she was working more hours than she was allowed.

Sabi’s case also highlights the inflexibility of the system and the difficulties that migrant workers can experience when their personal circumstances change:

Sabi

Sabi is from China. She had a degree in English Literature but wanted to improve her spoken English. When she first came to Ireland in 2002 she attended a private language school but did not find the teaching standard very good. After a period of time she was accepted on a Masters course at a Dublin university. She successfully completed her Masters degree and was offered employment in an area that is related to her studies. However, trying to change from a student visa to a work permit is proving very difficult. Her first application was refused but her prospective employer has applied again. In addition, even though it is one year since she completed her Masters degree and she is now fluent in English, she still has to attend an English language school in order to have her visa renewed each year and believes that it is a complete waste of time. Sabi knows that technically she should be outside the country when she applies for a work permit. "I am still on a student visa so how can I go home to apply?" Sabi has a boyfriend who she met in Ireland. He is on a work permit but it is very hard to make plans for their future until she knows if she will be granted a work permit herself.

The research shows that of the 14 participants who arrived in Ireland as tourists, twelve declared that they came with the intention of finding work. The remaining two were attempting to join family members already in Ireland. Their experiences varied depending on their access to social networks and knowledge of English. An important point arising from the research is that the participants were unable to admit their true intention of coming to Ireland for work as they would not have been admitted. They believed it was extremely difficult if not impossible to get a work permit because of their nationalities and furthermore once in Ireland they discovered that they could not change their status without great difficulty. Rose's experience highlights these difficulties:

Rose

Rose is a Brazilian woman in her late twenties. While she had a job in Brazil it did not pay well and it was impossible to save any money. Rose was married with one child. She had a friend in Ireland who offered to help her find work. She arrived in Ireland and was given a temporary entry residence permit on arrival as she came from a non-visa required country. She had no difficulty entering the country. Initially it was difficult to find work due to her lack of English. When she got a job in a factory she was very happy as all the non-Irish nationals had work permits and her employer was willing to apply for one for Rose. While she knew she had entered the country on a tourist status her plan was to regularise her situation as soon as possible. She knew others from her town had been able to do this. Unfortunately, the application was turned down. It was the first time this had happened for her employer. The EU had recently enlarged and employers were expected to fill vacancies from within the EU. She believes that since the EU enlargement, it is extremely difficult for Brazilians to get work permits and the number of migrants with an irregular status has grown.

Generally these workers came prepared, with well-rehearsed stories for immigration officials. They all believed that it was important to have enough money to prove you were coming on holiday or letters proving you were visiting a relative. However, not everyone found it easy to enter the country. For example Rodrigo from Brazil was stopped and questioned by immigration officers for a number of hours before being allowed to enter the country.

None of the six participants who entered the country in an irregular manner had false passports or papers. Three participants came from the UK and entered the country through the North of Ireland. They travelled to Dublin by train and one arrived by taxi. They had entered the UK on valid work permits but the work permits were due to expire shortly before they came to Ireland. They all had family or friends already living in Ireland and this helped them to survive, especially, in the first few days. They had no difficulty in crossing the border. Roberto spoke of his journey across the border.

“I found it very easy. Before I came here I was very scared if there was immigration on the train or something”

Gloria

Gloria from Ecuador was the only participant who arrived with no legal authorisation who met with immigration officials. After the break up of her marriage Gloria wanted to start afresh with her sister in Dublin. She found it very difficult to get a tourist visa. She was told she should apply the following year. Gloria decided not to wait but to travel to Ireland with her two children. She had a friend in a travel agency and through her purchased a return ticket. Her route to Ireland took her through Caracas and Milan. In both of these countries and in Ecuador she was not asked about her tourist visa. When she arrived in Dublin immigration officials asked for her papers. They were very surprised that she had not been stopped before arriving in Dublin. She told them she was coming to Dublin on holiday. The officials tried to get Gloria on a plane back to Milan but there were no more flights that day. Her friend in the travel agency had booked accommodation in a Dublin hotel for her and when the immigration officials checked it the booking was confirmed. They also checked with her credit card company to see how much credit she had and they confirmed she had a substantial amount of credit. The official took her passport and told her to return in the morning. She knew if she did this she would be returned to Ecuador. Gloria has been living in Ireland for four years.

The remaining two participants who arrived with no legal authorisation had been working as seamen. When their ships docked in Ireland they took the chance to leave to seek work and did not return to their ships.

5

“I have no contract of employment, no pay slips. I feel I can’t complain about anything. I am still a little confident as long as I work hard and do good. But I am afraid of losing the job that supports my needs here.”

Living with an Irregular Status

5.1 Introduction

This section attempts to illustrate how migrants with an irregular status experience daily life, and examines the problems they experience in Ireland. Many of these problems related to their inability to plan their lives, the uncertainty about the present and the future, and not knowing who they could trust. For some participants these pressures undermined their physical and mental well-being. However, the extent of the difficulties experienced often depended on individual circumstances, such as the need to repay debts incurred by paying agencies or intermediaries and the need to support families back home. In addition, where they were positioned on what Anderson and Ruhs (2006) refer to as a spectrum of compliance also affected the level of difficulties experiences. For example, those who could be referred to as semi-compliant (students) often had greater control over their lives and experienced less fear even though they may have experienced exploitation in the workplace. Non-compliant migrants, such as undocumented migrant workers, often lived a very restricted social life, in great fear of being discovered by the authorities and unable to complain about exploitative working conditions. The study also concurred with Jordan and Duvall's findings that two key factors make the lives of irregular migrants more difficult than those of citizens or other legal residents: the first is that they have to remain invisible to immigration authorities, other law enforcement officials and others who might report them to the authorities; the second is that they have to live without access to the very institutions and services that are designed to support the most vulnerable in society (2002: p.112).

5.2 Working and Living Conditions

The IPPR study into 'Irregular migration in the UK' (2006) claims that while regular migrants to the UK come to fill vacancies across the skills spectrum, most migrants with an irregular status are likely to be doing jobs that could be characterised as dirty, difficult and dangerous. They often work in sectors that pay low wages but have high demand for labour. The participants in this study mirror the UK findings. The 31 people who arrived with valid work permits had jobs in restaurants, hotels, mushroom farms, the cleaning industry, retail, construction, domestic work, and a circus. The participants with student visas worked mainly in retail and cleaning. Those who arrived on tourist visas worked in a variety of sectors and usually took the first job they could get in order to earn some money. They worked in restaurants, meat processing, as cleaners, care workers and doing odd jobs. Two of this group were not working, as their primary motive for coming to Ireland was

to be reunited with their families. The majority of those who initially arrived on valid work permits found their working conditions deteriorated once their work permits had expired.

Muhammad

When Muhammad's employer did not renew his work permit his conditions of employment became very difficult. He was paid €100 per week and never received holiday pay or overtime. His accommodation was also provided by his employer and was in poor condition. Depending on his employer for his food, accommodation as well as his salary made it more difficult to leave as he did not know who to turn to for help. But for Muhammad, earning so little money caused him the most distress.

"My sister was getting married, it was an arranged marriage and I wanted to send money. I couldn't send money. I cried that night and asked myself why did I come to Ireland? My uncle died also when I had no papers and I could not go to the funeral. That was hard too. I started to think about leaving the job and trying to find another with better money and where I could sort out my work permit."

Health and safety issues were a problem for some workers and while they did receive medical attention for injuries they subsequently were unable to work full time at jobs that required physical labour. This greatly reduced their chances of getting another work permit and becoming regularised. The majority of participants described their work as hard, unskilled physical labour in adverse conditions that bore no relation to their qualifications. Without a work permit and without a job, participants took whatever work they could find and were in no position to complain.

Roberto

Roberto is a qualified electronic engineer from the Philippines. He arrived in Dublin through the North of Ireland. At the time of his interview he has only been in Ireland one and a half months.

"I work in the cleaning sector. In my job I just clean my area, and cannot complain to my manager. I might lose my job if I complain. I just do my job but I don't like him. He told me he could fire me as he saw fit. He is my supervisor and is Filipino. I have no contract of employment, no pay slips. I feel I can't complain about anything. I am still a little confident as long as I work hard and do good. But I am afraid of losing the job that supports my needs here. At the moment I am staying in a friend's house. If someone is away sometimes I have a bed, otherwise I am sleeping in a sleeping bag in the dining room. It is not comfortable and I don't sleep well. They are working and up early and sometimes they need the room. There are five of us in the house at the present".

The majority of the students interviewed were in slightly stronger positions. With a valid student visa they were less fearful of their legal position in the country. They could travel home for holidays or family emergencies if they could afford this. This does not mean that they did not experience workplace exploitation but they were in more of a position to leave and look for other work.

Not all students experience exploitative working conditions as Sabi's story shows.

Sabi

When Sabi arrived in Ireland to study she found work immediately. She has never had any problems getting jobs and has always been paid the proper rates, including overtime and was always given the correct number of days off. She believes that this is because she has fluent English and quickly became aware of her rights and entitlements. However, she knows others who have not been so lucky.

5.3 Social Networks

Social networks are usually understood to comprise family and friends, community organisations and intermediaries such as labour recruiters and travel agents. They are widely recognised to be very influential in the migration process, for example in providing information about destinations, facilitating migration and aiding migrants when they arrive. The informal network of family, friends and acquaintances is critical in finding accommodation, access to employment and financial support. Social networks are not the only source of information for potential migrants: others include formal institutions and the media, including the Internet. Nevertheless, social networks are almost invariably the most trusted of sources (Koser and Pinkerton, 2002).

However, the limitations and negative dimensions of social networks should be acknowledged. There is a tendency for migrants already in a country to focus only on the positive aspects of their experiences or to misrepresent their experiences. As Ghosh (1998:p.67) argues "As a rule, migrants pretend to be better off than they actually are... The information is often transmitted through informal channels, and at each new link in the transmission process, the success story tends to be further magnified, with the result that the distorted information serves as a strong incentive for out-migration."

The findings in this study highlighted that while social networks provided some participants with subsistence and support, others experienced exploitation, mistrust and competition. Sajib and Alma's are examples of the positive experiences of social networks that some of the participants encountered:

Sajib

When Sajib's employer did not renew his work permit he found he was no longer documented and had nowhere to live as his accommodation had been provided by his employer. His friends helped him and he has lived with different people, in rotation, a few months or weeks at a time, dependent on their charity, once his savings ran out. As he doesn't have any money to pay rent he currently sleeps on the floor. He has no bed like the others. He is grateful for their help and does not see this as bad treatment. He accepts that they do not have spare beds and do not have extra money to pay rent for him.

Alma

Alma believed her employers misled her about her employment and she felt she had little choice but to leave due to her conditions and the misrepresentation of the work. When Alma told her employers she wanted to leave they threatened her with deportation. She decided to move to Dublin where she found herself homeless. She met another Filipina national in a shop in Dublin and asked her if she knew of any work or a cheap place to stay. This person offered to put her up and she stayed in her apartment on a sofa while she sorted herself out. She said, "I was very embarrassed by the situation, but I had to do it, I couldn't stay on the street". She said this person was very good to her and didn't ask her to pay rent until she found a job.

Ali and Maria's accounts are examples of negative experiences of social networks:

Ali

Ali is from Algeria and when his work permit was not renewed a friend who worked in a bakery found him some work there. Ali received an anonymous text from someone threatening to report him to immigration officials as they knew he was working illegally in the bakery.

Maria

Maria worked in a number of jobs but after a period of time she moved out of Dublin to a part of the country where she did not know anyone. She moved due to fear of being 'turned in' by her own community. She stated that she is "suffering from other Filipinos, they borrow money, so-called friends, they know I won't make a problem, they know I'm illegal". They threaten her "just one call and you are going to be thrown out of the country". She felt that someone could just pick up the phone and denounce her, so she moved.

5.4 Fear and Psychological Distress

Many of the participants in this study live in constant fear of discovery by the authorities and are in a permanent state of alert. Their daily commute to work or to the shops can be a nerve-racking experience. The sight of a member of An Garda Síochána can invoke fear. For some participants this fear extended to other aspects of their lives. It restricted their social lives to a narrow private sphere. It undermined relationships with family and friends, further contributing to the psychological distress of the individual. In some cases participants were afraid to open a bank account or access health care for fear of being reported to the authorities:

Susan

As a migrant worker with an irregular status Susan finds life very depressing. She is very frightened because she is undocumented and keeps to herself. She is afraid to have a bank account in case she could be traced through the bank. She lives on her own even though this is very expensive. She is afraid to let anyone know of her situation in case they report her. Her aunt and cousins are in Ireland with work permits but she is afraid to let them know where she lives. "I'm very afraid to trust anyone with my address."

This fear factor was also a major consideration in influencing workers not to take any action against exploitative employers. It also contributed to a sense of powerlessness and vulnerability as the option of seeking justice from the law is effectively closed to them because they expect immediate arrest and deportation. Furthermore, the psychological burden of uncertainty about their future caused many of the participants to experience high levels of stress. Finally, the problem of being unable to leave Ireland in times of family crisis or bereavement was mentioned by a number of participants as contributing to their distress.

Ali

Ali feels like he is in prison since his work permit was not renewed. He cannot go anywhere or return home to see his family in Algeria. The last time he was home was in 2003 for three weeks. His parents are in their sixties, he has a big family with seven brothers and two sisters and he worries about not being able to see them. He has experienced racism in Ireland in the form of verbal insults directed towards him and his family. He is very anxious to get his status regularised. He wants to earn and save money, pay tax and PRSI. He believes that his life would be greatly improved if he had a work permit as he would have rights.

When Ruth found herself without a work permit she tried to get a different job but it was very difficult.

Ruth

“I applied for several jobs but the work permit was the problem. I started to run out of money and people I met through work gave me financial assistance. I was very afraid that I could be deported. I was thinking that my employer knows where I live and will tell the Garda. I was afraid of the Garda on the streets. When you are undocumented the feeling is that you can be sacked at any moment, can be told to go at any moment. The person who employs you has all the power. You do whatever he wants. You feel that the employer knows about your position and is taking advantage of you and there is nothing you can do about it”.

Many of the students interviewed were in slightly less vulnerable situations as compared with the other participants. As they were in possession of valid student visas they were able to return home on holidays or in times of family crisis or bereavement. Nevertheless, many spoke of the fear they experienced, particularly around the time their visas were due for renewal.

5.5 Survival Strategies

The life of migrants with an irregular status frequently means being marginalised and working in poor-quality jobs. These are people who have often mastered language skills and shown themselves to be flexible in taking significant steps to change their lives. They are willing to adapt and to learn. They are often highly qualified. Some have the specialist expertise, language skills and intercultural competence developed in the course of their migratory experience to provide highly-skilled services to their own and other communities. However, the only way the participants could enter Ireland legally on work permits was by accepting jobs that did not necessarily match their educational and skills levels. Although these were mainly poorly-paid jobs they were still paid more than the participants would have earned in their own countries. However, some expressed regret and frustration at being unable to secure jobs that related to their education and training. The following examples illustrate these experiences.

Aida

Before coming to Ireland Aida worked as an economist. She had ten years experience in this area. She came to Ireland legally on a work permit. “Basically I was doing everything from peeling potatoes, serving people and, yes, including cleaning their house and looking after their children. You know, to be honest with you, I wasn’t ashamed of what I was doing. I believe that everybody is doing what they can in order to carry on with their lives, it is not a shame to work, whatever you do”. But when asked about her plans she expressed a wish to work at what she trained as. “Hopefully I will get back and work in the area I was educated to work in and that I like. I want to have my qualification recognised and probably I might do a course or something here. The main thing I want is to work in the area that I like. I studied so many years, I think I deserve that.”

The participants adopted differing survival strategies depending on their personal circumstances and social networks. Many found second jobs to generate more income or provided services to other migrants with irregular status (i.e. child minding, translating etc). Some lived together, sometimes in overcrowded conditions, to minimise living expenses. Two participants started small businesses and believed they could expand these if they were not operating in fear of discovery by immigration officials.

Many immigrants have become actively involved in civil society during their time in Ireland. A report by Abel Ugba (2005) points out that for some immigrants, civic activism is a continuation of their interests in their countries of origin but for others it was their immigration experience and circumstances in Ireland which led them to get involved. However, he also claims that the active participation of immigrants in many kinds of civic activities is influenced by the status and conditions of their residency. Immigrants with long-term or permanent residence status and those with Irish citizenship have taken a more confident and committed approach to civic participation. Amadika’s experience is an example of how becoming a migrant with an irregular status stopped her civic activism.

Amadika

Amadika was an active volunteer in her local community. She became a member of the management committee of a local community project. When the project was becoming a legal company she had to resign as she couldn’t become a formal director.

“Bertie Ahern says that I am irresponsible for not volunteering but this is not true. I want to volunteer but now I can’t. It’s very important to help others but the system makes it very difficult to do anything. I can’t draw any attention to myself.”

For some participants in this study their participation and affiliation to a particular religious organisation frequently offered great comfort and support and contributed to their survival in Ireland. Not only did they attend for spiritual reasons, but it was often a place to meet with other members of their community, to share experiences and practical information on where to find work or where to seek help. Ugba (2005) believes that religious activism is one area where immigrants can participate as it appears to be unhindered by residence status or length of time in Ireland.

The strategies that many of the participants used to survive in Ireland highlight their flexibility and adaptability. While fearful of their precarious positions, many claimed that they were grateful to be earning more than they could at home and were happy to be in a position to support their families. Some claimed to experience greater religious freedom or changes in their gender roles that resulted in greater personal freedom. However, it is important to remember that many of those who took part in this study were working in Ireland under exploitative conditions, for low wages, in jobs that many Irish people no longer want. Furthermore, because of their irregular status they had to live and survive without access to those institutions designed support lawful residents in the State.

5.6 Accessing Services

Migrants with an irregular status face acute problems when it comes to accessing State services. As stated earlier, they live in constant fear of discovery and most of the participants in this study would not access State services for fear of drawing attention to their status. Sometimes they had no option but to access health care and education services (for their children). In relation to health services many claimed to ignore minor ailments. Going to a doctor was left for as long as possible. The cost of the general practitioner service was prohibitive for many workers earning the minimum and below minimum wage. If informal methods of treatment are available within their communities these are used out of desperation. Participants in this study only attended hospital following accidents or emergencies. Not only were they fearful as to the extent of their injuries but they were also terrified that their hospitalisation would lead to discovery.

Rose

Rose became pregnant while in Ireland. She and her husband were happy about the pregnancy but she was worried that by attending the hospital she would be 'caught'. Sadly, Rose had a miscarriage and lost the baby. While she was very frightened in the hospital she did not experience any difficulties. She has heard of people who have had problems, especially in making themselves understood; "Some people make sure they bring someone along who can speak English and are willing to translate for them." During this time Rose was unable to work for twenty days. She was not paid any money and was anxious to get back to work in case she lost her job. She has a PPS number and although she does not have a work permit she pays tax and PRSI and has done so since she started work in Ireland over three years ago.

Many participants were disadvantaged because of this lack of access to social benefits, medical cards and other services (even though many had been paying tax and PRSI), which in turn exacerbated their isolation and vulnerability. In a number of cases despite having paid social insurance it was impossible to access social benefit because of their irregular status. It should be acknowledged, however, that any of the participants who did access emergency health care did not experience any problems or difficulties in relation to their treatment. Anecdotal evidence of language difficulties in communicating with health care staff was reported, and it was claimed that migrants had resorted to hiring members of their own communities to translate for them. Participants who had children attending school in Ireland were very happy with the standard of education their children were receiving. In one case the school principle was aware of the parent's status but never asked questions. He was extremely supportive of the family. However, one participant had children attending secondary school and had been asked for her PPS number. As she did not have one she was very frightened that this would bring her to the attention of the authorities resulting in the family's deportation.

As was mentioned earlier, the option of seeking justice through legal channels is effectively closed to migrants with an irregular status because they are aware they can be arrested and deported. Amadika's experience clearly demonstrates their powerlessness and vulnerability:

Amadika

Amadika had her wallet stolen. She went to the Garda station, but she first had to prove her legal status before they could process her complaint. She left immediately. She has also describes having to put up with a growing amount of racial abuse on the streets but feels she can't do anything about it.

5.7 Accessing support

In addition to difficulties in accessing State services, participants in this study were often afraid to seek help or information about their status. In many case they did not have access to accurate information about what to do when they experienced problems and they did not know where to turn for support. Some were misled by unscrupulous employers, about the status of their work permits or their entitlements, which contributed to their vulnerability and isolation. Others received incorrect information from well-meaning family and friends. Many believed that their irregular status, even if this had occurred through no fault of their own, meant there was no help available to them. Where possible they relied on trusted friends and family for help and advice:

Amadika

After two and a half years of living and working in Ireland in a compliant manner Amadika's work permit was not renewed. Because she already had family living here she turned to them for support: "I wouldn't have lasted without them". Through a contact she came to the MRCI who provided a lot of individual support and encouragement including advice on social assistance. She also went to a trade union who were supportive.

Aida's experience demonstrates that even with family and friends migrants with irregular status can be very isolated and fearful about access help:

Aida

I was lucky because I had my partner here. He always encouraged me and yes he was a real support. He was beside me all the time and he always said there is no way you are going to Romania (...) When the CIC sent me here (MRCI) I expected to get some information and that's it. I never expected the friendliness and the kindness that I found in the centre. You know when you go through difficult times everybody goes away. In a way it was my decision to stay away from friends because you know, all the time I met them they felt sorry for me because of my situation. This is something that I don't like. I didn't like the position I was forced to live in. Then, I decided that it is good to stay away for a while until I sort things out. I was in such an embarrassing situation. I felt many times like a pariah. I felt like having a mark on my forehead. That was a period of time when I felt I don't want anything. It was a very lonely and upsetting period of time. There were moments when I was very depressed. I remember I woke up one morning and I said to myself that it's enough. I have to fight if I want something. There is nothing to be ashamed of. I did nothing wrong".

5.8 Contact with Home

Advances in communications technology have helped to bridge the physical gap between migrants and their families back home. Thanks to email and cheaper telephone calls, many find it relatively easy to keep in touch with family and friends. The vast majority of participants also kept in contact by making financial remittances to dependents living at home. The remittances are further evidence of the strong and continuing links the participants have to their home countries. However while remittances are a vital lifeline for families at home, they may also be a significant drain on people's income especially if they are working in lower paid sectors. Their obligations to their families frequently caused the participants to remain working in exploitative conditions. Finally, no matter how small the world may have become, emigration remains a dramatic, life-changing event particularly where a person is unable to travel home to visit families and loved ones.

As Svetlana stated,

“the situation back home is difficult; I need to support my family and I need to be strong for another while”.

Salvador spoke about how much he misses his family and phones home as often as he can.

“It is very hard to stay separate especially that I cannot see the children, that’s why I am calling so often. If I have credit on my mobile I call all the time, even for three minutes, four minutes.”

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“When you are undocumented the feeling is that you can be sacked at any moment, can be told to go at any moment. The person who employs you has all the power. You do whatever he wants. You feel that the employer knows about your position and is taking advantage of you and there is nothing you can do about it.”

Conclusions and Recommendations

6.1 Conclusions

In Ireland, discussions on irregular migration are generally focused on the difficulties that undocumented Irish workers are experiencing in the US and the State's efforts to regularise their status. With the significantly increased immigration flows that have occurred as a result of the economic boom in the 1990s, the problem of irregular migration in Ireland is beginning to be addressed. In order to prevent illegal immigration, border controls were tightened with the introduction of carrier liability in the Immigration Act 2003 (Quinn and Hughes, 2005).

However, an emphasis on border controls was irrelevant to the majority of participants in this study, as they arrived in Ireland with some form of valid documentation that entitled them to legally enter the country and reside or work for a time. Very few actually intended to be or become migrants with an irregular status. This occurred through a variety of ways, highlighting that immigration status is not static but rather highly changeable, with individuals moving between regularity and irregularity. A large number lost their legal status for reasons beyond their control. This group experienced a wide range of situations that caused them to be in this position: employers not renewing work permits, exploitation by employers which caused them to leave, lack of knowledge of their requirements, rights and entitlements, and a lack of flexibility on the part of immigration policy and procedure in the face of a wide variety of unforeseen circumstances experienced by these workers. Many had paid large sums of money to recruitment agencies to organise their work permits or student visas, and this increased their vulnerability to exploitation as they needed an income in order to repay debts or to support their families back home.

However, some participants who entered the country legally admitted that they came seeking employment, despite entering on tourist visas. They were unable to admit their true intention of coming to Ireland for work as they would not have gained entry to the country. They believed it was extremely difficult if not impossible to get a work permit because of their nationalities. Nevertheless, they, and the remaining participants hoped that on finding work it would be possible to change their immigration status and reside legally in Ireland. The vast majority of participants, regardless of how they came to have an irregular status, found their vulnerability to abuse and exploitation had increased once they were in this position.

This study also throws light on how migrants with an irregular status live their lives and examines

the problems they experienced in Ireland. For those interviewed, being undocumented and working with an irregular status created many difficulties in relation to planning their lives. In general it led to an uncertainty about the present and the future, and not knowing who they could trust. For some participants these pressures undermined their physical and mental well-being. Furthermore, these pressures were compounded by the fact that they had to remain invisible to immigration authorities and others who might report them to the authorities. Difficulties and lack of access to basic services and protections were identified as another critical issue. The problem of being unable to return home for family crises or emergencies (if they wished to continue working in Ireland) was another major concern for many participants.

While there were clearly no straightforward solutions for the participants involved in this study it is important to highlight the various survival strategies developed. These ranged from seeking out the assistance of organisations such as the MRCI, securing employment, seeking information about potential work and sourcing potential solutions through friends and community networks. Despite the high level of insecurity experienced by migrants living in an irregular situation there is a remarkable willingness to engage in activities to secure policy change in this area. Far from the stereotypical notion of being helpless victims, many migrants display a remarkable level of 'active citizenship'. This has been particularly evident in the involvement of migrant workers with an irregular status in MRCI's campaign for a Bridging Visa. In addition, those interviewed for this study showed great courage and strength of conviction in that, whilst giving an interview might not directly effect their own situation, many felt it could potentially lead to helping people in future by contributing to positive policy change.

The manner in which the Irish Government treats migrants with an irregular status in Ireland is an important issue for a State committed to lobbying the US authorities for a way to allow undocumented Irish immigrants there a path to legal residency. The State appears to ignore the glaring similarities between the two groups of migrant workers. The Minister for Foreign Affairs Dermot Ahern announced in April that the Government is providing additional funds to the US-based Irish Lobby for Immigration Reform and claimed that the State would not turn its back on undocumented Irish living in a twilight world in the US (O'Brien, 2007). He went on to say "We are aware that some undocumented Irish people resident in the US are unable to travel home to visit their families, and we understand the difficulty and stress that this causes for them and their families". At the same time the current Minister for Justice, Equality and Law Reform, Brian Lenihan, argues that migrant workers in Ireland 'illegally' will be removed by the State if they don't remove themselves. The contradictory nature of the Government's response to the issue of irregular migration in both countries can be clearly seen in the terminology used to describe such workers.

The lives of migrants with an irregular status in Ireland, like their counterparts in the US, are characterised by constant uncertainty about the present and the future. The words of an undocumented Irish woman in the US could have been spoken by any of the participants in this study and clearly articulate the hopes of migrants with an irregular status whether in Ireland or the US:

“We seek an opportunity to legalise our status and be free to travel home to visit our families and loved ones”.⁸

Finally, it is clear that increasingly restrictive immigration policies contribute to an increase in irregular migration. The current Irish immigration legislation does not provide pathways for undocumented people living and working in Ireland to regularise their immigration status and remain in the country legally. Despite the fact that there is demand for their labour and that they contribute to our social and economic well-being, these immigrants rarely have opportunities to achieve a legal immigration status. Many undocumented Irish workers in the US share the vulnerable position that undocumented workers in Ireland experience. The Irish Government are in a position to contribute in a positive manner to the plight of migrants with an irregular status in Ireland by providing pathways to regularise their status. Not only will this contribute to a reduction in irregular migration in Ireland it will place them in a stronger position to help the undocumented Irish in the US.

6.2 Recommendations

From this study it is evident that migrant workers can become undocumented and enter a situation of irregular migration in different ways, and this experience is very often outside the person’s own control. From the available evidence it is also apparent that this has a very direct and negative impact not only on the person’s quality of life, but also on the degree to which migrant workers can advocate for better rights in the workplace, access services, be reunited with their families and live a happy and safe existence. The following recommendations are intended to offer a pragmatic way forward towards guaranteeing better rights to undocumented migrant workers and also enabling migrant workers to stay within the legal migration system in Ireland.

6.2.1 Prevention and Minimising of Irregular Migration

Many of the factors shaping migration are largely beyond the control of direct State intervention, e.g. inequality in living standards and wage levels between sending and receiving countries, and growth in global transportation and communication systems. Ireland will increasingly become more, not less, integrated into the global economic system and in turn will be faced with an increasingly complex situation in relation to migration flows and immigration policy. There is growing realisation that it is impossible to put a stop to irregular migration.

There is no doubt that tackling irregular migration and the problem of exploitation of migrant workers in such situations represents a major and complex challenge. The reality, however, is that the numbers forced to migrate in an irregular manner will probably increase rather than decrease in the coming years. At the same time, countries are increasingly implementing inflexible policies to manage inwards migration, limiting the number of legal routes to migrate. It is therefore important that immigration policies introduced by the Irish State be flexible and transparent and contribute to a decrease rather than an increase in irregular migration, as well as uphold the human rights of all

8. This was taken from the website of Councillor Damien Blake in a discussion on *The Irish Lobby for Immigration Reform and the regularisation of Irish undocumented workers in the US* <http://www.damienblake.com/2006/02/the-irish-lobby-for-immigration-reform>

migrant workers be they undocumented or not. MRCI believes that the following recommendations would contribute positively to preventing and minimising irregular migration in Ireland.

1. Introduction of a Bridging Visa

This study found that a majority of interviewees entered the State legally and found themselves with an irregular status through circumstances beyond their control. Migrant workers frequently become undocumented as a direct result of exploitation, misinformation and the inability of the State to respond to their situation. In response to this situation the MRCI has launched a campaign calling on the Minister for Justice, Equality and Law Reform to introduce a 'Bridging Visa'. A Bridging Visa is a temporary, six-month stamp for non-EU/EEA nationals who have entered Ireland lawfully and on a valid work permit, but for reasons beyond their control find themselves with an irregular status. This visa would allow a migrant worker to change or seek employment within a defined period. With a Bridging Visa in place a worker becomes documented and is known to, and engaged with the State. They would be free to report exploitation and abuse without fear of deportation.

Recommendation:

MRCI calls on the Minister for Justice, Equality and Law Reform to introduce a Bridging Visa in forthcoming immigration legislation. A Bridging Visa would provide an opportunity for individuals who have become undocumented through no fault of their own to become regularised and secure employment.

2. Greater flexibility and mobility within the immigration system to allow workers to transfer between schemes and between different immigration statuses

Many of the participants in this study were unable to transfer from one visa or status to another, and as a result found themselves with an irregular status or becoming undocumented. The inflexibility of the system and limited mobility of migrant workers contributes to irregular migration. The majority of those interviewed entered the country legally and it is the lack of opportunity to change their status that caused them to become undocumented or be in a situation of irregular migration. Given the limited mobility of migrant workers in the employment permit system in Ireland, there is significant potential for workplace exploitation and migrant workers becoming undocumented into the future.

Recommendation:

Migrant workers should be entitled to transfer between employment schemes and between different immigration statuses. For example student visa holders transferring to work permit and work permit holders transferring to work visas.

The MRCI would like to see the basic right of mobility provided to migrant workers who apply and pay for their own employment permits as envisioned in the Employment Permits Legislation 2006. This measure would go a long way to ensuring that the basic rights of workers are protected.

6.2.2 Protections and Rights for Migrant Workers in a Situation of Irregular Migration

1. Inclusion and targeting of undocumented migrant workers in the social inclusion agenda

Undocumented migrant workers are particularly vulnerable to social exclusion and experience difficulty accessing key services such as health, housing and education. The National Action Plan for Social Inclusion (NAPS Inc) represents one of the main policy priorities in terms of the fight against poverty and social exclusion. Whilst the integration of migrants is stated as a high-level goal within the NAPS Inc, there is no mention of undocumented migrant workers and their needs.

Recommendation:

Targets for the inclusion of migrant workers, in particular those with an irregular status, need to be included in relevant social inclusion policy frameworks, i.e. NAPS Inc.

2. Right to access health care for undocumented migrant workers

Access to health care is a priority, a basic need and a right for all human beings. Research has proven that many undocumented migrant workers do not exercise their right to health care out of fear that they may be deported, or some may not be informed about their entitlements.⁹ Apart from problems regarding physical health it is evident from this study that there is a great deal of psychological stress involved in being undocumented. Without supports in place, individuals' health and well-being can deteriorate significantly over time. This experience is compounded for women, especially in relation to reproductive health and domestic violence.

Recommendation:

Undocumented migrant workers and those working in an irregular situation should have the right to access basic health and social care services in Ireland. This must include culturally and language-appropriate counselling and psychological support, as well as services for women experiencing violence.

3. Provision of front line supports and services for undocumented migrant workers

It is the experience of MRCI that undocumented migrant workers are highly unlikely to access mainstream service provision, given their insecure legal status and because of fear of denunciation to immigration authorities. A critical factor in migrant workers coming forward is their ability to access trustworthy supports, in an environment that is designed to make the individual feel safe, such as MRCI's Drop In Centre. MRCI's Drop In Centre and others like it provide an essential point of contact for undocumented migrant workers and can act in a liaison capacity with the State.

Recommendation:

Recognise and support the added value of organisations such as MRCI and others in supporting undocumented migrant workers to engage with the State and in accessing essential services.

9. Taken from Report of Platform for International Cooperation on Undocumented Migrants (PICUM), PICUM International Conference on Access to Health Care for Undocumented Migrants in Europe June 28-29, 2007

4. Access to social protection for undocumented migrant workers and protections for undocumented migrant workers in situations of destitution.

This report has shown that migrant workers who are undocumented or in situation of irregular migration are more often than not in employment. Migrant workers who subsequently become unemployed and have made social insurance contributions find that they are unable to access the most basic level of social protection. It is also the experience of the MRCI that undocumented migrant workers in employment are generally earning wages that put them in the working poor category.

Recommendation:

Migrant workers who have paid social insurance contributions should be able to access benefits regardless of their legal status.

Migrant workers in destitute situations should have access to emergency support in order to meet their basic health and safety needs.

5. Protections for the victims of all forms of trafficking

The Irish government has recently published the Criminal Law (Trafficking in Persons) Bill to strengthen existing legislation on trafficking and smuggling. There is, however, no provision in this Bill for the protection and rights of victims of trafficking for sexual or labour exploitation. The government cannot combat trafficking of persons if victims are not given adequate protection. The Minister for Justice, Equality and Law Reform confirmed in September 2007 that he will include protections for the victims of trafficking in the text of the forthcoming Immigration, Residence and Protection Bill.

It is the experience of the MRCI and other agencies that migrants trafficked for the purposes of labour or sexual exploitation often become undocumented, putting them in an even more vulnerable situation.¹⁰ The protections to be included in the forthcoming immigration legislation must address the residency and protection needs of victims of trafficking from outside the EU, in particular the granting of a six month residency permit so the victims can avail of appropriate housing, counselling and information, particularly in relation to their legal rights, employment and training opportunities.

Recommendation:

MRCI recommends that provisions are made to ensure that the victims of all forms of trafficking, including forced labour, are fully protected as advocated by both the Palermo Protocol and Council Framework Decision on Combating Trafficking in Human Beings.

MRCI recommends that the protection provisions to be contained in the forthcoming Immigration, Residence and Protection Bill take account of the fact that many victims of trafficking for labour or sexual exploitation become undocumented, and that provision be made for the issuing of a six month residence permit to enable them to access protections, legal redress and employment and training opportunities, in line with best international law, policy and practice.

10. See MRCI: *No Way Forward – No Going Back: Identifying the Problem of Trafficking for Forced Labour in Ireland* (2007).

6. Rights for undocumented migrant workers

Migrant workers, regardless of their legal status, have basic human rights as people and as migrant workers. These are set out in a range of international and European covenants and conventions. The International Convention on the Protection of The Rights of All Migrant Workers and Members of their Families grants a set of rights for migrant workers including those with an irregular status. No state in the European Union has ratified this convention.

The European Convention on Human Rights also offers a comprehensive framework for rights for everyone living in the State including undocumented workers. This has been incorporated into Irish domestic law with the European Convention on Human Rights Act, 2003. This legislation created a new duty on organs of the State to carry out their functions in a manner compatible with the European Convention. It also requires courts to take account of the Convention and the jurisprudence of the European Court of Human Rights when interpreting domestic law and, where there is a clear conflict between domestic law and the European Convention, it empowers courts to declare that the domestic law is incompatible with the Convention.

This report highlights that migrants with an irregular status are denied even the most basic level of rights and protections.

Recommendation:

MRCI calls on the Irish government to ratify the UN Convention for the Protection of the Rights of All Migrant Workers and Members of their Families. MRCI also urges the Irish government to recognise and ensure access to existing rights for all migrant workers and their families such as those contained in the European Convention on Human Rights. The forthcoming Immigration, Residence and Protection Bill is an opportunity to give explicit recognition to the rights and entitlements of all migrant workers.

7. Employment rights – access to redress

Undocumented migrant workers experience working conditions of a poor to exploitative nature. In this report the majority of those who initially arrived on valid work permits found their working conditions deteriorated once their work permits expired. The majority of participants also described their work as hard, unskilled physical labour that bore no relation to their qualifications. The report also highlights the 'fear factor' for those who are undocumented or in a situation of irregular migration, which in turn makes it very difficult to file a complaint against an employer or negotiate better working conditions

Recommendation:

Undocumented migrant workers who have been exploited should have the right and means to make a complaint against their employer. Migrant workers with an irregular status require support in filing a complaint against their employer. This should include access to interpreting and translation services, and access to social protection. The entire period of employment should be considered in calculating monies owed to the employee, not the period of time the person was documented.

6.2.3 Responses and Responsibilities to Irregular Migration in Ireland

1. Research initiative in area of regularisation

In the future the State will more than likely have to examine and consider various options in regularising different groups of undocumented migrants. Various forms of regularisation programmes for undocumented migrant workers have been administered throughout the globe. Research in this area could collate case studies on previous regularisation programmes (like those carried out in England, Spain and Portugal), detail their design, implementation and access their outcome.

Recommendation:

MRCI recommends a research initiative examining regularisation programmes already designed and implemented in other countries. Such an initiative should ideally take a solution-based approach to regularisation and make a specific set of recommendations to the Irish government in this regard.

2. Regularisation programme in Ireland

Regularisation can occur through a number of means and many countries in the past have found ways of doing this. In an Irish context an example of a quasi-regularisation initiative is the Irish Born Child 2005 Scheme. To date legislation, policy and practice in relation to immigration has been ad-hoc, incomplete, out of line with current reality and administratively inadequate. It is fair to say that the current system has generated more difficulties and problems, including contributing to migrants finding themselves with an irregular status. Comprehensive legislation setting out the rules and procedures governing immigration is in the process of being drafted. In light of this development serious consideration should be given to designing a general regularisation programme for all those negatively impacted by an inadequate system to date.

Recommendation:

MRCI recommends that serious consideration be given to implementing a once-off regularisation programme for those migrant workers who are currently undocumented and those who are in a situation of irregular migration in Ireland.

3. Trade unions

Many undocumented migrant workers are in employment and experiencing working conditions of a poor to exploitative nature. There is an important role for trade unions in advocating for the protection of their rights and for protecting general standards of employment for all workers in Ireland. The global trade union movement is the main actor in ensuring the protection of rights of all workers, and many unions across the globe consider that as long as a worker is employed he or she can be a member, regardless of his or her status, in line with the provisions of freedom of association contained in ILO Convention 87. There are numerous positive examples of trade unions actively supporting undocumented workers including the recent call by the Irish Congress

of Trade Unions (ICTU) for a “fair and transparent regularisation process to allow thousands of undocumented workers in Ireland to work here legally.”

Recommendation:

MRCI recommends that the human and employment rights of migrant workers with an irregular status are prioritised by the Irish Congress of Trade Unions.

4. Employers

It is in everyone’s interests that labour standards and good employment conditions are maintained. All employers have responsibilities in upholding employment standards in Ireland. They are key stakeholders in addressing the situation of undocumented migrant workers as they are directly responsible for creating and maintaining workplaces that are compliant with anti-discrimination and employment law. Employers are frequently frustrated and curtailed by current inflexible immigration and work. They too would benefit from a more humane and solutions-oriented approach to managing migration.

Recommendation:

MRCI calls on employer representative bodies to advocate for solutions to irregular migration that are practical, realistic and respect the human rights of employees, e.g. the bridging visa proposed by MRCI.

MRCI recommends National Employment Rights Agency (NERA) target exploitative employers and less regulated sectors where undocumented migrant workers are exploited, while ensuring undocumented migrant workers are not criminalised and victimised.

Greater sanctions have been introduced against employers who breach employment legislation in Ireland. This has to be welcomed as is any increased focus on maintaining fair and good working conditions for all workers in Ireland. At the same time, in the ‘fight against irregular migration’, most notably at an EU level there has been a shift towards prohibiting the employment of undocumented workers. The Directive providing sanctions against employers of illegally-staying third-country nationals¹¹ presented recently by the EU Commission is the first Directive in EU legislation targeting employers of undocumented workers. Organisations such as PICUM have criticised the “penal approach” to combating the employment of undocumented migrant workers. Critics say the directive is likely to increase undocumented workers’ vulnerability to abuse rather than diminish it.

Recommendation:

A rights-based approach to upholding employment standards for all workers in Ireland which would minimise workers’ vulnerability and target the most exploitative and dishonest employers as a priority.

11. [Proposal for a Directive of the European Parliament and of the Council providing for sanctions against employers of illegally staying third-country nationals \(presented by the Commission\) COM \(2007\) 249 final](#)

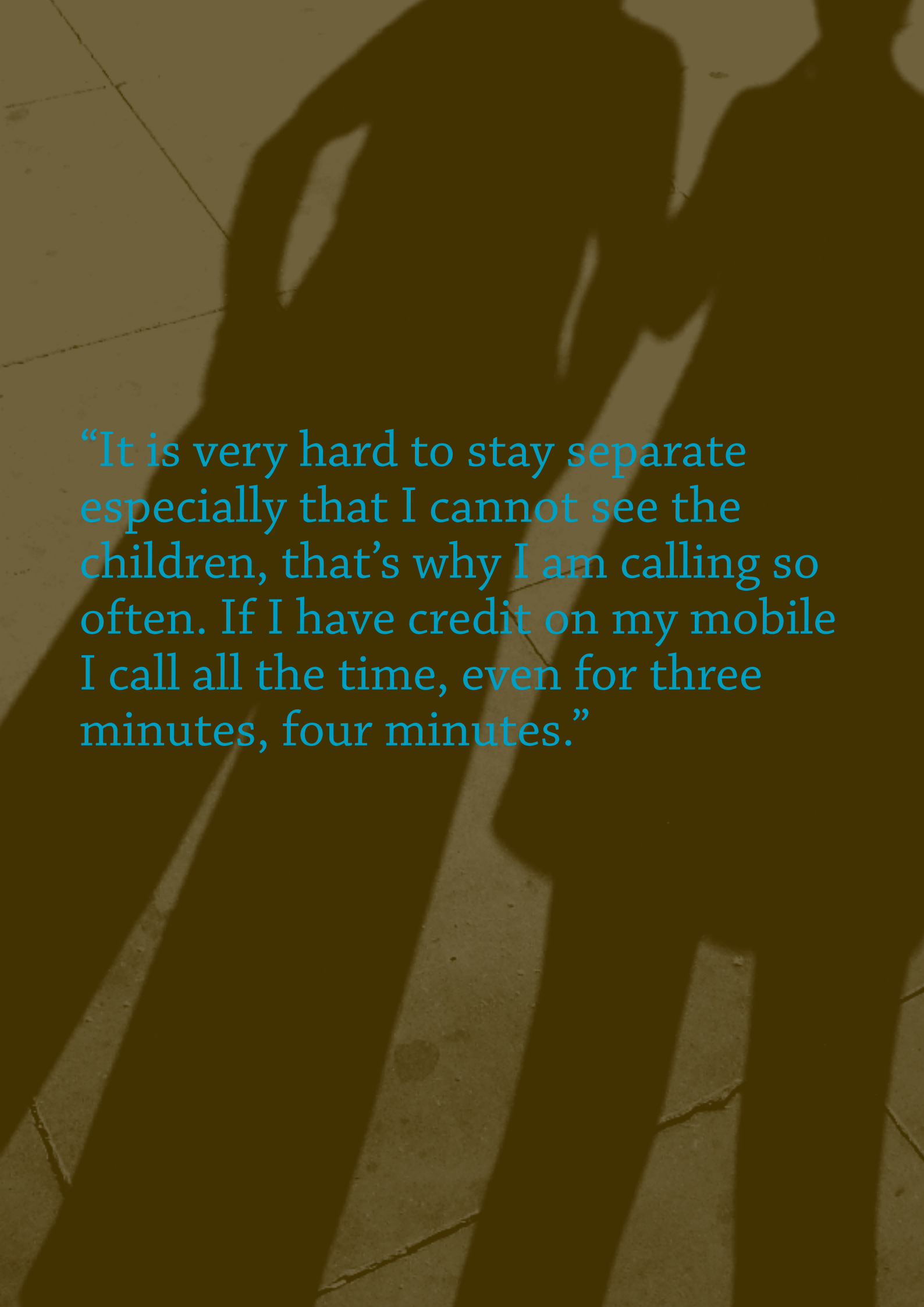
5. Public perception of undocumented migrant workers and irregular migration

There is a growing tendency to link migrant workers and immigration, particularly undocumented migrant workers and those with an irregular status, with criminality and security concerns. This remains unsubstantiated and is used to reinforce negative attitudes towards immigrants and ethnic minority communities. Immigrants, in particular those with an irregular status, are an easy scapegoat in the desire to point the finger of blame. It is also convenient that they are largely voiceless and not likely to be in a position to challenge negative and unfounded statements. The anti-immigrant rhetoric that surfaces in political discourse at various times contributes to the formation of racist and xenophobic attitudes. The opposite is also true: where political leaders make responsible and considered statements, public opinion is likely to reflect a more informed and balanced view of irregular migration. Similarly the role of media is crucial in shaping public perceptions on irregular migration. While acknowledging the constructive role of many media outlets, there is also evidence of hostile and dangerous reporting within some quarters.

Recommendation:

MRCI calls on all political representatives to act responsibly and sensitively in discussing and debating irregular migration. Anti-racist political protocols should include a commitment to addressing unfounded myths and misinformation about migrants including those who are undocumented or in an irregular situation.

The newly-established Press Council should prioritise tackling xenophobic and racist journalism and actively seek to create a climate of informed and balanced reporting.



“It is very hard to stay separate especially that I cannot see the children, that’s why I am calling so often. If I have credit on my mobile I call all the time, even for three minutes, four minutes.”

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