REALISING INTEGRATION

CREATING THE CONDITIONS FOR THE ECONOMIC, SOCIAL, POLITICAL AND CULTURAL INCLUSION OF MIGRANT WORKERS AND THEIR FAMILIES IN IRELAND

MRCI
MIGRANT RIGHTS
CENTRE IRELAND

The Migrant Rights Centre Ireland (MRCI) is a national organisation working to promote the rights of migrant workers and members of their families. Based in Dublin the MRCI provides direct support to migrant workers throughout Ireland. The MRCI supports migrant workers themselves to become involved in the debates and decision-making process impacting on their lives. We also seek to influence policy, build public awareness on migration issues, undertake research and document the experiences of migrant workers. The MRCI supports locally-based initiatives and networks at a local, national, European and global level. Our vision is of an Ireland where migrant workers and their families participate fully and equally in an intercultural society and our mission is to promote the conditions for social and economic inclusion of migrant workers and their families who are in situations of vulnerability.

ACKNOWLEDGEMENTS

FOREWORD

Questions of integration, citizenship, democracy and identity are emerging as significant challenges facing society. Traditional understandings of Irish society, culture and traditions no longer sit comfortably alongside the growing realisation that we are not simply an isolated island off the mainland of Europe. Rather, we are part of a union bent on generating a collective regional identity. Ireland is also firmly located in a global economy and the impact of globalisation is visible in all aspects of Irish life.

The presence of migrant workers and their families is perhaps one of the most obvious signs that Ireland has joined the forces of modern day globalisation; a process that will not neatly end when the so-called 'Celtic Tiger' slows down. Globalisation changes the way society is organised, who does what work, how it is done and our relationship with the rest of the world. Developments in global communications and networks, trading links and so on have created a web that has brought us all closer together on one level, and on a different level have contributed to huge disparities in terms of wages and living standards between poorer and richer regions of the world.

Governments are being forced to adapt and recognise that the makeup of society is increasingly diverse and multicultural. Failure to acknowledge this reality will result in an increasingly fractured, tense, polarised and disenfranchised population, and will ultimately undermine governance and democracy.

The integration of migrant workers and their families is a challenge that Irish society is only slowly waking up to. There is a danger that we will simply pursue the path of other EU countries without actually looking for the lessons and the ultimate outcomes generated from the integration strategies of other countries. It is clear that forcing immigrant communities to assimilate into a new society without ever addressing the existence of racism in that society, and without respecting and enabling the expression of culture and identity, only forces isolation, separatism and extremism, and creates intergenerational disadvantage.

Ireland is at a crossroads and we are in the fortunate situation of being able to draw from a wealth of experience not only from other countries but also from work here in promoting social and economic inclusion, equality and in tackling racism. All stakeholders have a role to play: the State, the community sector, local development, the trade union movement and employer representatives. The integration of migrant workers and their families is not cost free, but the resources earmarked for it should be viewed as an essential investment in our future.

This report is presented as a contribution to the debate and process of developing an integration strategy for Ireland. It is not intended to be viewed as the definitive work in this area, but does offer a useful model, analysis and recommendations.

Siobhan O' Donoghue
Director

GLOSSARY

CDB   City/County Development Board

CRC   Convention on the Rights of the Child

CWO   Community Welfare Officer

CSO   Central Statistics Office

DETE   Department of Enterprise Trade and Employment

DJELR   Department of Justice Equality and Law Reform

DSFA   Department of Social and Family Affairs

EAPN   European Anti Poverty Network

EEA   European Economic Area

EU   European Union

EA   Equality Authority

FÁS   Ireland's National Training and Employment Authority

Forfás   National Policy and Advisory Agency for Enterprise, Trade and Science, Technology and Innovation

GNIB   Garda National Immigration Bureau

GNP   Gross National Product

HRC   Habitual Residence Condition

HSE   Health Service Executive

ICERD   International Convention for the Elimination of Racial Discrimination

ICI   Immigrant Council of Ireland

IHRC   Irish Human Rights Commission

ILO   International Labour Organisation

IOM   International Organisation for Migration

IVEA   Irish Voluntary Education Association

LDSP	Local Development and Social Inclusion Programme
MRCI	Migrant Rights Centre Ireland
MPG	Migration Policy Group
NAPS	National Anti-Poverty Strategy
NAPS Incl	National Action Plan Against Poverty and Social Exclusion[1]
NCCRI	National Consultative Committee on Racism and Interculturalism
NDP	National Development Plan
NESF	National Economic and Social Forum
NESC	National Economic and Social Council
NGO	Non-governmental Organisation
NPAR	Planning for Diversity - National Action Plan Against Racism
OPFP	One Parent Family Payment
PICUM	Platform for International Cooperation on Undocumented Migrants
PPSN	Personal Public Service Number
SARI	Sports Against Racism Ireland
SWA	Supplementary Welfare Allowance
UN	United Nations
UNCRC	UN Committee on the Rights of the Child
VEC	Vocational Education Committee

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[1] This is now part of a broader structure; The Joint Social Inclusion and Social Protection Report: www.eapn.ie

DEFINITIONS

Assimilation

Assimilation is an adaptation of one ethnic or social group, usually a minority, to another. Assimilation means the subsuming of language, traditions, values and behaviour or even fundamental vital interests, and an alteration in the feeling of belonging. Assimilation goes further than acculturation.[2]

Community Work

Community work is concerned with addressing the root causes of poverty, inequality and exclusion. It seeks to support people and their communities to develop an analysis of their situation and take collective action to address it. Community work is a process that seeks to bring about the active participation of people experiencing exclusion in decision-making structures. It works from the following set of principles: collective action; participation and inclusion; empowering and enabling; process versus task; non-sexist; non-racist; solidarity not charity; starting where people are at; accountability; self determination; equality; and thinking globally and acting locally.[3]

Interculturalism

Interculturalism is essentially about interaction between majority and minority cultures to foster understanding and respect. It is about ensuring that cultural diversity is acknowledged and catered for. It is about inclusion for ethnic minority groups by design and planning, not as a default or add-on.[4]

Migrant worker

A Migrant worker is a person who is to be engaged, is engaged, or has been engaged, in a remunerated activity in a State of which he or she is not a national.[5]

Multiculturalism

Multiculturalism is concerned with acknowledging the need for recognition and celebration of different cultures. The emphasis of the multicultural approach is on the need for tolerance and 'better

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[2] IOM (2004) *International Migration Law Glossary on Migration 2004*, (p. 7)

[3] MRCI *Strategic Plan* 2005-2008, (p.12-15)

[4] NCCRI: www.nccri.ie

[5] Art. 2(1), *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* (1990)

community relations' rather than on acknowledging the need to change the attitudes and practices of the majority population.[6]

Racism

Racism is any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.[7]

Social Exclusion

Social Exclusion is the process whereby certain groups are pushed to the margins of society and prevented from participating fully by virtue of their poverty, low education or inadequate life skills. This distances them from job, income and education opportunities as well as social and community networks. They have little access to power and decision-making bodies and little chance of influencing decisions or policies that affect them, and little chance of bettering their standard of living.[8]

Whole organisational approach

Whole organisational approach is a holistic approach to address racism and support inclusive, intercultural strategies within an organisation, with reference to equality policies and equality action plans.[9]

Poverty

People are living in poverty if their income and resources (material, cultural and social) are so inadequate as to preclude them from having a standard of living, which is regarded as acceptable by Irish society generally. As a result of inadequate income and other resources people may be excluded and marginalized from participating in activities, which are considered the norm for other people in society.[10]

Undocumented

Undocumented persons are migrant workers or members of their families, who are not authorised to enter, to stay or to engage in employment in a State.[11]

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[6] NCCRI (March 2006) *How public Authorities Provide Services to Minority Ethnic Groups*, Emerging Findings Discussion Paper, Glossary of key terms

[7] Art. 1(1), International Convention on the Elimination of All Forms of Racial Discrimination (1965)

[8] Combat Poverty Ireland, Glossary of terms, available from: www.cpa.ie

[9] Ibid

[10] NAPS Incl 2003-2005

[11] IOM *International Migration Law Glossary on Migration* 2004 (p.7)

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"TODAY NOBODY NOTICED ME AND I HAVE NOT LIVED.

YOU HAVE NOTICED ME AND I LIVE AGAIN".

CHEKOV

INTRODUCTION

1.1

General Introduction

Integration is a term that has become both popular and controversial in recent times. On the one hand, it is deemed necessary for social cohesion and the successful integration of migrant workers is seen as an essential component in achieving economic growth and stability. On the other hand, attempts to define what an 'integration policy' should look like has proven problematic. In many European States integration is being discussed in the context of a discernable shift in political discourse towards notions of monoculturalism and reluctance to accept cultural and ethnic diversity within Europe. The introduction of much contested 'integration tests' in some European countries and the self-admitted failure of multiculturalism in places, such as the UK and France are examples of ongoing issues that have generated much recent debate on the future of integration.

The term integration itself can mean different things and has been interpreted differently in many European counties. The EU's Common Basic Principles (CBP) on integration have emphasised that integration is a, "dynamic, two-way process of mutual accommodation by all immigrants and residents of Member States."[12] The Irish Government has committed itself to developing an 'integration strategy' within an intercultural framework. It too defines integration as a two-way process, "that places duties and obligations on both cultural and ethnic minorities and the State to create a more inclusive society."[13] While such definitions are useful in terms of positioning integration as a two-way process that places demands and responsibilities on both the host country and immigrants, they say little about what is really required in order to make integration a reality.

As a national organisation working with migrant workers and their families who are in situations of vulnerability, the MRCI has, over the years, identified a number of barriers that face migrant workers and their families on a daily basis in relation to their economic, social, political and cultural inclusion. The MRCI is of the opinion that inclusion and active participation in each of these spheres of society are prerequisites for creating the conditions for meaningful integration. In

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[12] Commission of the European Communities, *A Common Agenda for Integration Framework for the Integration of Third-Country Nationals in the European Union*, Brussels, 1.9.2005 COM (2005) 389 final

[13] Department of Justice, Equality and Law Reform (2005) *Planning for Diversity: National Action Plan Against Racism 2005-2007:* www.justice.ie

the context of the growing discourse around integration, this document offers a perspective on integration; it's various components, the barriers preventing integration and suggestions for a constructive way forward. Throughout the document integration is located very much in an intercultural framework underpinned by principles of anti-racism, equality and human rights. However, it is important, firstly, to look at the context in which integration is increasingly being discussed; namely the global and permanent reality of migration.

1.1.1 Migration: a global process

Inward migration, while a relatively recent phenomenon to Ireland, is part of a global process and Ireland's recent experience represents a pattern that is reflected all over Europe and the rest of the developed world. According to the United Nations, over 175 million people live outside of their country of origin.[14] In the context of the world's population, this represents a modest 3%. However, the presence of international migrants and the movement of workers have raised many contentious issues. It has posed a challenge to domestic and international policy-making and brought traditional notions of citizenship and national identity into question.

The mobility of people is not new and has very much been associated in the past with colonialism and industrialisation. An obvious example is the emigration of Irish people to Britain, the US, Australia and elsewhere for centuries; pulled by the availability of work in developing economies and pushed by the massive levels of unemployment and poverty in Ireland. Globally, long standing patterns of migration are continuing in new forms whilst, at the same time, new flows are developing in response to economic change, political struggles and violent conflicts.[15] Castles and Davidson have highlighted two things that are new about current migrations: "The first is their sheer scale: they affect all regions and most countries of the world simultaneously."[16] They point to the speed at which, as a result of this, new ethnic minorities have emerged, challenging policy-makers and highlighting the need for new laws concerned with integration and citizenship. Their second point is that "the ethnocultural characteristics of many of the immigrants: they come from areas that are increasingly distant – not only in kilometres, but also

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[14] UN Population Division (October 2002): www.pstalker.com/migration/index.htm

[15] Castles, S. and Miller, M.J. (2003) *The Age of Migration: International Population Movements in the Modern World,* Palgrave: London, Third Edition (p.7)

[16] Castles, S. and Davidson, A. (2000) Citizenship and Migration: *Globalisation and the politics of belonging,* Routledge: New York (p.9)

in cultural terms." This is especially relevant in the context we are living in today, a globalised world in which migration is very much a permanent reality but also becoming increasingly politicised. It is within this challenging, globalised environment that integration is becoming all the more relevant. Some of the social dynamics within modern societies are also indicative of the importance of migrant workers to European societies in the future:

- As national economies become more globalised there will also be a move towards increasingly mobile markets, capital, goods, services, profits and labour.

- The population of the European Union is set to decline but the need for labour will continue.[17]

- The dependency ratio is set to increase significantly as the population of Ireland (and Europe) continues to age.[18]

- Inflows into the labour force from education are projected to level off in line with demographic changes.[19]

- People are also staying in education longer and taking time out to undertake educational and training opportunities.

- Increases in female participation in the labour force are set to slow down as women's participation levels begin to peak, largely related to poor childcare infrastructure.

- It is certain that as we become more developed as a society, we will evolve a greater reliance on migrant workers who undertake work that is considered 'dirty, dangerous and difficult'.

[17] Demographic ageing will cause the EU-25 working-age population to fall from 303 to 291 million by 2020, and to 280 million by 2030. This decrease is due to the long-lasting effects of the reduction of fertility rates since the mid-1970's, and it will be coupled with an increase in the age group of the over 65s (taken from, COM (2003) 336 final).

[18] The number of those aged 80 and over in the EU-25 is projected to increase from almost 16 million in 2000 to some 30 million in 2030 (taken from COM (2003) 336 final)

[19] Inflows into the labour force from education are projected to decline steadily, having peaked at approximately 47,000 in 2000. The reduced inflow is a result of the dramatic decline in the birth rate that took place during the 1980's, and which is beginning to affect the natural increase in the labour supply (taken from, *The Irish Labour Market Review/2002 A FÁS Review of Irish Labour Market Trends And Policies*)

1.1.2 The Irish situation

Migration to Ireland has played an important role in our economic and social development in the past decade. Since the early 1990's and the onset of strong economic growth, Ireland has moved from a country of net outward migration to a country experiencing net inward migration. This change has been well documented and a more detailed description of the position of migrant workers in the Irish economy and labour market is given in Section 2: Economic Inclusion. However, it is useful at this stage to briefly look at the Irish context of economic migration.

According to CSO figures for the fourth quarter of 2005, there are 159,000 non-Irish nationals in employment in Ireland, representing 8% of the total employment force. Those from new EU States account for 36% of non-Irish workers for that same quarter. Over the period from 2000 to 2005, over 100,000 persons from outside the EEA came to Ireland for employment purposes. Non-Irish national workers are employed in many different sectors of the Irish economy, the highest number being in the services, construction, and hotel and restaurant sectors.[20] Those who are entering the country are, overwhelmingly, in the 15-44 age group, whilst the figures in the 25-64 age group show twice as many males to females[21], which is an important development in itself to note. According to much recent economic analysis, migration to Ireland is going to continue to be an important aspect of labour market policy over the coming years. It has been identified that future economic growth is dependent upon the availability of foreign workers, with the growth of non-Irish national workers in the Irish economy expected to continue.[22]

There is no doubt that migrant workers have contributed immensely to the Irish economy; this is obvious in terms of labour contribution alone. However, migrant workers and their families are contributing in a far broader sense as key stakeholders and consumers. Their contribution can also be measured in terms of revenue and tax, provision of skills, education, qualifications, previous work experience, entrepreneurships, contacts and global networks. Apart from the obvious economic contribution that migrant workers and their family's make, they are also

[20] The sector with the highest number of non-Irish national workers is the hotel and restaurant sector, representing 19.2% of the workforce (taken from, AIB Global Treasury Economic Research (2006) *Non-National Workers in the Irish Economy Here To Stay)*

[21] Houses of the Oireachtas Joint Committee on European Affairs - Eleventh Report (April 2006) *Report on Migration: An Initial Assessment of the Position of European Union Migrant Workers in Ireland post-2004*

[22] The Enterprise Strategy Group within Forfás identified that 420,000 migrant workers would be required by 2010 in order to fill labour market skill shortages and maintain economic growth

enriching Ireland's diversity. Migration is not simply about the movement of workers. It is also about the transfer of human and social capital (skills, talents, experiences, abilities) and, more often than not, it is a journey in the hope of a better life for oneself and one's family.

Alongside the obvious increase in migration, there has been a disturbing increase in the number of human rights abuses documented by migrant workers in relation to poor working conditions, experiences of racism and exploitation.[23] There have also been heated discussions about allegations of displacement of Irish workers. Such discussions present a danger of over-simplifying the reality of the changing nature of employment and work patterns in a globalised economy. At the same time, there have been increased calls for service provision in Ireland to reflect the needs of a more diverse, multicultural population. Irish society is changing as a result of immigration and the diversity of our population has not yet been adequately responded to, or reflected in, structures, policies or in the delivery of vital services.

Inwards migration, however, cannot be the only factor attributed to such rapid socio-economic change. Ireland has become a wealthier, more developed economy and society, more influenced nowadays by the effects of globalisation and capitalism over the historically more influential impact of, for example, the Catholic Church. As previously mentioned Ireland has a history of emigration, "there are few families in Ireland that have not been affected by emigration at some point in their lives. This is borne out by the fact that there are 1.2 million Irish-born living abroad."[24] Without getting too historical, there is also the obvious fact that as a colonised and, in the past, underdeveloped nation, Ireland has experienced both famine and widespread poverty (this is not to say that poverty in Ireland no longer exists, only that it has lessened and changed in nature). Over recent decades, there has been an obvious shift in national identity from tradional, Catholic and agricultural to a more modern, urbanised, pluralist projection of identity and sense of 'Irishness'.

It is within this context that integration is becoming increasingly important. Thought should also be given to the costs of not getting it right and to the repercussions down the line, both socially and economically, if the conditions for integration are not created. Across Europe there is now a discernible shift towards a more monoculturalist

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[23] Reports by the MRCI, The Equality Authority Annual Report 2005, Immigrant Council of Ireland and other such organisations

[24] Information taken from Emigrant Advice: www.emigrantadvice.ie

approach; this is true in Denmark, the Netherlands, the UK and France. This is occurring in a context of a focus on anti-terrorism across the EU and a renewed emphasis on European (Western) values. Future integration measures must address these issues and create the conditions for migrant workers to live and work in Ireland with their dignity, self-identity and rights respected, and their economic, political, social and cultural inclusion made possible.

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"There is a difference between belonging and being subsumed, the latter almost denotes losing all character, individuality and personality, when in actual fact integration is the ongoing formation of an amalgam between recalling bits and pieces of the old story and continuously becoming acquainted with the unfamiliar, starting a new story. It is a process that for some happens unnoticed and is taken for granted. But for many that is not the case".

Bobby Gilmore
Chairperson
The Migrants Rights Centre Ireland

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1.1.3 Realising Integration

It has been clearly stated at the beginning of this section that integration is a dynamic, two-way process, with rights and responsibilities afforded to both the host country and to the migrant worker. It is useful when discussing integration to ask the question: what are the objectives of integrating migrant workers and their families? Integration itself, as a process, is not about assimilation. Integration, for the part of the migrant worker, should not result in the relinquishing of cultural and personal identity in order to assimilate 'successfully' into Irish society. Assimilation means absorption, incorporation and digestion; the shedding of one's identity to become as if a member of the dominant group that makes up that society.[25] The assimilationist model in relation to migration is based on the complete assimilation of the immigrant into the dominant, traditional national values and perceived common identity.[26] France is a classic example of this approach; an approach that many commentators have cited as failing to achieve integration in real terms for many ethnic minority communities and, in fact, has fuelled racial tension and exclusion.

Integration in the past has been very much associated with the concepts of multiculturalism. Britain, who pursued a multicultural model for years, is now reviewing the success of such an approach on the basis that it has not, in itself, generated equality outcomes for immigrant and ethnic minority communities in many instances. Multiculturalism policy has been pursued in a number of EU countries in an attempt to generate racial harmony and integration and to address

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[25] Sarkozy, N. New Europe – *New Vision* (unpublished)

[26] Houses of the Oireachtas Joint Committee on European Affairs - Eleventh Report (April 2006) *Report on Migration: An Initial Assessment of the Position of European Union Migrant Workers in Ireland post-2004*

racial disadvantage i.e. social segregation, exclusion from the labour market and community tensions. Multiculturalism says little about either the situation or status of the members of different communities, it only implies their presence. Traditional multicultural approaches have never sought to address racism, in particular institutional racism, and the direct and indirect effect that flows from that.[27]

Whilst it may be relatively easy to critique different objectives for integration, it is undoubtedly difficult to define the specifics of what an integration strategy should look like. Inward migration and the growing multicultural nature of Irish society pose a challenge for everyone involved: migrant workers and ethnic minority communities (who are creating new lives for themselves and their families in an often very different homeland and culture than previously experienced); the community and voluntary sectors (responding with limited resources to the needs and, in many instances, the social exclusion of ethnic minorities in Ireland); the Irish government (including it's various departments, civil servants and political representatives responding to growing diversity and in a challenging political environment); service providers (who are responding to more diversified user base with different needs that require both a targeted and mainstreamed approach).

One clear objective of integration should be the creation of an intercultural society. Real and sustainable integration must be concerned with tackling racism and promoting equality and interculturalism. The key elements of an integration strategy are dealt with in more detail in Section 6: Recommendations, but, suffice to say at this stage, it is important to highlight that the principles of anti-racism, equality, interculturalism and basic human rights underpin the definition of integration that is proposed and argued for throughout this document.

Anti-racism: Comprehensive strategies are needed to combat racism. The definition of racism employed in this report is, "Any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life."[28]

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[27] O'Donoghue, S., MRCI

[28] UN (1996) *International Convention on the Elimination of All Forms of Racial Discrimination*

Interculturalism: This is linked to the goal of anti-racism and "implies the development of policy that promotes interaction, understanding and integration among and between different cultures and ethnic groups on the assumption that ethnic diversity can enrich society, without glossing over issues such as racism".[29] It is important to distinguish Interculturalism from polices based on the ideas of assimilation, or the absorption of minority ethnic groups under a dominant culture. The goal of Interculturalism provides a focus not just on racism, but also on the need to address the implications of cultural diversity.

Human rights: The protection, promotion and granting of human rights to migrant workers needs to be at the centre of integration policy in Ireland. "Human rights recognise that certain principles are true and valid for all peoples, in all societies, under all conditions of economic, political, ethnic and cultural life. Human rights are universal - they apply everywhere; indivisible - in the sense that political and civil rights cannot be separated from social and cultural rights; and inalienable – they cannot be denied to any human being."[30] Once recognised the challenge is to turn the human rights principles into concrete actions.

Equality: The principle of equality recognises the multiple forms of inequalities that persist and acknowledges that people's multiple identities must be taken into account. It can be understood as comprising the following objectives as set out in the National Economic and Social Forum report, which covers the economic, political, cultural and affective dimensions to equality. These are objectives include:

- Redistribution, which is concerned with access to employment, income and economic development, and with access to education, health and accommodation. This is about change in the situation of those experiencing inequality.

- Representation, which is concerned with access to decision-making and to the resources necessary for such participation. This is about those experiencing inequality having a say.

- Recognition, which is concerned with difference and diversity, and access to an acknowledgment, a valuing and a practical accommodation of one's difference as a member of the groups experiencing inequality. This is about affirming the shared identities of those who experience inequality.

[29] Farrell F. and Watt P. (2001) *Responding to Racism in Ireland*

[30] Office of UN High Commissioner for Human Rights (2001) *International Migration, Racism, Discrimination and Xenophobia, International Labour Office, International Organisation for Migration*

• Respect, which is about access to relationships of trust, respect and solidarity in place of practices of harassment, hostility and abuse. This is about changing the experiences of those experiencing inequality.[31]

1.2

Report aims and structure

1.2.1 Aims of the report

The MRCI is seeking to contribute to the creation of an intercultural society and, in particular, towards creating the conditions for inclusion of those migrant workers and their families who are in situations of vulnerability.

Whilst a comprehensive set of recommendations are outlined in Section 6, this document is not intended as a blueprint for a future integration strategy for ethnic minority communities in Ireland. Rather, this document seeks to contribute to ongoing attempts to define integration and, in this context, highlights the barriers that exist for migrant workers and their families in attempting to integrate. This discussion document addresses integration in a very holistic manner, highlighting the importance of the inclusion and active participation of migrant workers and their families in the economic, social, political and cultural spheres of society. In focusing on some of the barriers that exist in relation to each of these spheres, the aim is to highlight the experience of migrant workers and to focus on the changes that need to be made in order to create even the conditions for integration as a concept to be realised. The emphasis is on migrant workers employed in the lower paid and less stable sector of the economy, who are more vulnerable to social exclusion. In this sense, integration is viewed very much as a two-way process underpinned entirely by core concepts of anti-racism, interculturalism, human rights and equality.

1.2.2 Summary of report structure

This document is structured in such a way that it builds on existing anti-racist and social inclusion strategies, and makes the case for the economic, social, political and cultural inclusion of migrant workers and their families to be recognised and resourced. It is important to

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[31] Crowley, N. (2003) *Mainstreaming Equality Foundations in the Irish Context,* The Equality Authority

emphasise that inclusion and active participation of migrant workers economically, socially, politically and culturally is interdependent, and forms part of a holistic approach to creating the conditions for integration. Each section begins by setting (e.g. the economic context) in relation to integration, highlights the relevant policy framework that may or may not exist, and links the importance of economic inclusion to the integration process for migrant workers and their families. The experiences of migrant workers are highlighted throughout this document, focusing on the specific barriers to participating economically, socially, politically and culturally.

SECTION 1: Introduction.

Section 1 introduces and defines the concept of integration underpinned by principles and differentiated from previous models of assimilation and multiculturalism, which are explained. Integration is discussed in the context of the permanent and global reality of migration, highlighting the socio-economic imperative for creating the conditions for integration in an Irish context. The section outlines the policy context within which integration is being developed at an EU and national level, highlighting the emerging debate in Ireland, and also the European agenda in relation to integration to date.

SECTION 2: Economic Inclusion; equality in the labour market.

Section 2 examines the importance of economic inclusion to the integration process and documents the experiences and barriers faced by migrant workers when attempting to access the Irish labour market and actively participate in the Irish economy. Particular barriers to economic inclusion are highlighted and include; racism, discrimination and inequality in the workplace (focusing on workplace exploitation), lack of access to information, deskilling and lack of progression routes in the labour market (along with formal barriers to economic participation, such as, the situation of spouses of work permit holders).

SECTION 3: Social Inclusion; rights and entitlements.

Section 3 discusses the importance of social inclusion in creating the conditions for the integration of migrant workers and their families. The section outlines what constitutes some of the core social rights for migrant workers and their families, and highlights the importance of equality of access to, and outcome from, service provision in Ireland. The barriers facing migrant workers and their families in relation to accessing social rights and entitlements are outlined, including a focus on: social exclusion, lack of information provision, discrimination and racism (individual and institutional), being undocumented, and policy

barriers in relation to the Habitual Residence Condition (HRC) and family reunification policies.

SECTION 4: Political Inclusion; participation and active citizenship.

Section 4 highlights the importance for migrant workers to have their voices heard in the decision-making structures in Ireland, as it relates to integration. This has, in the past, been associated primarily with possession of formal citizenship and a corresponding set of rights. There is a discussion in relation to what it means to be politically active in the context of difficulties in accessing formal citizenship. This also looks at evolving concepts of active citizenship and civic citizenship. The barriers to political participation for migrant workers are highlighted, focusing on: social exclusion and experiences of racism, the democratic deficit, a lack of political representation, and absence of participative democracy.

SECTION 5: Cultural Inclusion; anti-racism and interculturalism.

Section 5 explores the cultural dimension to the integration process, linking the importance of maintenance of cultural identity and freedom of cultural expression to creating the conditions for integration. The barriers to cultural inclusion are discussed with a focus on: cultural exclusion, racial discrimination (focusing on labelling, stereotyping), religious discrimination, and diversity within cultures.

SECTION 6: Realising Integration; recommendations.

Section 6 includes recommendations that would contribute to creating the conditions for the economic, social, political and cultural inclusion of migrant workers and their families. The section includes an outline of the relevant policy recommendations in existence, highlighting, in particular, the National Action Plan Against Racism (NPAR) and other relevant policy documents that need to be implemented in the context of creating an intercultural society and the conditions for the inclusion and active participation of migrant workers and their families. This is followed by a set of recommendations from the MRCI that would contribute significantly to the inclusion and integration of migrant workers and their families in Ireland.

"Words calculated to catch everyone may catch no one" [32]

1.3

Interpreting Integration in the European and national policy context [33]

1.3.1 Introduction

In recent years, 'integration' has emerged as the key policy response to the changes that migration brings to contemporary societies. The debate on whether or not Western European democracies (such as Ireland) can function in an age of increasing globalisation, has become dominated by questions of how well third-country (non-European) nationals can 'integrate' into their new homes; and, to a lesser extent, the nature of the societies into which they seek to integrate.

According to Webster's International Dictionary, integration is, "a combination and coordination of separate and diverse elements or units into a more complete or harmonious whole." [34] However, how diverse communities are combined and coordinated, and what the more complete or harmonious society should look like, is far less easily defined. While most people agree that the integration imperative is a vital one, it is not clear that everyone is talking about the same outcome. In other words, the concept of integration can appear to represent a common approach, though the risk is that it simply papers over divisions on how best to foster cohesive societies, heretofore represented as the assimilation versus multiculturalism debate.

That is not to suggest that the emergence of new terminology is unhelpful in pushing an agenda forward, rather that the challenge is to ensure that new language is used in a way that is progressive. It is the content of emerging integration polices and not the concept of integration itself that is important. As with other prevailing ideas that have emerged, it is in the interests of migrant workers and their families to ensure that the term integration is defined and used in a way that reflects the objectives of inclusion and respect for diversity.

This section will present a brief overview of some of the key policy developments in Irish and European contexts, arguing that the definition

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[32] Adlai E. and Stevenson Jr. (1900-1965), Speech to Democratic National Convention, Chicago, Illinois, July 21, 1952, available at: www.quotationspage.com (28.07.05)

[33] Article written for the MRCI by Anna Visser (policy officer with European Network Against Racism), March 2006

[34] Webster's Third New International Dictionary, Unabridged (2002) Merriam-Webster: http://unabridged.merriam-webster.com (28.07.05)

of integration policy is still an emerging phenomenon. Consequently, the challenge for NGOs and other actors concerned with the rights of minority ethnic groups is to ensure that the development of integration policy contributes to the formation of intercultural societies where migrant workers and their families participate fully and equally.

1.3.2 Ireland: An emerging debate

The Irish government has committed itself to fostering an intercultural society, not least through the adoption of a National Action Plan against Racism (NPAR) in January 2005. The Plan states that an intercultural society, "is essentially about creating the conditions for interaction, equality of opportunity, understanding and respect". However, it is not clear how the debate on integration is being defined in the context of this commitment.

In 1998, the Interdepartmental Committee on Immigration, Asylum and Related Matters issued a report on State services for asylum seekers. The report of the Committee stated, "all appropriate assistance should be given, to facilitate the integration into Irish society of persons recognised as refugees or given leave to remain in the State on humanitarian grounds" (emphasis added). While the Committee did not consider the type of society that individuals would be integrating into, it did acknowledge the need for a process to be put in place to support participation and inclusion.

The Minister for Justice, Equality and Law Reform established an Interdepartmental Working Group in December 1998 to formulate a strategy for implementing the Government's policy on the integration of refugees and those granted temporary leave to remain. The report of the Interdepartmental Working Group, "recognised that integration should not be seen as a static concept but rather as a process which undergoes constant change as society evolves." The Working Group defined integration as, "the ability to participate to the extent that a person needs and wishes in all of the major components of society, without having to relinquish his or her own cultural identity." The 1999 document identified the "development of a tolerant inclusive society… as a key prerequisite to the successful integration of refugees" (emphasis added), and acknowledged that "acceptance by Irish society" is a key issue for integration. The document raised issues of social inclusion, including access to a range of services and rights; however, it falls short of acknowledging that the promotion of an intercultural society is not only a pre-requisite for successful integration but also an essential part of any integration policy.

Overall, the major shortfall of these initial developments in Irish integration policy is that they refer only to those granted refugee status or temporary leave to remain in Ireland. This is a tension that continues to be evident, for example, the Reception and Integration Agency is identified as 'the integration agency' in the NPAR.[35] However, its website clearly states that it defines integration purely as a refugee issue, "The Reception and Integration Agency takes a clear view that focused integration measures are only applied to those with refugee status or leave to remain and it is in this context that the Agency is responsible for the co-ordination and implementation of integration policy."[36]

The question arises, how can an agency concerned with only one section of minority ethnic communities in Ireland be responsible for the implementation of a comprehensive integration policy?

In recent months, there have been some indications of a shift in government thinking in terms of the scope of integration policy. A consultation document on immigration and residence policy published by the Minister for Justice, Equality and Law Reform, states that, "It is intended to create within the new service an Immigrant Integration Unit to promote and co-ordinate social and organisational measures across the whole spectrum of Government, for the acceptance of lawful immigrants into Irish economic and cultural life."[37] The announcement of this new unit represents a practical extension of integration policy from refugees to economic migrants.

The NPAR does represent a further progression in the debate on integration in that it takes into account the fact that integration must be concerned with all minority ethnic communities, and not simply limited to refugees (or recent migrants). The NPAR states that, "Integration is commonly understood to be a two-way process that places duties and obligations on both cultural and ethnic minorities and the State to create a more inclusive society. In the context of this Plan 'integration' simply means a range of targeted strategies for the inclusion of groups, such as, Travellers, refugees and migrants as part of the overall aim of developing a more inclusive and intercultural society (emphasis added)."[38]

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[35] Department of Justice, Equality and Law Reform (2005) *Planning for Diversity: National Action Plan Against Racism 2005-2007*: www.justice.ie (p.153)

[36] Available at: www.ria.gov.ie/integration/ (27.07.05)

[37] Department of Justice, Equality and Law Reform (2005) *Immigration and Residence in Ireland - Outline policy proposals for an Immigration and Residence Bill*. 28.07.05 (p. 122), available at: http://www.justice.ie/80256E010039C5AF/vWeb/pcJUSQ6BDEKH-en (28.07.05)

[38] Department of Justice, Equality and Law Reform (2005) *Planning for Diversity: National Action Plan Against Racism 2005-2007*: www.justice.ie (p.153, pp. 38-39)

The definition in the NPAR picks up on the concept of integration as a two-way process, however, the Irish government has since implicitly acknowledged the limits of this restricted definition, and pointed to integration as a broader process involving all actors, including the majority population. According to the Irish government, in its response to the Green Paper on an EU approach to managing economic migration, "While integration of third-country nationals is a very important issue we do not see it as a matter for the State alone. A comprehensive integration policy encompasses a number of different strands from integration in the workplace or place of study, to integration in the community and access to public services for all legally resident non-nationals. It involves employers, social partners, non-governmental organisations and society as a whole playing their part also."[39] This statement usefully elaborates on the holistic nature of integration policy. However, it fails to adequately acknowledge the role of the State in driving and funding the integration process. There have been significant developments in terms of government thinking on integration policy in a few short years; however, it is not yet clear how a structured and comprehensive integration policy will be implemented in the Irish context. The State has moved from acknowledging that participation (of refugees) in society is a process that needs to be supported, to recognising that the ability to maintain one's identity in the context of an inclusive society is essential to this process. There has also been a shift in the focus of integration policy from recent migrants to ethnic minority groups more broadly defined, and a move beyond a purely 'two-way' process

Integration policy in the Irish context remains a somewhat vague concept, and there appears to be a danger that it is being defined as a separate process to interculturalism or social inclusion. Integration is not provided for on a statutory basis and, beyond the emerging administrative structures (limited to refugees and migrant workers), it is not clear how the State will structure and fund the integration process in terms of Irish society as a whole.

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[39] Response available at:
http://europa.eu.int/comm/justice_home/news/consulting_public/economic_migration/contribu tions/contribution_ireland_en.pdf (28.07.05)

Common Basic Principles (CBP) on Integration

1. Two-way process.

2. Respect for the basic values of the European Union.

3. Employment as key.

4. Need for basic knowledge of the host society's language, history, and institutions.

5. Role of education for immigrants and descendents.

6. Equal access for immigrants to goods and services.

7. Interaction between immigrants and citizens.

8. Diversity of cultural and religion as long as they are compatible with Charter of Fundamental Rights.

9. The participation of immigrants in the democratic process, especially at the local and regional levels.

10. Mainstreaming integration policies and engage civil society.

11. Developing clear goals, indicators and evaluation mechanisms and exchange experience.

1.3.3 The European agenda

In 1999, the Treaty of Amsterdam gave the EU competence for immigration. Since 1999, the Commission has put forward several directives with a view to establishing a common immigration policy in the European Union. However, the development of integration strategies remains primarily with Member States. This was emphasised in October 1999 at the European Council meeting in Tampere (Finland). Here the leaders of the EU called for a common immigration policy that would include more dynamic policies to ensure the integration of third-country nationals residing in the European Union.

In June 2003, the Commission published a Communication on Immigration, Integration and Employment. The Communication linked integration policy to the Lisbon Agenda, as well as to the European Employment Strategy and the National Action Plan Against Poverty and Social Exclusion (NAPS Incl). The Communication refers to the definition of integration as a 'two-way process'; though it refers to the 'host society', rather than specifically to the State.[40] The Communication identifies the need to adopt a holistic approach to integration, including areas, such as: labour market; education and language skills; housing and urban issues; health and social services; social and cultural environment; nationality, civic citizenship and respect for diversity. The Communication placed this framework in the context of an incremental approach to civic citizenship; in other words, the longer a migrant is in a Member State the more rights they acquire.

The Open Methods of Coordination (OMCs) have also engaged the concept of integration and demonstrated responsiveness to a mainstreaming agenda. The revised employment guidelines, under the European Employment Strategy, were adopted in July 2003. They called for action to better integrate immigrants in the labour market and to reduce gaps in unemployment rates. In 2003, the Joint Inclusion Report of the Social Inclusion Strategy identified the need to reduce social exclusion among immigrants and ethnic minorities as one of the six critical priorities.

In July 2004, the Commission published its first Annual Report on Migration and Integration. The report emphasised the need for a holistic approach stating that, "The development of comprehensive integration policies as called for by the Commission requires effectively

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[40] European Commission (2004) Communication on Immigration, Integration and Employment, Brussels, 27.07.05 COM (2003) 3306 final, available at: http://europa.eu.int/eur-lex/en/com/cnc/2003/com2003_0336en01.pdf (p.17)

mainstreaming immigration concerns in all relevant policy fields as well as action to combat discrimination while at the same time developing specific measures and instruments to tackle the needs of immigrants."[41]

In December 2004, the adoption of the Hague Programme proved a significant step forward in articulating the integration agenda at a European level. The programme states that, "stability and cohesion within our societies benefit from the successful integration of legally resident third-country nationals and their descendants."[42] The reference to second and third generation migrants points to the ongoing challenges of integration.

In December 2004, the European Council adopted 11 Common Basic Principles (CBP) on integration. The first principle refers to integration as a two-way process; however, the principles go on to emphasise the provision of services to migrant communities as well as basic knowledge relating to the host society without adequately relating these to the role of European societies in terms of promoting interculturalism.[43]

In September 2005, the European Commission published a Communication on a Common Agenda for Integration.[44] This Communication is the first response by the Commission to the invitation of the European Council to establish a coherent framework for integration. While reiterating that integration is an area of Member States' competence, the Communication makes a number of recommendations for action at both national and European levels. It elaborates on each of the 11 CBPs and suggests appropriate actions for each.

In addition to these policy developments, the European Commission has established national contact points for integration in each of the Member States. In Ireland, the contact point is the Reception and Integration Agency. One of the key outcomes of the contact points to

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[41] European Commission (2004) *First Annual Report on Migration and Integration,* available at: http://europa.eu.int/comm/employment_social/employment_analysis/docs/com_508_en.pdf (p.5) (28.07.05)

[42] Available at: http://europa.eu.int/abc/doc/off/bull/en/200411/i1023.htm (28.07.05)

[43] For further discussion see: EPC/KBF Multicultural Europe Team (2005) *Beyond the Common Basic Principles on Integration: The next steps,* available at: http://www.euractiv.com/29/images/EPC%20%20on%20Integration%20(2)_tcm29-141764.pdf (27.07.05)

[44] Commission of the European Communities, *A Common Agenda for Integration Framework for the Integration of Third-Country Nationals in the European Union,* Brussels, 1.9.2005 COM (2005) 389 final, available at: http://europa.eu.int/eur-lex/lex/LexUriServ/site/en/com/2005/com2005_0389en01.pdf

date has been a handbook on integration, which was published in 2004.[45]

Several EU financial instruments contribute to the integration of third-country nationals, including: the European Social Fund, the EQUAL initiative, and the European action programmes in the fields of education, employment, combating social exclusion and discrimination. In terms of initiatives specifically targeting immigrants, the European Refugee Fund and a new project on integration (INTI) are the main instruments.

There has been significant attention paid to the formulation of integration policy at a European level, and these developments play a central role in the elaboration of national policy. A number of concerns have been raised regarding the direction of EU thinking on integration; many of these echo concerns at national level. One such concern is the emphasis on the responsibility of recent legal migrants to integrate, rather than taking a broader look at the role of the State and society to ensure effective participation of all minority ethnic groups.

1.3.4 So, what do we mean by integration?

It is important to name and respond to the challenges and opportunities facing diverse societies. The definition of integration policies provides an opportunity to respond to these needs in a structured and coordinated manner. In other words, as governments prioritise integration and create structures and policy responses accordingly, there is an opportunity to promote a vision of an inclusive intercultural society. However, in order to fully exploit this opportunity, the emerging debate and critical analysis must be more fully explored in terms of promoting an inclusive understanding of the concept of integration.

There have been important developments in terms of the emerging concept of integration, both at national and European levels; however, the debate is far from over. Specifically, integration involves all actors in society, and must account for the needs of all minority ethnic groups. However, this process needs to be State driven and State funded if it is to be successful; with clear structures and objectives in order to ensure that it is given priority in the policy context. Integration is a long-term process, which begins before a migrant worker arrives, and is potentially never ending. At a policy level, integration is the concern of all areas of

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[45] The first edition of the handbook is available at:
http://europa.eu.int/comm/justice_home/doc_centre/immigration/integration/doc/handbook_en.pdf (27.07.05). A second edition of the Handbook will be published in 2006.

government activity and does not represent a separate initiative that can be implemented in isolation from the existing commitments to anti-racism and social inclusion. In short, integration is central to our articulation and vision of an intercultural society.

As this brief overview has demonstrated, at a policy level integration is an emerging concept and there are tensions and contradictions in its implementation. The challenge for those concerned with safeguarding the rights of minority ethnic groups is to ensure that the elaboration of the concept of integration promotes, rather than undermines, a vision of an intercultural society.

ECONOMIC INCLUSION;
EQUALITY
IN THE LABOUR MARKET

2.1

Introduction

Labour market inclusion and economic integration are essential components of a broader integration strategy. Active participation and progression within the economic sphere of Irish society, whilst not the only aim of an integration strategy, represents a vital part of people's experiences in Ireland, and will have a huge impact on the integration process itself. The right to work, earn a living, have opportunities to progress in the labour market, use one's skills, learn new skills, and be free from discrimination within the workplace are some of the contributing factors that create sustainable and productive work environments in society. The ability to contribute and progress within the economy aids a person's well-being and helps to create the conditions for integration. Negative experiences in the workplace and an experience of labour market exclusion will impact negatively on the degree to which migrant workers and their families can participate and achieve an acceptable level of equality in Irish society.

This section aims to give an insight into migrant participation in the Irish labour market, highlighting the contribution migrant workers make to the Irish economy. It will begin by addressing the policy context in relation to employment, economic inclusion and integration. It will then illustrate the importance of economic inclusion to integration. By focusing on some of the experiences of migrant workers in the economy, this section will point out the barriers to economic participation that negatively impact on the degree to which integration and social inclusion is a possibility.

One of the main motivations for migrant workers to leave their countries and families, and come to Ireland, is to work in the hope that they can earn enough money to support their families. The high level of wage disparities between some sending countries and Ireland is a key motivation to migrate and access the Irish labour market. Over the past ten years, the Irish economy has, in turn, become increasingly dependent upon the provision of foreign labour to fill gaps in the labour market, and will continue to do so in the future, in order to sustain economic growth and to fill vacancies that native Irish people no longer wish to take up. There is no doubt that the labour role of migrant workers has contributed immensely to the Irish economy. However, migrant workers and their families are contributing in a far broader sense as key stakeholders and consumers. Their contribution can also be measured in terms of revenue and tax, provision of skills, education,

Common Basic Principles of Integration

'Employment is a key part of the integration process and is central to the participation of immigrants, to the contributions immigrants make to the host society, and to making such contributions visible'.

EU Council Nov 2004 (JHA)

The following elements should be prioritised in the context of the European Employment Strategy

- *Sustainable integration of third country nationals into the labour market*

- *Combating undeclared work and reducing the informal economy with a view to developing a broad mix of sanctions and preventative measures to transform undeclared work into regular employment*

- *Contributing to increased job mobility of third country nationals*

- *Particular attention needs to be given to the recognition of skills and diplomas, entrepreneurship, special initiatives for 2nd and 3rd generation young people of immigrants, barriers to integration in the labour market, local employment strategy for immigrants, language training for professional purposes*

Taken from the EU Commission Communication on Immigration, Integration and Employment

(COM 2003 336)

qualifications and previous work experience, entrepreneurship, contacts and global networks. They form part of an emerging niche market for industry in Ireland and play an important role as consumers and taxpayers alike. In short, migrant workers and their families form an essential part of the economic and societal development of Ireland, and their participation in the Irish economy should not be measured by contribution of labour alone.

2.2

Policy Context

In policy developments, both at a national and European level, employment and economic inclusion have been highlighted for their relevance to combating social exclusion of marginalized groups along with contributing to a more cohesive and inclusive society in general. In it's key objective on inclusion, the NPAR is concerned with economic inclusion and equality of opportunity, including a focus on employment, the workplace and combating poverty.[46] The plan highlights the importance of employment rights, responsibilities and workplace policy in ensuring that there is economic inclusion and equality of opportunity for all. In the summary of the outcomes of the consultative process for the NPAR, there was a strong focus on economic issues related to combating racism and supporting the development of a more inclusive and intercultural society in Ireland.

The EU has also emphasised the importance of including migrant workers and minority communities into broader EU economic and social cohesion policy. The European Employment Strategy (EES) was launched in 1997 to focus on unemployment, but has evolved to include new Employment Guidelines based on three over-arching objectives (full employment, quality and productivity at work, cohesion and an inclusive labour market). The National Reform Programmes (at a national level, which feed into the EES) are intended to contribute to the goal

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[46] Department of Justice, Equality and Law Reform (2005) *Planning for Diversity: National Action Plan Against Racism 2005-2007:* www.justice.ie

of social inclusion. Equal opportunities and combating discrimination are seen as essential for progress. This includes reducing the employment gap between third-country nationals and EU citizens.[47] There is clearly an acknowledgement that not only are ethnic minorities often at an economic disadvantage but that access and inclusion in the labour market are key priorities in ensuring a more cohesive and inclusive economy and society. The EU Commissions Communication on Immigration, Integration and Employment links the relevance of labour market inclusion to the broader remit of creating the conditions for integration.[48]

2.3

Migrant workers in the Irish economy and labour market

From 1990 to 1994, Ireland was the only country in the EU to have a negative net migration rate, i.e. more people were leaving the country then coming into it. From 1995 to 1999, however, Ireland had the second highest net migration rate in the EU. Ireland's shift towards a country of net inward migration from one with a history of emigration has been well

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[47] EAPN Ireland, *Briefing on the European Employment Guidelines and the National Reform Programme 2005-2008* (p.4): www.eapn.ie

[48] EU Commission COM (2003) 336 Brussels

Routes of entry into the Irish labour market for non-EU and non-EEA nationals – a two tiered system?

The type of visa required and the administrative procedures that must be followed depend upon the nationality of the migrant workers and the nature and skill level of the work to be undertaken by them. The majority of non-EEA workers nationals working in Ireland do so on temporary forms of permission to work of which there are two types: **the work permit and the working visa/work authorisation.**

The work permit *is issued subject to a labour market test in that the employer must first identify a vacancy that cannot be filled from within the EEA. In some circumstances a worker can change jobs. There are many job categories that are ineligible for work permit application. Family reunification is limited and at the discretion of the Minister for Justice, Equality and Law Reform. Spouses of work permit holders do not have automatic right to work and the holder of the work permit can apply for long-term residency after a 5-year period.*

The work visa/work *authorisation scheme is restricted to specific occupations that are in short supply. Work visa/authorisation holders are granted to the employee for a two year period with the possibility of permanent or long-term residence after that, employees can change employer within the sector specific, family reunification (according to incoming legislation in the Employment Permits Bill 2005) will be an automatic right. Spouses will have automatic right work (without a work permit). It is evident that the scheme under which non-EU and non-EEA nationals enter Ireland to work will impact directly on the degree of rights and entitlements afforded to them and consequently that such terms and conditions of entry will have a large bearing on their economic and social inclusion.*

2007 European Year for Equal Opportunities

2007 has been designated as European Year of Equal Opportunities by the EU Commission as part of a concerted effort to promote equality and non-discrimination in the EU. The European Year is the centrepiece of a framework strategy designed to ensure that discrimination is effectively tackled, diversity is celebrated and equal opportunities for all are promoted. Four core themes are proposed including; rights, representation, recognition, respect and tolerance.

2008 European Year of Intercultural Dialogue

It has been proposed that 2008 will be "European Year of Intercultural Dialogue". This is expected to promote intercultural dialogue as an instrument to assist European citizens, and all those living in the European Union, in acquiring the knowledge and aptitudes to enable them to deal with a more open and more complex environment. And also to raise the awareness of European citizens, and all those living in the European Union, of the importance of developing active European citizenship which is open to the world, respectful of cultural diversity and based on common values www.europa.eu

documented. It is interesting to note that the highest number of migrants in the 1990's were, in fact, returning Irish emigrants, many of whom experienced their own difficulties reintegrating into a vastly changed Ireland.

Following a period of unprecedented economic growth, gaps in the Irish labour market quickly became very obvious. This was followed by an increase in the number of non-EEA and non-EU nationals coming to Ireland under the Work Permit and Work Visa/Work Authorisation System. The numbers have levelled off, peaking in 2003 with 47,551 new permits issued, and standing at just over 27,000 in 2005 (many of these were, in fact, renewals as opposed to new work permits).[49] The reduction in the allocation of new work permits coincided with the enlargement of the European Union, which saw Ireland as only one of three EU countries that initially opened up to new accession country nationals, without visa requirements to work.[50] Between May 1st 2004 and September 2005, 128,708 PPS numbers were issued to new EU country nationals, with the largest number allocated to the Polish community, followed by Lithuania and Latvia. New EU country nationals currently represent 31% of the number of foreign workers in Ireland. Recent figures suggest that over 200,000 migrant workers from the new EU countries have been allocated PPS numbers in Ireland. However, these figures do not offer an insight into numbers actually taking up positions in the labour market as some may have returned home after several months, while others may have been working and living in Ireland for years and have only recently applied for a PPS number.

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[49] Source for figures: Department of Enterprise, Trade and Employment: www.entemp.ie

[50] Sweden and the UK also opened up their labour markets without any restrictions at time of enlargement

Examining the numbers of work permits issued and renewed by sector between 1999 and 2006[51], it is very evident that migrant workers on the Work Permit Scheme are consistently employed in the service, medical and nursing, and catering sectors of the labour market (industry, domestic, agriculture and fisheries are the obvious sectors). According to Martin Ruhs, 74% of all work permits relate to relatively low-skilled occupations.[52] Therefore, it is true to say that migrant workers on work permits are employed, in many instances, in the lower paid and often less stable sector of the Irish economy, providing the essential skills which economic growth is very dependent upon. In terms of non-Irish workers in general, AIB economists Mangan and Begs established that the largest number of foreign workers were employed in production industry, construction, and the hotel and restaurant sector; the highest percentage share of non-nationals being in the hotel and restaurant sector at 19.2%.[53]

Forfas forecast that 420,000 new workers will be required by 2010 and that "apart from immigration, other sources of additional labour supply are reducing resulting in a requirement for significant immigration levels"

Enterprise Strategy Group (2005)

Taken from Ahead of the curve – Ireland's place in the global economy

What is also apparent upon analysis of work permit figures, is the high percentage of work permits that are renewed by employers on an annual basis. In 2004 to 2005, a high portion of the work permits issued were renewals. The high level of work permit renewals suggests, "once employers have recruited workers from outside the EEA area they want to hold on to them and that many non-EU employees wish to work in

Work permits renewed as a percentage of those issued 2003-2006			
Year	Issued	Renewals	%
2006*	1435	856	60%
2005	27136	18970	70%
2004	34067	23246	68%
2003	47551	25039	53%
* 2006 figures until 31st Jan			
Source DETE – www.entemp.ie			

[51] Information available from Department of Enterprise Trade and Employment: www.entemp.ie

[52] Kerrins, L. (2005) *Social Protection Denied: The Impact of the Habitual Residency Condition on Migrant Workers,* MRCI (p.35)

[53] AIB Global Treasury Economic Research (1995) *Non-Nationals Workers in the Irish Economy* (p.2): www.johnbeggs.com

Ireland for a longer period than is covered by the work permit system."[54] The fact that migration is creating permanent working relationships and permanent living situations for migrant workers needs to be recognised in order for migrants to access other rights and entitlements that are automatically granted by permanent status. Indeed, looking to the future, it is apparent that migration to Ireland is here to stay. FÁS have stated, "attracting and integrating immigrants will be an important aspect of labour market policy over the coming years."[55]

The Enterprise Strategy Group within Forfás also identified that 420,000 migrant workers would be required by 2010 in order to fill labour market skill shortages and maintain economic growth. What is very apparent is that the economy is still growing here in Ireland, and that growth has become very dependent upon the provision of foreign labour and the essential skills supplied, and that this is widespread across many sectors. As well as economic expansion, the changing nature of workplaces, the unwillingness of indigenous workers to take up certain jobs, and the growing dependency ratios indicate that inward migration will be an ongoing feature of Irish society in the future.

2.4

Economic Inclusion and integration

The experience in the workplace will often be mirrored in wider society. Migrant workers are employed alongside Irish workers in huge corporations, local small to medium size enterprises, and in single employee workplaces throughout the country. Their experience in the workplace in the long term will shape their perceptions of the community they live in and will also impact directly on the degree to which they can, and are willing to, participate in society. If this experience is one of discrimination and unequal treatment in the workplace, or in accessing employment services, there is no doubt it will impact negatively upon their overall experience in Ireland

A forward looking approach to the changing needs of the economy, in the short to long term, coupled with a planned approach to the long term integration of migrant workers into Irish society is essential. Without this, migrant workers are in danger of becoming over-

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[54] Hughes and Quinn (2004) *The Impact of Immigration on Europe's Societies: Ireland,* European Migration Network

[55] FÁS (2002) *The Irish Labour Market Review/2002 A FÁS Review of Irish Labour Market Trends And Policies* (p. 6): www.fas.ie

represented and segregated in less stable, low-paid jobs (with little opportunity for labour market progression) and are at a greater risk of poverty and social exclusion. As can be seen in other European countries, this has vast implications for future generations, leading to high levels of unemployment for the second and third generation of migrants, and a cycle of labour market exclusion that reinforces both direct and indirect racism.

It has been acknowledged that migrant workers have contributed immensely to Ireland's economic success in terms of filling labour market skill shortages. Non-Irish workers now make up 8% of the Irish labour force; one of the highest percentages in the EU. However, Irish economic migratory policy, based entirely on labour market need, has placed many migrant workers (most notably those in the lower paid and less stable jobs) in a precarious labour market position. Lack of measures to enable migrant workers to use their talents, qualifications and skills seriously impedes their quality of life and their degree of inclusion in the labour force. It has been internationally recognised that, "the weak position of migrants in the labour market is largely a consequence of their immigration status, or lack of it, in countries of employment. Temporary status generally means explicit lack of entitlements to mobility in the labour market or to gaining entitlement to benefits such as social security."[56] The terms and conditions under which migrant workers enter a country of residence have vast implications not only for their experience in the workplace but also in the level of rights and entitlements afforded to them.

Undoubtedly, in the long run, the lack of protection of migrant workers' human rights will lead to a high social cost. Our experience of Irish emigration is a case in point where it has been shown that lack of rights, and the experience of racism, faced by Irish emigrants have led to many living in poverty. For example, "Irish-born people are statistically more likely to be socially disadvantaged, experience high levels of physical and mental health problems, and long term disability, and are also grossly over represented as users of the psychiatric services. Research also shows that Irish men are the only migrant group whose life

> "*Migrant workers in Ireland are welcome, are positive and are essential for the economic development and social prosperity of this country…. We need to set standards for the treatment of immigrants now so that we will not see in 10 or 15 years time scenes like those unfolding in Paris*".
>
> **Michael Mc Dowell, Minister for Justice Equality and Law Reform at the Launch of Anti Racist Workplace Week – November 2005**

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[56] Office of UN High Commissioner for Human Rights (2001) *International Migration, Racism, Discrimination and Xenophobia, International Labour Office, International Organisation for Migration*

The following are some of the human rights related to work listed in international instruments which the Irish government is party to. They serve as a useful measure to assess the economic rights of migrant workers:

• The right to work and receive wages that contributes to an adequate standard of living & to equal pay for equal work.

• The right to a standard of living adequate for well being, health and life.

• The right to freedom from discrimination based on race, sex, or any other status, and from sexual harassment in the workplace.

• The right to adequate, safe working conditions & a clean and safe environment.

• The right to reasonable limitation of working hours, rest and leisure.

• The right to education and access to information, including vocational training.

• The right to proper consideration of women's reproductive rights and sexuality, including job security during and after pregnancy, flexible working conditions, and access to childcare & to protection during pregnancy from work proven to be harmful.

• The right to freedom of association

• The right to unemployment protection and social security.

expectancy worsens on emigration to England."[57] It would seem apparent in the context of recent social unrest in some European States that labour market exclusion is a contributing factor to communities becoming isolated and marginalized.

2.5

Barriers to economic inclusion

There are specific barriers to economic participation facing migrant workers in Ireland. Experiences of workplace exploitation, difficulties accessing language appropriate information, lack of progression routes in the labour market, and becoming deskilled are but a few of these barriers. The future integration of migrant workers and their families in Ireland is not possible unless such barriers are addressed and interventions are made. A holistic approach to integration that focuses on social inclusion must incorporate economic rights and entitlements. Exclusion from information, invisibility within the system and the high degree of control, segregation and isolation within the economic sphere are all barriers to participation in the economy, but also to integration down the line. The following section outlines some of these barriers to economic participation with case studies highlighting three specific issues: workplace exploitation, lack of progression routes within the labour market and formal labour market exclusion in the form of spouse dependent visa holders denied the right to work in Ireland.

2.5.1 Economic exclusion

It is becoming increasingly evident that migrant workers coming to Ireland and employed in the less paid, poorly regulated and unstable sector of the labour market are highly vulnerable to exploitation, isolation and social exclusion. This is of particular relevance to migrant workers on the Work Permit Scheme concentrated in sectors of the economy that provide essential services (typically the jobs that are not attractive to native workers). The essential skills and labour being provided by migrant workers, from both inside and outside the EU and EEA, are vital to the functioning of society and the ongoing development of the Irish economy. It is very important to point out the obvious fact that any job requires a level of skill and that using phrases, such as, 'low-skilled workers' presents a danger of negating the work

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[57] Mind (National Association of Mental Health UK), Mind is the leading mental health charity in England and Wales, working to create a better life for everyone experiencing mental distress: www.mind.org.uk

Positive Duty to ensure non-discrimination

"In a significant recommendation of the Labour Court in Campbell Catering Limited v Rasaq, Determination Number EED 048, the Labour Court highlighted the particular vulnerabilities faced by migrant workers. The Court stated, "It is clear that many non-national workers encounter special difficulties in employment arising from a lack of knowledge concerning statutory and contractual employment rights together with difficulties of language and culture. In the case of disciplinary proceedings, employers have a positive duty to ensure that all workers fully understand what is alleged against them, the gravity of the alleged misconduct and their right to mount a full defence including the right to representation...."Employers in certain circumstances may have to take positive steps to ensure non discrimination".

Taken from the Equality Authority Annual Report 2004 www.equality.ie

that people do on a daily basis, which our economy and society's well-being are dependent upon.

Work permit holders do not have automatic rights to family reunification, access to employment services or long term residency. Any economic migration policy and admission system needs to acknowledge this danger of becoming trapped in low-paid work. It should ensure access to life-long learning, on the job training and employment services for migrant workers so that they can use their skills, learn new skills and progress within the labour market. Many migrant workers are hugely over-qualified for the positions they fill and are experiencing difficulties getting recognition for their qualifications in Ireland.

Migrant workers are also vulnerable to becoming unemployed, which can occur mainly through redundancy or through exploitation. Migrant workers are experiencing difficulties in many circumstances in accessing life-long learning, employment services and training opportunities in

Ireland.[58] For those migrant workers who require permission in order to work in Ireland and have become undocumented (in many instances through no fault of their own), it proves very difficult to access work that is regulated and registered. In such circumstances, migrant workers are even more vulnerable to economic exclusion in the form of workplace exploitation, and have little to no redress or access to rights. Experiences of racism and/or discrimination in the workplace can also lead to economic exclusion, for example, being treated less equally to Irish co-workers in the form of less pay or in being passed over continuously for promotion within the job.

2.5.2 Racism, discrimination and inequality in the workplace

It is widely documented and enshrined in Irish social policy that those experiencing racism are more likely to be living in, or at risk of, poverty. On foot of this recognition, Travellers, other minority ethnic groups, refugees and asylum seekers have been included in the National Anti-Poverty Strategy (NAPS). The NAPS framework states that, "experience from other countries shows that racialised groups (groups that are victims of, vulnerable to or subjected to racism) tend to suffer discrimination, disadvantage, marginalization and poverty."[59] In the consultative process for NPAR it was identified that, "poverty, marginalisation from employment and economic disparities can often be closely related to racism and can contribute to the persistence of racist attitudes and broader inequalities".[60]

Irish employment legislation does not discriminate between Irish workers and migrant workers on the basis of race. Migrant workers are afforded the same rights and entitlements in the workplace as Irish workers. There is, however, evidence that migrant workers are experiencing difficulties asserting their employment rights under the various pieces of legislation. This is due to lack of knowledge of rights, fear of challenging unscrupulous employers, language difficulties and lack of access to support in seeking legal redress. It should also be stated that migrant workers in Ireland are experiencing varying degrees of inequality and discrimination in the workplace. This can vary from instances of being treated slightly less favourably to fellow employees in terms of pay and associated work privileges through to scenarios of extreme exploitation and bonded labour (this is something that will be looked at in more

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[58] MRCI (2004) *Developing Ireland's Employment Action:* www.mrci.ie

[59] The Equality Authority (2004) *Building an Intercultural Society:* www.equality.ie

[60] National Action Plan Against Racism Steering Group, *Diverse Voices: A summary of the Outcomes of the Consultative Process and a Proposed Framework for the National Action Plan Against Racism* (July 2003) (p.17)

"The moral argument for non-discrimination carries a great deal of weight in both the international and national domains. It stems from the basic human rights premise that all human beings are equal and deserve to be treated as such. Such principles are embedded in the United Nations (UN) Charter,

The Universal Declaration of Human Rights and the ILO Declaration of Philadelphia, as well as in the 1998 ILO Declaration on Fundamental Principles and Rights at Work – all documents that have been virtually universally accepted."

International Labour Office – Geneva

Taken from, "Documenting discrimination against migrant workers in the labour market – A comparative study of four European countries" (2000)

detail in Section 2.2.3: Exploitation in the workplace). Work environments that are unwelcoming, tense and clearly divided on ethnical and cultural lines fuel racial tension, and generally deliver unequal outcomes for migrant workers employed in such situations.

The situation of undocumented workers is particularly worrying, as they have fallen outside the system with no means or support to address the difficulties they may be experiencing. Once outside the system, undocumented migrant workers are increasingly vulnerable to workplace exploitation, with fear of deportation; a deterrent to exercising one's own rights and entitlements in the workplace. For migrant women there is the additional concern of gender discrimination, such as, experiences of unequal pay, sexism in the workplace, sexual harassment and pregnancy related discrimination with some migrant women having been unfairly dismissed as a result of becoming pregnant.

There are also obvious economic considerations as to why discrimination and racism in the workplace should be addressed. "Economically speaking, it is not only society but also the individual employer who pays the costs of discrimination. By discriminating, employers are failing to use the full potential of the human resources available to them and are, therefore, neither maximising production nor minimising costs, which is contrary to all economic sense."[61] In the context of an Ireland that is rapidly becoming more diverse, it is undoubtedly those employers who harness the skills and insights of their multicultural workforce, and do not discriminate, that will have a competitive advantage over those that do. Indeed, in this context the question begs to be asked: can the Irish workplace, and the economy in general, afford to ignore racism and discrimination?

2.5.3 Exploitation in the workplace

"To exploit means to take advantage of (a person, situation, etc) for one's own ends."[62]

There are gaps in working conditions, wages and treatment among migrant workers, and between migrant and national

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[61] International Labour Office Geneva (2000) Documenting discrimination against migrant workers in the labour market: A comparative study of four European countries (p.6)

[62] Collins English Dictionary

workers. In the Annual Report of the Equality Authority for 2003 and 2004, it stated that a large number of migrant workers reported incidents of excessive overtime, lack of holiday pay and unfair dismissals. A high percentage of cases taken by the Equality Authority in these years related to working conditions, dismissals and access to employment. Race, for the first time, was the largest category taken

Olena's story

Olena is a qualified horticulturist and worked as a landscape gardener and agronomist in the Russia for over 15 years. The collapse of the Soviet Union and the economic downturn led to unemployment, decrease in salaries and poor labour conditions. When conditions worsened to the point where purchasing food, clothes and educating her teenage daughter proved impossible, Olena paid $1750 to a recruitment agency to come to work on a work permit in the mushroom industry in Ireland. Before her departure Olena was assured that her conditions of work would be good including the provision of protective clothing, accommodation, good wages and that she would be expected work no more than an eight-hour day receiving two days off per week. The reality proved very different. Olena and her colleagues worked in the mushroom tunnels from 6.30am to 5.00pm and often finished at ten or eleven o'clock at night. She was paid €5.50 per hour and never received holiday time or pay in lieu of this. She had one day off per week. Her accommodation, provided by the employer, consisted of a bunk bed in a converted utility room in a two-bedroom house shared by six. Olena had concerns about the health and safety standards on the farm. Because of her training in horticulture she was aware that a lot of chemicals were being used in the tunnels often in close proximity and at the same time as the women worked. At times she felt very nauseous at work and the only protective clothing supplied was disposal gloves and a hair cap. Olena was concerned about the renewal of her work permit and was assured by her employer that her work permit renewal had being applied for which was untrue. By the time Olena came to the MRCI in 2004 she was almost a year undocumented, unemployed, had no money or accommodation.

within the employment equality cases. This change in casework focus does give an indication of the experience that some migrant workers are having.

Many migrant workers experience poor working conditions for a variety of reasons, for example, a lack of knowledge of entitlements, a fear of becoming undocumented under the Irish Work Permit System and issues with enforcement of Irish employment legislation. It has been the experience of the MRCI that workplace exploitation is more likely to happen in certain situations i.e. in the more unregulated and often isolated sectors, such as, the private home or in the agri food sector (for example mushroom farms). In such workplaces, the employer can exert a high level of social control, where migrant workers are encouraged not to speak their own language or engage with the local community or fellow Irish workers. Some of the main complaints that are made in cases of workplace exploitation as documented by the MRCI include:

- Payment of wages: not receiving the going rate for the job; not receiving overtime; paid less than Irish co-workers; paid per unit of production and not per hour (resulting in wages far less than minimum wage); Sunday and bank holiday rates not being applied.

- Hours of work: working in excess of a 48-hour working week with no overtime rates applied; expected to work excessive hours, for example, 70 hours per week; no paid holiday time given.

- Unfair and/or constructive dismissal; dismissal due to: sickness; becoming pregnant; making a complaint about the working conditions; being given no choice but to leave the place of work because of the conditions of labour.

- Health and safety concerns: no health and safety training; no provision of clothing or protection where required (for example, over exposure to chemicals in mushroom farms resulting in serious health concerns, such as, skin abrasions and loss of hair); being asked to carry out more dangerous tasks than Irish colleagues.

- Work Permit concerns: exploitative employers not renewing the work permit and waiting until the residency stamp has expired; fear of leaving exploitative workplaces because of fear of deportation, poverty and/or inability to access new employment.

- Trafficking: being trafficked for the purpose of bonded labour, which results in the violation of most basic human rights and leaves the migrant worker unable to assert their own legal rights due to a fear of the repercussions (this often results in working excessive hours for very low pay with a 'debt' owed to the trafficker).

• Recruitment Agencies: practice of certain recruitment agents that charge enormous fees for, very often, misleading information about jobs that, in some cases, do not exist (leaving the migrant worker in a compromised situation in Ireland). In the absence of strong social networks and good English, he/she can often fall into a spiral pattern of deprivation.

Referrals to the Labour Relations Commission

The significant increase in the number of referrals to the Rights Commissioner Service in 2004, most notably under the Payment of Wages Act, 1991, would concur with some of the main complaints coming into the drop-in-centre of the MRCI on a daily basis.

"The number of referrals under this Act increased year on year between 2000 and 2004, and this is now the largest source of referrals to the Service. The figure for 2004 (1,538) is the highest on record since the Act was introduced. This represents an increase of 20% over 2003 and close to 70% when compared to 2000. The increase in referrals reflects the experience of Rights Commissioners that an increasing proportion of migrant workers are among the claimants. While this trend reflects the growing participation by migrant workers generally in the workforce, it is of concern that many of the complaints are brought against small and medium-sized Irish-owned enterprises. These claims are usually made in respect to the most basic entitlements, such as, wages, holidays, public holidays and Sunday premium payments. The overwhelming majority of such claimants do not receive written terms of employment, which is, in itself, a breach of the Terms of Employment Information Act, 1994-2001. Many complain of not receiving the basic entitlement of a payslip. A sample analysis of cases brought by migrant workers and heard by Rights Commissioners in 2004 shows that 94% of such claimants had valid complaints.

Taken from, "The Labour Relations Commission Annual Report (2004)"

2.5.4 Lack of access to information

Migrant workers have little access to language appropriate information about their rights and entitlements in the workplace and they often do not know where to go to get such information. This makes it impossible to seek recourse when their rights are abused. There is a need for language appropriate information on employment legislation and rights in the workplace to be resourced and made available to migrant workers coming to Ireland. This is required both at the point of departure and upon arrival. This information needs to be jargon free, accessible, translated into many different languages, and made widely available. It is often said that migrant workers have the same protections afforded to them under Irish employment legislation as Irish workers. It is very difficult to assert your own rights in the workplace when they are unknown to you. Many organisations, both State and NGOs (including The Rights Unit in the Department of Enterprise, Trade and Employment), have published leaflets on employment rights in different languages in an effort to inform migrant workers of their rights. For the majority of migrant workers coming to Ireland, basic information on employment rights, or indeed any information about life in Ireland, is rarely provided by the recruitment agency, the embassy or any organised statutory body. Such information is spread through word of mouth within communities, which can lead to misinformation and the exclusion of vulnerable individuals who do not have access to strong social networks.

2.5.5 Deskilling and lack of progression routes in the labour market

There is a general perception that if you come to Ireland to work you will not be economically excluded. There is a danger of assuming that once you have a job you are secure. Migrant workers are also vulnerable to becoming unemployed, deskilled and over-represented in the low-paid and less stable sectors of the labour market, with little prospect for progression. It is very important that barriers to accessing and progressing within the labour market, and economic inclusion are named and tackled in the broader context of creating the conditions for integration of migrant workers in Ireland.

(i) Employment services

Currently, migrant workers on work permits are not entitled to access FÁS services in Ireland. This is a huge barrier to accessing employment, following redundancy or leaving a place of work because of unsatisfactory working conditions. Such services are vital in breaking down the barriers to accessing the labour market. It is here that C.V.

preparation, information on jobs and basic employment support are available. In a recent study by the Homeless Agency, research was carried out on the main service needs of EU Accession country nationals in Ireland. "The most frequently cited service need was to find employment, or to find quality employment for those in work (and for those working in the informal labour market and below legal minimum wage), 71% of all surveyed cited this as their main service need."[63]

Ayub's story

Ayub came to Ireland from Morocco early in 1999 on a voluntary work initiative to work with adults with special needs. He subsequently applied for a position in a national organisation in a related area and got a work permit as a care worker. Ayub worked in the project for a two and a half year period. During this time he successfully completed a Masters in Rehabilitation, which he attended part-time and paid fees in excess of €10,000.

Subsequently, he applied for a more senior position within the organisation, and was told upon an unsuccessful application that he was deemed too young for the job. At the time, he felt that being on a work permit was holding him back and he observed that there was a tendency for migrant workers on work permits to be kept at the same level within the organisation.

He applied for a similar job in another organisation and was successful. Ayub has applied for managerial positions three times within this organisation and has been unsuccessful, even though he is over-qualified for the position. Ayub enjoys his work and gets on well with his fellow colleagues.

Being passed over for such positions makes him feel frustrated at times within the job and has led him to question whether not being Irish has an impact on his ability to secure promotion within his work. He feels that he has been discriminated against on the basis of being on a work permit, and as a non-Irish worker.

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[63] TSA Consultancy (January 2006) on behalf of the Homeless Agency Away from Home, Homelessness Quantification, and Profile of EU10 Nationals using homeless services and recommendations to address their needs (p.47)

(ii) Life-long learning and training opportunities

The ability to access training and life-long learning opportunities will play a significant role in facilitating the integration process. Migrant workers (especially those in the low-waged and so-called 'low-skilled' areas) are in need of opportunities to progress onto higher-skilled and higher-paid positions, in order to avoid stagnation and concentration in lower-paid sectors. Access to training opportunities within the job, and externally, should be targeted at these workers. Access to vocational courses relevant to a migrant worker's job has been identified as an issue; especially for people working in the social care/domestic sphere.[64]

2.5.6 Formal barriers to participation

(i) Spouse dependent visa holders

All spouses who join migrant workers on a 'spouse dependent visa' have the right to reside in Ireland, but this right is dependent on the relationship continuing, and difficulties can arise if the relationship ends. In the past, it has been the experience of the MRCI that it has been very difficult for spouses of work permit holders to change status from spouse dependent to work permit holder, even with the support of a perspective employer, and with proof of relevant qualifications. Migrants in these situations, the vast majority of whom are women, are in danger of becoming deskilled, are unable to contribute financially to the household, and are becoming increasingly frustrated by their circumstances. In cases where the spouse speaks little to no English and is not actively encouraged to engage with the local community, she becomes extremely isolated. This has serious implications for women in these situations in terms of their quality of life and their role in the family. The Irish government has indicated that future legislation may offer automatic right for spouses of work visa holders to reside and work in Ireland without a work permit.[65] This right is seemingly not going to be automatic for spouses of current work permit holders.

Subject to approval by the Department of Enterprise, Trade and Employment, new guidelines have been issued in relation to the rights of spouses and dependents of work permit holders.[66] Spouses of migrant workers living in Ireland for over three years will have the right to work

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[64] Irish Vocational Education Association (IVEA) (2005) Volume IV English Language Provision for Migrant Workers (an IVEA Working Group Publication) (p. 32): www.ivea.ie

[65] Mr. Michéal Martin, T.D., Minister for Enterprise, Trade and Employment Second Stage Speech on the Employment Permit Bill 2005, Dáil Éireann

[66] New guidelines will be made available on the Department of Enterprise, Trade and Employment's website: www.entemp.ie

without a work permit, whilst spouses of migrant workers living in Ireland between one and three years will have the right to work subject to the granting of a work permit. Such changes are to be welcomed and are essential in order to allow families to stay together, have a better financial outlook, and participate more fully in Irish society.

Iryna's story

Iryna came to Ireland in 2003 to join her husband (Victor) on a spouse dependent visa. Their motivation for coming here was to avail of better career prospects and better wages. Their children are attending the local primary and secondary schools in the area. With the children at school and her husband at work, Iryna finds the days very long. She has always worked and therefore finds this situation doubly frustrating, "I have gone from being a working mother with not enough hours in the day to get things done, to trying my best to fill the days and not go mad with boredom! I've been trying to find the best solution to working here in Ireland but everywhere there is a wall."

Iryna is 41 years old and will be at least 45 before she has the legal right to work in Ireland. In the meantime, she is unable to contribute financially to the household, is not using any of her skills and is feeling increasingly redundant and isolated. "Back at home I worked as a bookkeeper and then as an accountant for over ten years. I have a degree in economics. I cannot apply for a job in this area of work, as it is an ineligible sector for a work permit. I could start work as a cleaner in the local area cleaning houses or working for a cleaning company, but I won't get a work permit for this work either. This would mean working illegally with absolutely no job security."

Iryna finds that it is difficult to survive on one salary, especially with two young children. "I am with my family and I have made friends, but being dependent on my husband is not a nice feeling. It is like there is part of my life always missing. I have worked most of my life so it is very frustrating."

Skills Survey

A skills survey conducted by the MRCI, of 22 migrants, found that 20 of them had a third level qualification. 15 of the interviewees were eligible to work (of those interviewed, the remaining 7 were spouse dependents) and none of them were working in their area of expertise. Many found this extremely frustrating and felt they were losing their skills and that the contribution they could make was not considered or valued.

One interviewee expressed that he was, "absolutely frustrated. I have been studying and working in the chemistry field for about 30 years. I have great knowledge and experience, but Ireland seemingly doesn't need any of that." This comment reflects the level of frustration experienced by migrant workers who are precluded from using their skills and working to their full capacity.

(ii) The language barrier

An individual's level of spoken English undoubtedly has a serious impact on their ability to access and progress within the labour market. Limited knowledge of the English language leaves migrant workers vulnerable to exploitation, accidents in the workplace and unemployment. Migrant workers who do not have a basic understanding of English are more likely to find themselves in a situation of deprivation that can, in some circumstances, result in becoming homeless. This is largely as a result of not being able to communicate at a sufficient level necessary to articulate their situation and to seek appropriate supports. Provision of affordable English classes is infrequent, and migrant workers are not considered eligible for State sponsored tuition. English classes need to be made available to all workers regardless of their immigration status. Classes should be designed and delivered in culturally appropriate ways, and made accessible and affordable. A recent publication from the Irish Voluntary Education Association (IVEA) identified several barriers for migrant workers in accessing English language classes and education in general. "These barriers would include working hours; family commitments (both in Ireland and in the home country); lack of transport to get to centres; information on what is available; language difficulties; access to third level courses at EU fees; lack of recognition of qualifications and the role of the employer."[67] The report also recommended, "equal access for refugees and asylum seekers to language classes should be extended to cover Migrant Workers and their spouses."[68]

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[67] Irish Vocational Education Association (IVEA) (2005) Volume IV English Language Provision for Migrant Workers (an IVEA Working Group Publication) (p. 32): www.ivea.ie

[68] IIbid

(iii) Recognition of qualifications and skills

An additional problem facing migrant workers is that they are unable to use the qualifications or skills they have attained to contribute both to the economy and to their own career development. Many migrant workers working here in both high-paid and low-paid jobs are highly qualified, and over-qualified, for the work they do. This is, in many instances, due to the lack of an established system for recognising qualifications obtained outside of Ireland and their equivalence in an Irish context. The National Qualifications Authority of Ireland has set an objective, "to have a fully functioning and well-known international recognition service established by winter 2008."[69] It is to Ireland's advantage that immigrants are able to fully utilise their skills. It has been estimated that the arrival of migrant workers in Ireland between 1993 and 2003 increased GNP by about 3%. However, the study also finds that the contribution of migrant workers to GNP could have been 0.5 to 0.7% higher, had they been employed in a job that reflected their skill level.[70] There is no doubt that the difficulties in accessing third level education (in terms of the fees) are compounding this situation for many migrant workers, creating a barrier to upskilling.

2.6

Conclusion

There is a very obvious and important economic dimension to integration. Economic inclusion is a fundamental requirement of the integration process and goes beyond the notion of 'having a job' or merely filling a gap in the labour market. It is essentially about the right to work, to earn a living, to have opportunities to progress in the labour market, to use one's skills, to learn new skills and to be free from discrimination in the workplace. It has been identified that migrant workers are vulnerable to economic exclusion and can become unemployed, undocumented, and trapped in low-paid, unstable and less regulated jobs. It is imperative that our economic policies address the needs of migrant workers and see their contribution as broader than that of labour alone. This section has highlighted the fact that the Irish economy is very dependent upon the labour supplied by migrant workers and the reality that many workplaces in Ireland today are multicultural. The lack of measures, however, to enable migrant workers to use their talents, qualifications and skills represents major barriers to

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[69] The National Qualifications Authority of Ireland Corporate Plan 2006-2008

[70] FÁS (2005) The Irish Labour Market Review: www.fas.ie

their full participation and inclusion in the labour market. Experiences of racism, discrimination and exploitation in the workplace form other serious barriers to economic inclusion, and also to integration in general. It is very evident that the terms and conditions under which migrant workers enter Ireland have vast implications, not only for their experience in the workplace, but also in terms of the level of rights and entitlements afforded to them in terms of, for example, family reunification. It is essential that in designing a migration policy that responds to the needs of the Irish economy, the labour market position of migrant workers be considered in the short, medium and long term. There is no doubt that economic inclusion is fundamentally important in creating the conditions for integration, and in building an intercultural and inclusive society.

3.1

Introduction

Social rights include the essential services and elements required in order to live free from poverty and with dignity. They also underpin access to rights in the economic, political and cultural sphere of society. Attempts to integrate culturally, politically and economically can be either reinforced or undermined by the experience migrant workers have in accessing their basic social services and entitlements in Ireland. These rights include the right to work, the level of equality of opportunity within the labour market, the entitlement to social protection while unable to work, and the right to health care, housing and education. The right to family reunification is also included as a social right for the purpose of this discussion document. The family, which is the, "natural and fundamental group unit of society",[71] is a well-recognised agent of integration, and lack of access to family reunification is an important issue for many migrant workers in Ireland. The NPAR includes education, health, social services and childcare, accommodation, and the administration of justice in its objective to accommodate diversity in service provision.

Access to basic public services, such as, health and housing, are seen as essential components of human existence in most societies, and are required elements in order to survive and to develop as human beings. Denial of access to such services (and/or difficulties in securing service provision) will impact directly, and negatively, on one's quality of life in Ireland; furthering the risk of social exclusion and poverty. A lack of equality of outcome in accessing social rights further increases the degree to which migrant workers are at risk of social exclusion; all of which negatively impact on the integration process itself.

This section begins by mapping the relevant policy commitments, at both a national and international level, to promoting social inclusion and access to social rights. This is followed by a discussion on why social rights are important to integration. The right to work and equality of opportunity in the labour market have been discussed previously in relation to the economic dimension of integration and, therefore, will not be discussed in any great detail here. This section focuses on some of the barriers facing migrant workers in accessing service provision, in

Common Basic Principles of Integration

'Access for immigrants to institutions as well as to public and private goods and services, on a basis equal to national citizens and in a non-discriminatory way, is a critical foundation for better integration.'

EU Council Nov 2004 (JHA)

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[71] United Nations General Assembly, *International Covenant on Economic, Social and Cultural Rights*, Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16th December 1966, *entry into force* 3rd January 1976, in accordance with article 27 www.unhchr.ch/html/menu3/b/a_cescr.htm

"**In compliance with the fundamental obligations laid down in article 2 of this Convention, State Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights…**

E. Economic, social and cultural rights, in particular:

(i)   The right to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration;

(ii)   The right to form and join trade unions;

(iii)   The right to housing;

(iv)   The right to public health, medical care, social security and social services;

(v)   The right to education and training;

(vi)   The right to equal participation in cultural activities;

F. The right of access to any place or service intended for use by the general public, such as transport, hotels, restaurants, cafes, theatres and parks."

Taken from "The International Convention on the Elimination of Racial Discrimination".

general, in Ireland. Some of these barriers relate to being socially excluded, experiences of direct and indirect racism and discrimination, and the lack of information available to migrant workers There will be a specific focus on formal barriers in relation to the Habitual Residence Condition (HRC), denial of access to family reunification and being undocumented.

3.2

Policy context

Enshrined in Irish social policy through the National Action Plan Against Poverty and Social Exclusion 2003-2005 (NAPS Incl) is a key policy objective that aims, "to facilitate participation in employment and access by all to resources, rights, goods and services." This Action Plan makes specific reference to Travellers and migrants as vulnerable groups. This is in recognition that cultural and ethnic minorities can experience higher levels of poverty and associated forms of social exclusion. The NPAR clearly sets out methods for developing inclusive services for minority ethnic groups, including migrant workers and their families. Accommodating cultural diversity in service provision and taking positive action measures are key objectives of the Plan, which includes, "a focus on common outcomes, education, health, social services and childcare, accommodation, and the administration of justice."[72] These policy commitments are to be welcomed, but there is an urgent need to progress their implementation in order to both improve the situation of migrant workers and their families, and to create the conditions for integration. It is essential that the government recognises

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and embraces its key role in responding to the changing profile of public service users in Ireland.

The ability to enjoy social rights is supported by various international covenants and conventions; many of which Ireland has signed up to. The International Covenant on Economic, Social and Cultural Rights recognises the, "right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions."[73] The International Convention of the Elimination of Racial Discrimination (ICERD) sets down fundamental obligations for States to undertake to prohibit and eliminate racial discrimination in all its forms. States are also obliged to guarantee the right of everyone (without distinction as to race, colour, or national or ethnic origin) to equality before the law, in the enjoyment of an extensive set of rights.[74] This is a significant convention in that it binds the Irish State to guaranteeing the right of everyone (regardless of race, colour, national or ethnic origin) to a set of social rights. The rights guaranteed by the European Social Charter concern all individuals in their daily lives, and it sets out rights and freedoms in relation to housing, health, education, employment, legal and social protection, movement of persons, and non-discrimination. At an EU level, the Tampere Council has requested, "a more vigorous integration policy", which "should aim at granting legally resident third-country nationals rights and obligations comparable to those of EU citizens."[75] Therefore, there is clearly a commitment at a national, international and EU level to legislate for equality-based provision of social rights and, in the case of the EU, this is seen as paramount in aiding social cohesion.

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> *"Mobile workers, and especially those who migrate from other regions and countries, are particularly vulnerable to social exclusion… this demands that, in solidarity, we work to provide them with the supports they need to achieve social inclusion and integration."*
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> **Seamus Brennan, T.D, Minister for Social and Family Affairs (April 2004)**
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[73] Ibid

[74] United Nations General Assembly, International Convention on the *Elimination of All Forms of Racial Discrimination*. Resolution Adopted by the General Assembly, 82nd plenary meeting 12th December 1996 [on the report of the Third Committee (A/51/617)] A/RES/51/80, 25th February 1997

[75] EU Common Principles on Integration, EU Justice and Home Affairs Council (2004)

3.3

Social Inclusion and integration

"We summoned workers, people arrived." Max Frisch

At an EU level, accessing social rights has been identified as a critical foundation for better integration.[76] This presents a particular challenge in an Irish context. Inward migration to Ireland, as has been well documented, increased over a short period of time. This reality, coupled with a piecemeal and adhoc migration policy in the past, has meant that institutions and service providers were unprepared for the emerging needs that would accompany inward migration. Inward migration initially took the form of returning Irish emigrants, many of whom had specific difficulties in, not only accessing their social rights and entitlements in Ireland, but also in knowing what those entitlements were. The arrival of new ethnic minorities, in the form of asylum seekers and migrant workers, has posed additional challenges for public service provision. In the context that inward migration will be a permanent reality (not least because the future expansion of our economy is dependent upon it), the challenge remains for the structures and policies involved in service provision to ensure, "equality of access to, participation in and outcomes from service provision for minority ethnic groups."[77]

In the area of health, Dr Ronnie Moore's research on the experience of the Irish in Britain found that, "the fact that the Irish in Britain were an invisible minority may have also reduced awareness of the need to make special provision for them."[78] Some of this points to the need for a targeted approach in service provision to ethnic minorities, which is important to consider in the provision of social services in an increasingly diverse Ireland. Social rights and entitlements are undoubtedly the 'nuts and bolts' of any future integration strategy. This is critical in terms of ensuring equality of outcome for ethnic minority groups in Ireland. Ensuring provision of such rights would be a clear recognition on the part of the government that migrant workers are not merely viewed as economic units but as human beings with an equal range of needs to other members of society.

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[76] Ibid

[77] National Action Plan Against Racism Steering Group (July 2003) *Diverse Voices: A Summary of the Outcomes of the Consultative Process and a Proposed Framework for the National Action Plan Against Racism*: www.justice.ie

[78] Irish Presidency Conference Bundoran, Ireland (1st-2nd April 2004): www.socialinclusion.ie

Health, Social Services and Childcare - Key Challenges

"Research in many countries confirms that cultural and ethnic minorities can experience higher illness and mortality rates compared to the general population. Living conditions, income, gender, disability, communication, cultural barriers and the availability of family/community supports can all have an impact on health and general well-being. In recent years, there has been an increased focus on fairness and addressing health inequalities within health policy, where health inequalities are targeted and people are treated fairly and according to need. Consistent with this overall approach to health policy is the proactive inclusion of cultural and ethnic minorities vulnerable to health inequalities. Within the overall challenge to develop a more inclusive, intercultural approach to health and social service provision in Ireland, there is a need to focus on cross-cutting themes, such as, gender, age and disability related issues for example:

- Older people from cultural and ethnic minorities can often experience higher levels of isolation in hospitals

- People with disabilities from cultural and ethnic minorities may need additional supports in accessing social services

- Ensuring mainstreaming childcare provision is inclusive of all children"

Planning for Diversity

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www.justice.ie

Not all migrant workers will settle permanently in Ireland. Some will remain for several months to several years, and upon making enough money return to their home country (not unlike thousands of returning Irish emigrants in the last decade). Other migrant workers will put down permanent roots here, and may be joined by their children and spouse, choosing to make a new life here. Access to public services (such as, housing, education, health, social protection and the administration of justice) will be fundamental in creating the conditions for integration and inclusion. This is especially true for those migrant workers who choose to stay here for any length of time. The contribution made in terms of provision of labour, consumer spending and tax should, at the very least, ensure access to the most basic public services necessary for a decent standard of living.

Migrant workers do, and will, have health needs, housing requirements and a desire to access education for their children. They do experience unemployment, disability and ill health, and they may need to access social protection. Migrant workers are members of both families and communities that need to be supported. They are also a group that is vulnerable to economic and social exclusion. Access to social rights in the form of social service provision, however, should not be dependent on being active in the labour market. The social needs of non-economically active groups (such as, children, older migrants and spouse dependents) need to be acknowledged and supported. Therefore, access to social rights is an underpinning element of integration and social inclusion of migrant workers and their families in Ireland. However, it is not only about securing access to services, rather an equality of outcome from such services, which will contribute to the creation of an intercultural and racism free society.

3.4

Barriers in accessing social rights for migrant workers

There are a range of barriers facing migrant workers and their families in accessing their social rights and entitlements in Ireland today. Some of these barriers are formal and structural, and take the form of specific governmental policies and administrative procedures. Denial of access to family reunification and the Habitual Residency Condition (HRC) are just two such examples. Experiences of racism and discrimination form a serious barrier for migrant workers and their families in attempts to seek equal access to, and outcome from, service provision in Ireland. Such experiences can be at the individual level, taking the form of a bad

experience with a frontline service provider, or could relate to the manner in which services are supplied to automatically cater for the needs of the majority. The consequence of this is that mainstream services fail to be inclusive of the emerging needs of a diverse user population. There is, for example, a serious language barrier for many migrant workers, which is not taken into consideration in the provision and delivery of many of Ireland's public services. Undocumented migrant workers are essentially invisible in the eyes of the system and experience barriers in accessing the most basic social services (such as, health and social protection). Inability to access essential public and social services has the most profound negative impact on migrant workers' ability to integrate. This section will focus on a specific number of issues arising for migrant workers and their families in accessing service provision.

3.4.1 Social exclusion

It has been acknowledged (namely in the NAPS Incl) that migrant workers and their families are vulnerable to social exclusion. It is increasingly being documented that many migrant workers do not have access to, and/or are experiencing great difficulties accessing, the most basic social rights in Ireland today. It is also recognised that those who experience racism are more likely to have inadequate incomes and be living in poverty. Migrant workers in the lower-paid, less stable jobs are more at risk of social exclusion in terms of income inadequacy and experiencing difficulties progressing within the workplace.

Undocumented migrant workers are particularly vulnerable to social exclusion and poverty, and this is very evident in instances of attempting to access health services in medical emergencies, for example: accidents at work; in situations of bonded labour and exploitation in the workplace; and when experiencing homelessness and financial destitution. In scenarios of unplanned migration, migrant workers are also very vulnerable to social exclusion. This is increasingly the case if there is a serious language barrier, a lack of strong social network, debt owed to a recruitment agency, or no job secured prior to arrival or relatively soon after arrival in Ireland. Migrant workers in these situations are far

"Social exclusion is multi-dimensional in nature… Measures to combat social exclusion must be developed in a wide range of policy areas, such as, education and vocational training, employment, housing, health and social protection."

Bernd Schulte
Max Planck Institute

The definition of poverty underpinning NAPS is that "people are living in poverty if their income and resources (material, cultural and social) are so inadequate as to preclude them from having a standard of living, which is regarded as acceptable by Irish society generally. As a result of inadequate income and resources, people may be excluded and marginalized from participating in activities, which are considered the norm from other people in society".

NAPS Incl 2005-2008

more vulnerable to poverty and social exclusion, and access to social protection and employment supports are crucial in breaking this cycle.

Likewise, research has shown that outcomes for members of ethnic minority communities in relation to health, education and employment, are significantly lower than outcomes experienced by the majority population. "Lack of culturally appropriate service, racism from front-line staff and difficulty in accessing GPs or getting medical cards are some of the experiences of the Irish health service reported by ethnic minorities"[79], according to Stephanie Whyte, senior project manager with Cairde.[80] In its objective relating to provision, the NPAR outlined the need for a focus on common outcomes related to all forms of service provision. The Plan has set a priority to apply a 'whole system' approach to ensuring that access to, and the delivery of, public services make reasonable accommodation of cultural diversity. They must also take positive action measures, with reference to broader equality policy, including the use of equality reviews and equality action plans.[81] This approach would entail mainstreaming, targeting, benchmarking and engagement. It provides a useful framework to inform an intercultural approach to service provision that would ensure equality of outcomes for ethnic minority groups. Emerging findings from a discussion paper from the National Consultative Committee on Racism and Interculturalism (NCCRI) (entitled, "How public authorities provide services to minority ethnic groups"), also highlights the need for," the government to adopt a systematic 'whole organisation'[82] approach to delivering services to minority ethnic groups, with a focus on outcomes."[83]

As it already stands, the NAPS Incl (2003-2005) stated, "migrants and ethnic minorities are vulnerable to social exclusion, and research shows that this applies to emigrants from Ireland as much as to immigrants to this country."[84] The Joint Inclusion Report, compiled by the EU

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[79] The Irish Times (Tuesday, 4th April 2006) Health lacks cultural diversity: www.ireland.com

[80] Cáirde is a non-profit community development organisation working to reduce health inequalities experienced by ethnic minorities: www.cairde.ie

[81] Department of Justice, Equality and Law Reform (2005) Planning for Diversity: National Action Plan Against Racism 2005-2007 (p.99): www.justice.ie

[82] Whole organisation approach is a holistic approach to address racism and support inclusive intercultural strategies within an organisation, with reference to equality policies and equality action plans

[83] NCCRI (March 2006) How Public Authorities Provide Services to Minority Ethnic Groups: www.nccri.ie

[84] Office for Social Inclusion (2003) National Action Plan Against Poverty and Social Exclusion 2003–2005: www.socialinclusion.ie

Commission and EU Council, found that, "monitoring and evaluation of the NAP requires further clarification and that it is crucial that social inclusion co-ordination be strengthened at a local and regional level to ensure an integrated approach."[85] It is also important to bear in mind that migrant workers are not a homogenous group of people. Their experience and, consequently, their needs in accessing social services will be determined by any number of factors, such as, age, gender, proficiency of English, skill level, legal status, marital status and disabilities. A 'one cap fits all approach' will not sufficiently meet the needs of migrant workers and their families in Irish society. This highlights the need for a targeted approach within the delivery of public services in order to combat social exclusion.

Combating social exclusion is clearly an integral part of creating the conditions for the social, economic, political and cultural integration of migrant workers in Ireland. It is about social inclusion and mainstreaming equality, not only in terms of the provision of, and access to, social rights, but ensuring equality of outcome from such services.

Whole System Approach Summary

Mainstreaming: building an intercultural approach into policy planning and service provision.

Targeting: developing specific policy priorities tailored to meet the needs of different groups based on evidence of inequality/disadvantage.

Benchmarking: developing date/statistics programmes through which progress can be measured in meeting targets and timescales.

Engagement: consultation with and the participation of key stakeholders.

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[85] Council of the European Union, *Joint Report by the Commission and the European Council on Social Inclusion Council* (7101/01) Brussels, 5th March 2004: http://europa.eu.int/comm/employment_social/soc-prot/soc-incl/joint_rep_en.htm

> "
>
> *"It is highly problematic that when discussing barriers to public services there is often denial that racism is a problem. Policy-makers can feel more comfortable discussing areas such as the language barrier and leave racism undiscussed."*
>
> "
>
> **Daniel Holder**
> **Animate**

3.4.2   Experiences of racial discrimination

Racism is a multifaceted issue that can range from acts of snubbing and name calling through to more structural discrimination the creation of barriers (that can emerge at all levels in public and private institutions) and acts of threatening behaviour and violence.[86] For the purpose of this discussion the manifestations of racism will be those that relate to service provision, namely discrimination at an individual and personal level, and institutional/systemic forms of racism.

The NCCRI has highlighted that, "there are different forms of racism which service providers need to be both aware of and which must inform remedial action. These include: racism based on skin colour and perceived ethnicity; racism directed at Traveller communities; anti-Semitism against Jews; Islamaphobia experienced by Muslims and those perceived to be Muslims; and racism and xenophobia directed at recent migrants, including labour migrants, refugees and asylum seekers".[87]

Under the Equal Status Act, 2000,[88] which covers the provision of goods and services, the number of cases referred to the Equality Tribunal on racial grounds increased from 21 in 2001 to 43 in 2003. The Equality Authority has also noted a significant increase in the number of race-

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Article 1.1 of the International Convention for the Elimination of Racial Discrimination (ICERD) defines racial discrimination as "any distinction, exclusion, restriction or preference based on race, colour,descent, or national or ethnic origin, which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life".

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[86] Department of Justice, Equality and Law Reform (2005) *Planning for Diversity: National Action Plan Against Racism 2005-2007* (p. 57) www.justice.ie

[87] NCCRI (March 2006) *How Public Authorities Provide Services to Minority Ethnic Groups*: www.nccri.ie

[88] The Equality Act 2004 was enacted in July 2004. It makes a number of changes to the Employment Equality Act 1998, the Equal Status Act 2000, and the Pensions Acts 1990-2004

based cases; the highest being in relation to employment equality. However, it should be noted that the Equal Status Act is not extended to include access to State provided government services, such as, immigration, housing and social welfare provision. Concluding observations of CERD noted this and commented that, "the Committee is concerned that in order to ensure comprehensive protection against discrimination by public authorities, the Committee urges the State party to consider expanding the scope of the Equal Status Act so as to cover the whole range of government functions and activities, including controlling duties."[89]

(i) Direct/individual racism

At one level, discrimination can be quite obvious and more easily identifiable in terms of an experience of direct discrimination when, for example, accessing a service as a migrant worker in Ireland. "Direct discrimination is defined as less favourable treatment than another is, has been or would be treated and has to be based on membership of one of the grounds".[90] Equality legislation in Ireland prohibits direct and indirect discrimination across the nine grounds, which are: gender, marital status, family status, sexual orientation, religion, age, disability, race and membership of the Traveller community. Under Equality legislation, 'race' includes: race, colour, nationality and ethnic or national origin. Travellers are a separate ground.

Daniel Holder has pointed out that, "It is highly problematic that when discussing barriers to public services there is often denial that racism is a problem."[91] ANIMATE have carried out research to capture prevailing attitudes of public service staff.[92] The research illustrates that a significant minority of staff were prepared to express, on the basis of their nationality, that they would be "unwillingly to accept a migrant worker as a neighbour, close friend, colleague, or to a lesser extent,

> **Institutional/Systematic Racism**
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> *"The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin which can be seen or detected in processes; attitudes and behaviour which amount to discrimination through unwilling prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantages minority ethnic people."*
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> **Taken from, "The Stephen Lawrence Inquiry - Report of an inquiry" Sir William Macpherson (1999)**

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[89] Concluding observations of the Committee on the Elimination of Racial Discrimination CERD/C/IRL/CO/2 10th March 2005: www.unhcr.org/cgi-

[90] Department of Justice, Equality and Law Reform (2005) *Planning for Diversity: National Action Plan Against Racism 2005-2007* (p.58): www.justice.ie

[91] Holder, D. (2005) *Is it Racism, stupid?*, Spectrum – NCCRI Newsletter: www.nccri.ie

[92] Animate are a strategic interagency migrant worker project in the mid-Ulster area: www.animate-ccd.net/index.htm

> "*Discrimination can be overt, but more often unintended and systemic, in the way services are organised to meet the needs of the majority. Untuned to the differing needs of new communities, lacking interpreters or materials in minority languages, services which we intend migrants to use can fail to meet their needs or exclude them entirely.*"

Sarah Spencer
Deputy Chair Commission for Racial Equality (UK)

even as a service user."[93] As Holder points out, "if prejudice is present in society it is also present within the staff of public services, who are part of society and not isolated from it. Prejudice and power are a dangerous combination – and staff have power."[94] The power dynamic is important to emphasise when addressing discrimination and racism in service provision. This power, when abused, may result in an inadequate service being provided, or denial of any service being provided at all, on an assumption that the person standing in front of the counter should not be there or does not have the right to access such a service.

It would be clearly unfair to insinuate that all public service providers discriminate against clients on the basis of race and ethnicity. Indeed, many are coping very well with an increasingly diverse profile of users, with little additional resources or training. However, it is essential that racism and discrimination must be named and tackled when attempting to address barriers facing migrant workers in accessing social rights at an individual level in the provision of services. This is particularly important in ensuring public services are provided on the basis of equality of provision, access and outcome for all.

(ii) Institutional/systematic racism

At another level, discrimination can manifest itself in the way in which services are organised and, more often then not, tailored to the needs of the majority. This immediately excludes the needs of minority groups and contributes to the formation of barriers to accessing services and to integration. Institutional racism manifests in a failure to accomodate diversity. Often this can be unintentional resulting from a lack of planning and lack of understanding of issues involved. The outcomes of these processes can contribute to failure in, or weaker service, provision to cultural and ethnic minorities.

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[93] Animate (2005) *Racial Attitudes and Prejudice Towards Migrant Workers: A Survey of staff in statutory agencies in the Cookstown, Craigavon and Dungannon Areas*: www.animate-ccd.net/index.htm

[94] Holder, D. (2005) *Is it Racism, stupid?*, Spectrum – NCCRI Newsletter: www.nccri.ie

One of the findings from research carried out on the treatment given to pregnant women from minority groups in Ireland was that caregivers tended to perceive minority women as a homogenous group, frequently labelling the women as asylum seekers, although many of them were not. Problems experienced were virtually always attributed to ethnicity, when social, economic and environmental factors could also be the cause. This study highlighted the need for a more culturally appropriate and sensitive approach to service provision and minority participation in its delivery.[95] A recent report on institutional racism at the level of the Irish State, published by Amnesty International Ireland and the Irish Centre for Human Rights (NUI Galway), defined institutional racism as, "where the laws, policies or practices of the State have a disproportionate negative impact on or fail to provide equal benefits to persons from minority ethnic groups."[96] The report concludes that the Irish government has failed to acknowledge the existence of racial discrimination in its laws, policies and institutional practices, and has also failed to take meaningful steps to combat it.

(iii) Implications of racial discrimination for service provision

As has been discussed here, racial discrimination can occur at an individual level and in a direct manner. It also exists at an institutional level in an unintentional failure to accommodate diversity. Although perhaps unintentional, Institutional racism, coupled with any level of individual racial discrimination on behalf of service providers, will undoubtedly result in disparities in, for example, the health and education of ethnic minorities in Ireland. To date, there has not been comprehensive research on the health, education and housing outcomes of ethnic minority communities in Ireland. However, it is possible to learn from the experience of Irish emigrants in the UK, where research has pointed to the health anomalies among the Irish community in Britain. "The Irish are shown to have lower life-expectancy, and elevated rates of cancer, cardio-vascular disease, depression and schizophrenia, and suicide among young males – when compared on a number of indicators, with other ethnic groups."[97] Poor access to, and discrimination in provision of, services have been identified as key factors that contributed to this situation.

[95] Lyons, S. (April 2004) Reconciling Mobility and Social Inclusion - the role of employment and social policy (Research presented to social inclusion workshops at the Irish Presidency Conference, Bundoran, Ireland): www.socialinclusion.ie

[96] Beirne, L. and Jaichand, V. (March 2006) Breaking Down Barriers: Tackling racism in Ireland at the level of the State and its institutions, Irish Centre for Human Rights (NUI Galway) on behalf of Amnesty International - Irish Section: www.amnesty.ie

[97] Curran, M.J. (2003) Across The Water - The Acculturation and Health of Irish People in London, The Edmund Rice Resource Centre (p.1)

"The effective dissemination of comprehensive information, not only on rights and entitlements, job opportunities etc, but on all aspects of immigration, should be pursued, including to the resident population in a country, to dispel fears and provide reassurance on the benefits of immigration."

Irish Presidency Conference Bundoran, Ireland   (1st-2nd April 2004)
www.socialinclusion.ie

Taken from, "Reconciling Mobility and Social Inclusion - the role of employment and social policy"

The absence of an intercultural approach in the provision and delivery of core public services in Ireland does not bode well for the integration process, and it also puts migrant workers and their families at risk of social exclusion. At the same time, experiences of individual racism form barriers to accessing core group public services in Ireland and, again, impact negatively on integration.

3.4.3 Lack of information

There is a lack of language appropriate information in relation to service provision for migrant workers and, at the same time, there is a lack of data in relation to the needs of ethnic minority communities in terms of the core public services in Ireland. Some difficulties in accessing social rights may arise because of a language barrier and lack of knowledge about what services one is, in fact, entitled to. This can be a natural consequence of migrating to a new, unfamiliar country with a different system in operation that is at first difficult to navigate. Some of this also goes back to the way in which services are provided to cater for the needs of an English-speaking majority. By default, migrant workers who do not have English are excluded, or are at a distinct disadvantage, from accessing mainstream services. In the absence of language appropriate information or provision of interpreters, how will migrant workers know what their entitlements are, and when or where to get information? Such absences mean that only migrant workers with sufficient English, or with a strong social network, will feel confident to access information about social rights and entitlements in Ireland. Those in more vulnerable and excluded circumstances are, thus, further marginalized and socially excluded.

At the same time, there is also a distinct lack of data on the educational, health, housing and welfare needs of migrant workers and their families in Ireland. Such data is crucial in designing and implementing a more inclusive system that actively combats social exclusion and poverty. The Joint Inclusion report has emphasised this need in an Irish context, stating, "data is particularly needed to inform policy on specific vulnerable groups, such as, the homeless, migrants and other groups who are not readily identifiable in national statistics." NAPS Incl has recognised this fact also and highlighted the critical need for gathering data in the future formation and implementation of policies to combat

poverty and create social inclusion. The extent to which future public services are inclusive and accommodate diversity is dependent upon gathering such data. This has implications for the Central Statistics Office (CSO) in the gathering of data that accurately reflects Ireland's diversity. This is clearly essential in terms of informing future policy implementation and establishing the health, educational, and housing needs of migrant workers and their families.

3.4.4 Access to social protection

Access to social protection, in the form of income supports, emergency social welfare payments and other services, is essential in supporting and enabling families to actively participate in society. Social insurance and social assistance schemes can include provision for unemployment, illness, maternity, caring, widowhood, retirement and old age, and are

Brigita's story

Brigita's husband came to Dublin in December 2004 to work in the construction industry. Brigita and their child joined him six months later. Brigita's husband is violent and she was afraid of him. Brigita sought help and advice from Women's Aid and the MRCI. In September 2005, Brigita was granted a temporary barring order from their home, and Free Legal Aid to take her case. Brigita pursued, and was granted, a full barring order. Brigita was not in employment, had no access to her husband's wages, but still had to pay the rent and support herself and her child. She was referred by the MRCI to the Health Board's Asylum Unit, where she applied for social assistance and received an Emergency Needs Payment. When she asked the Community Welfare Officer (CWO) if she was eligible for the One Parent Family Payment (OPFP), the CWO told her that she was not under the rules of the HRC. At the time of writing, Brigita was looking for a part-time job to support herself and her child, and was also going to apply for OPFP. This leaves Brigita in a situation where she must rely on receiving discretionary supplementary welfare allowance payments.

"Our research encountered a degree of frustration amongst service providers, and a view that, on an operational level, it was impractical and contrary to the ethos of some voluntary organisations to refuse access to all support. State agencies said that ideally, policy should respond to operational requirements, rather than, as has occurred with the HRC, the introduction of a wide-ranging legislation change and agencies asked to deal with the fallout. In the short-term, and in the absence of a shift in government policy regarding the HRC, interviewees said that some measures could be undertaken, which do not require a change in legislation and which would alleviate some of the immediate difficulties experienced by those from the new EU states who are presently accessing homeless services."

TSA Consultancy for the Homeless Agency

Taken from, "Away from home and homelessness – Quantification and profile of EU10 Nationals using homeless services and recommendations to address their needs".

key in promoting the social inclusion of all groups in Irish society. Access to social protection for immigrants has proven to be a contentious issue in an Irish context, not least due to the implementation of the HRC. This will be discussed in more detail shortly, but it is an example of a specific policy implementation that created a formal barrier for many migrant workers in accessing their most basic social rights in Ireland.

Unfounded fears about welfare tourism and 'spongers' of the system often accompany the arrival of immigrants into a host country. Peter Stalker, who has carried out extensive research on economic migration, has observed that host countries and their native populations often object to the arrival of more immigrants on the basis that, "they place an intolerable burden on the public purse because of their demands for education and health services as well as for pensions and welfare payments." He concludes that the evidence does not affirm such a blanket assertion, and that it seems more likely that, "immigrants give as much to the public coffers as they take, contributing at least as much in taxes as they consume in welfare benefits."[98]

The HRC was introduced in February 2004 as an additional criterion for qualifying for social assistance payments, child benefit and access to key State services. Along with other factors, it stipulates that you must have been habitually resident in Ireland for two years and be able to prove that your 'centre of interest' is in the country, before being eligible to apply for certain benefits.[99] The rationale for the implementation of the HRC from the perspective of the Minister for Social and Family Affairs was that the introduction of the HRC was

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[98] Stalker, P. (1994) International Labour Office (p.56)

[99] The Irish government introduced the HRC in February 2004 as a later amendment to the Social Welfare Miscellaneous Provisions Bill, 2004. The basis of the HRC is that applicants, regardless of nationality, must be deemed to be habitually resident in the Irish State, or the rest of the Common Travel Area (U.K, Channel Islands and the Isle of Man), in order to qualify for: Unemployment Assistance; One-Parent Family Payment; Old Age Non-Contributory Pension; Blind Pension; Widow (er)'s and Orphan's Non-Contributory Pension; Disability Allowance; Supplementary Welfare Allowance (other than once-off exceptional and urgent needs payments); and Child Benefit.

designed to, "ensure that our social welfare system and other public services are not open to abuse… I will not allow our social welfare system to become overburdened."[100] This was part of a broader fear in Europe in the run up to enlargement, "of a possible 'influx' of workers from the new members States taking jobs from EU citizens and migrating purely for social welfare purposes – 'welfare tourism'."[101]

It has become evident that such fears of 'welfare tourism' were unfounded. Whilst the UK and Ireland imposed restrictions on access to social welfare, Sweden (the only other EU country along with Ireland and the UK to allow open access to labour markets to new member States) did not link eligibility for welfare benefits to tight eligibility conditions. Should the reason for migration be 'welfare tourism', we would not expect to find that only 6% of those who left Lithuania to find work abroad would chose Sweden as the main destination. This is in contrast to 48% who left for the UK and 33% who left for Ireland.[102]

(i) The Habitual Residence Condition

At the same time, it became very apparent that the implementation of the HRC had served to, "exacerbate the problems already facing vulnerable communities in Irish society; the groups that the social welfare system should be protecting."[103] The reality is that many migrant workers find themselves in Ireland without employment or income, or in employment, but existing below an acceptable living wage. Some migrant workers find themselves in need of short-term social assistance or accommodation due to circumstances outside of their own control. They may have fallen ill and are unable to work, have been injured in their employment, have been given false job information by employment agencies, have been unfairly dismissed from their employment, or are being exploited by their employer.

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> *"The HRC is an example of a restriction intentionally imposed in the interest of protecting the social welfare system and self interests, limiting access of migrant workers and their dependents to public services and welfare benefits. Whilst thought has been given to which services and benefits should be restricted for migrant workers, it begs the question: has enough consideration been given to which services and benefits are an essential prerequisite to social inclusion, adherence to basic human rights and in creating the conditions for integration?"*
>
> **Siobhan O'Donoghue Director**
> **The Migrant Rights Centre Ireland**
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[100] Department Social and Family Affairs Press Release, 24th February 2004.

[101] Kerrins, L. (2005) *Social Protection Denied: The Impact of the Habitual Residency Condition on Migrant Workers*, MRCI

[102] Kerrins, L. (2005) *Social Protection Denied: The Impact of the Habitual Residency Condition on Migrant Workers*, MRCI

[103] Kerrins, L. (2005) Social Protection Denied: The Impact of the Habitual Residency Condition on Migrant Workers, MRCI

This is the reality for many migrant workers attempting to achieve social protection in Ireland, and it is the experience of agencies working on the ground that it is not just newly arrived migrant workers that were falling foul of the HRC, but people that have been living in Ireland prior to May 2004. Confusion in relation to who was eligible for what, post-HRC introduction, along with the level of discretion afforded to front line service providers, meant that many migrant workers were precluded from accessing such payments as social assistance and child benefit. Denial of access to such payments only compounded a downward spiral into deprivation, leaving some migrants very vulnerable to becoming homeless and financially destitute, with organisations on the ground grappling to respond to dire situations with limited resources and personnel. In a report commissioned by the Homeless Agency, it was highlighted that their research had encountered a degree of frustration amongst service providers and a view that, "on an operational level, it was impractical and contrary to the ethos of some voluntary organisations to refuse access to all support."[104]

(ii) Amendments to the Habitual Residence Condition

The EU Commission contacted the Irish government in relation to the legal argument regarding the enforceability of the HRC, as its imposition contravened community law. Subsequently, amendments were made whereby EU nationals in Ireland, who are regarded as workers and have a history of working in the State, are eligible for Supplementary Welfare Allowance (SWA), and child and family payments despite the fact they may not satisfy the HRC. 'A history of working in the State', is not defined and, therefore, CWOs must use their discretion in this regard. Such changes are to be welcomed, but many organisations have said it does not go far enough. "The Department of Social and Family Affairs note that those who have not yet entered the labour market, i.e. job seekers, do not come within the EU definition of a worker, and so these changes to the HRC do not apply to those who have not had any employment in Ireland."[105] Changes relate to EU and EEA nationals only, and do not apply to migrant workers coming from other countries of origins. It also has to be pointed out that provisions do not apply to all social welfare payments, and workers from both inside and outside the EU and EEA are subject to normal HRC conditions for unemployment assistance.

[104] MRCI (July 2005) Submission to the Immigration and Residence in Ireland Discussion Document: www.mrci.ie

[105] Ibid (p.63)

3.4.5 Denial of access to family reunification

Difficulty securing family reunification is one of the most pressing issues for many migrant workers in Ireland, and it is a barrier to social inclusion and integration. Despite the fact that the protection of the family unit is given primacy within the Irish constitution, and is enshrined in EU and international law, there is no transparent policy or legislative basis for family reunification in Ireland. Migrant workers do not have automatic rights to family reunification and many, especially those on work permits, are experiencing lengthy delays and extensive difficulties in obtaining the right for their family to join them.

Enamur's story

Enamur came to Ireland in 2000. His wife and four children remained in Bangladesh and wished to join him in Ireland once family reunification had been secured. Head chef of a busy and successful restaurant, and earning in excess of €600 per week, Enamur was hopeful his application to the Department of Justice would be successful. Between the periods 2003 to 2005, Enamur applied for family reunification four times and was refused. He appealed each of these decisions and was unsuccessful. In 2005, Enamur secured long-term residency and applied for Irish citizenship. Despite this, he was refused again due to "the possibility of the granting of the visa resulting in a cost to public funds and public resources." Enamur enjoys his work and his employer supported his application for family reunification. His hope was to make his life in Ireland. However, it was becoming increasingly difficult to stay and work in Ireland without his family by his side. Enamur has strived to make a stable and comfortable home for his family in Ireland and had already spent five years without his wife and children, putting serious strain on the family at home in Bangladesh and on his life in Ireland. Recently, Enamur was successful in his appeal of this decision. His case, however, is indicative of the large number of migrant workers in Ireland who are working in the Irish economy, providing essential skills, over several years and being refused family reunification despite evidence that they can support both themselves and their families.

"Family Reunion is a basic human right and is vitally important for immigrants' lives and life planning. It also contributes to family stability and, thus, to cohesive societies…. Immigrants should be entitled to bring in their family members as soon as possible."

Taken from, "The European Civic Citizenship and Inclusion Index 2004"

Apart from humanitarian reasons, it is internationally recognised that family reunification plays a crucial role in promoting the integration of migrant workers. "The role of the family can vary from culture to culture but it is still recognised as playing a central role in the integration process for migrants. There is limited provision for family reunion for workers on permits in Ireland."[106] In the meantime, the reality is that families are being forced to live apart, putting extreme pressure on relationships within the family unit and leaving the main earner in Ireland feeling an additional sense of dislocation and insecurity about future prospects. Such realities undoubtedly hinder prospects of creating the conditions for integration and only serve to further create a sense of social exclusion and isolation from mainstream Irish society.

(i) The policy context for family reunification

The rights and entitlements of migrant workers in relation to family reunification vary depending upon the scheme under which he/she entered Ireland and, in many cases, the type of employment and earnings. In the past, for example, work visa holders and work authorisation holders could apply for their families to join them after a three-month period. Work permit holders, however, could only apply for such a visa after twelve months and the outcome of this application is dependent upon, amongst other things, wages earned, and is very much a discretionary decision on the part of the Department of Justice, Equality and Law Reform.

The Government recently published proposals for an Immigration and Residence Bill, which is due to be published in the near future.[107] The discussion document outlined proposals on admission for the purposes of family reunification, proposing that it be provided by secondary legislation or other means. Organisations working with migrant workers have called for a statutory entitlement to family reunification, and it has been highlighted that, "the failure of family policy to accommodate diversity may cause additional levels of marginalisation, discrimination and disadvantage and reinforce the barriers to integration."[108]

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[106] IMRCI (March 2004) *Work Permits in Ireland:* A Recommendation for Change

[107] Department of Justice Equality and Law Reform (2005) *Immigration and Residence in Ireland, outline policy proposals for an Immigration and Residence Bill*: www.justice.ie

[108] MRCI (July 2005) *Submission to the Immigration and Residence in Ireland Discussion Document*: www.mrci.ie

Access to family reunification is undoubtedly seen as paramount in attracting high-skilled (and highly paid) workers from outside the EU and EEA. The Employment Permits Bill 2005 is testament to this. The Minister for Enterprise, Trade and Employment highlighted the fact that this new legislation would mean 'green card holders' (previously described as work visa holders) will be permitted to bring their spouses and families to join them immediately, and their spouses will have the right to work without a work permit. Green cards will be issued for a two-year period, with the possibility of permanent or long-term residency after that.[109] It does not appear, however, that work permit holders will have the same rights afforded to them. They will still have to wait a one-year period before applying, prove that there will be 'no recourse to public funds' and this will be subject to approval by the DJELR. Many organisations and politicians, whilst welcoming some of the protections afforded to migrant workers under the new Bill, have criticised the two-tiered nature of the legislation, especially in regards to family reunification.

At a European level, the Council of the EU published a directive on the right to family reunification in September 2003. It stated, "family reunification is a necessary way of making family life possible. It helps to create a more sociocultural stability facilitating the integration of third-country nationals in the Member State, which also serves to promote economic and social cohesion, a fundamental Community objective stated in the Treaty."[110] Ireland has opted out of this directive. The UN Convention on the Rights of the Child (CRC) provides that a child shall not be separated from his or her parents against their will; except where such separation is in the best interests of the child. Article 10 of the CRC provides that, "applications by a child or his or her parents to enter or leave a State for the purpose of family reunification shall be dealt with in a positive, humane and expeditious manner."[111]

(ii) Barriers to securing family reunification

Refusal of permission to grant family reunification is a major concern for many migrant workers, most notably those on work permits and in minimum wage jobs. Applications are more often than not refused on the basis of insufficient finances or "the possibility of the granting of the visa resulting in a cost to public funds and public resources". It is understood that the applicant must be earning an income equivalent to

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[109] Second Stage Speech on the Employment Permits Bill 2005 by Mr. Michael Martin, T.D., Minister for Enterprise, Trade and Employment on 12th October 2005 in Dáil Éireann: www.entemp.ie/press/2005/20051012b.htm

[110] Council Directive 2003/86/EC: www.europa.eu.int/eur-lex/pri/en/oj/dat/2004/l_016/l_01620040123en00440053.pdf

[111] Irish Human Rights Commission Position Paper on Family Reunification: www.ihrc.ie

the Family Income Supplement[112] guidelines, which stands at a net figure of €465 for one child, in order to qualify for family reunification. Many migrant workers in minimum wage jobs fall below or in and around this threshold figure. Many migrant workers have complained that their living circumstances (such as, accommodation supplied rent-free by the employer, and life savings) are not, it seems, taken into consideration when making such decisions. Another issue arising, is the limited definition of the family unit for the purpose of family reunification applications, "considerations are based on the nuclear model of the family based on marriage and have little regard to diverse cultural or social norms or the rights of individuals with unmarried partners."[113]

Other difficulties arise because of the discretionary and arbitrary nature of the decision-making in relation to such applications, the length of time it can take to get a clear answer from the DJELR, and the bureaucratic application process involved. Migrant workers are entitled to appeal a decision, but this process is neither independent nor transparent. The Irish Human Rights Commission has pointed out that from its examination of the scheme, "there appears to be substantial difficulties in relation to accessing transparent and accurate information in relation to the existing procedures…there does not appear to be any facility for making available information on what visa a family member can apply for."[114] The Department issued new guidelines on family reunification on the 14th of February (2006). These have provided clarity about what is required to apply for family reunification. However, the reality is that the requirements in place are quite onerous (for example, income requirements).

3.4.6 Being undocumented

The situation of undocumented workers is a very complex issue and requires a more in-depth analysis in relation to the routes into becoming undocumented in Ireland today. When referring to undocumented migrant workers, we are generally talking about Non-EU and Non-EEA nationals whose residency status in Ireland has expired and/or the person is working without permission. This can happen for a variety of reasons, such as, a holiday visa that has expired, a work permit that has also expired and has not been renewed, or failing to register with the local immigration officer upon arriving in Ireland. Whatever the case, it is apparent that migrant workers in irregular situations are excluded

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[112] Further information available on Family Income Supplement on: www.welfare.ie

[113] Immigration Council of Ireland – Family Reunification Discussion Paper (unpublished): www.immigrantcouncil.ie

[114] Irish Human Rights Commission Position Paper on Family Reunification: www.ihrc.ie

from all social and legal protection. Undocumented migrant workers assume that they are not entitled to claim their rights due to their lack of regular residence status and work permit.[115] In the absence of available data, it is difficult to estimate the numbers of undocumented migrant workers in Ireland. It is the experience of the MRCI that the vast majority of undocumented workers initially have full legal status in Ireland, but 'fall out' of the system, due to a variety of reasons (often outside of their own control). A sample from the MRCI's computerised case management system revealed that out of 378 people, 171 had become undocumented as a result of some form of workplace exploitation. All had reported that they accessed the country on a work permit.[116]

Undocumented migrant workers are, in some instances, trafficked or have paid for false documents (often unknown to them) through an agency. However, the vast majority of circumstances arise in the operation of the work permit system. Due the fact that the work permit has to be renewed annually, it is sometimes the case that the employer neglects to make a reapplication. By the time the renewal is sent in, the migrant worker may have been undocumented for some time and the Department of Enterprise, Trade and Employment cannot process the application. In particular, employers who run small/family businesses frequently find it very difficult to manage the complex process of making an application for a work permit and, in some cases, encourage migrant workers to take jobs without the permit being in place.

Migrant workers can find themselves in situations where, having been recruited, the employer then neglects to make the work permit application. The employee may approach the employer about the application, but can be in fear of losing his/her job if he/she pursues the compliant. In some cases, a person may forget or neglect to go to immigration in order to renew their 'leave to remain' stamp. If they lose their job in such circumstances, they can suddenly find themselves in a position where they are undocumented.

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[115] Cyrus, N. *Undocumented Migrant Workers In Europe* (Polish Social Council), PICUM: www.picum.org

[116] MRCI (March 2006) *Information Report* (unpublished)

The Rights of Undocumented Migrant Workers:

- **The right to health care**
  International Covenant on Economic, Social and Cultural Rights, Article 12.1

- **The right to organise**
  International Covenant on Civil and Political Rights, Article 22.1

- **The right to fair labour conditions**
  International Covenant on Civil and Political Rights, Article 7

- **The right to education and training**
  Convention on the Rights of the Child, Article 28.1

- **The right to shelter**
  International Covenant on Economic, Social and Cultural Rights, Article 11.1

6. **The right to family life**
  European Convention on Human Rights, Article 8.1

- **The right to moral and physical integrity**
  EU Charter of Fundamental Rights, Article 3.1; European Convention on Human Rights, Article 4.1 and 4.2

- **The right to equality before the law**
  EU Charter of Fundamental Rights, Article 20

Taken from, "Ten Ways to Protect Undocumented Migrant Workers – PICUM"

www.picum.org

"So far the debates on integration in the EU have been centred on legal migrants. Nonetheless, supportive policies are urgently needed for undocumented migrants as well. Regardless of whether one is for or against open borders or undocumented migration, it is essential to recognise that there are many undocumented migrant workers living in the EU. Undocumented migrants, like all other people living in Europe, have certain needs, and not responding to these needs damages social cohesion."

Taken from, "Ten Ways to Protect Undocumented Migrant Workers – PICUM"

(i) Barriers facing undocumented migrant workers

Upon becoming undocumented, migrant workers find themselves in increasingly vulnerable situations and at greater risk of social exclusion. Their undocumented status creates difficulties accessing new employment, which is often the only way to secure legal status through a new work permit application. Perspective employers are wary of applying for a work permit for an undocumented migrant worker, and the longer the period of being undocumented the more difficult it is to regularise one's status. Undocumented migrant workers are at greater risk of exploitation in the workplace. It is more difficult to assert legal rights and entitlements in the workplace when legal status has expired. There is always the fear that making a complaint about the conditions of employment (for example, not receiving minimum wage), will result in dismissal, or worse, deportation, should the employer decide to report the individual migrant worker.

Accessing services is extremely difficult for undocumented migrant workers. They are, in essence, invisible in the eyes of the system. Such difficulties become very apparent when the migrant worker in question has sudden and unexpected medical needs, and is in fear of accessing the health system because of his/her irregular status. The MRCI has come across many such instances, for example, migrant women becoming pregnant, accidents at work and migrant workers who need to access accident and emergency (A&E), or ongoing, serious medical concerns. Many undocumented migrant workers are currently working in the Irish economy, providing essential skills and, in some cases, making tax contributions over several years. Whilst the Irish economy is becoming increasingly dependent upon the labour and essential skills they supply, the lack of a safety net in such situations means that increasing numbers of migrant workers are falling out of the system with no way back in.

(ii) Repercussions for integration

Undocumented migrant workers feel they have little to no basic rights, and it is, therefore, undeniably difficult to assert their social rights and, consequently, impossible to feel socially included or make efforts to integrate. It is also unlikely that undocumented migrant workers feel they can integrate when their very status suggests that the only legal recourse is for them to return home. It also sends out a message to Irish

Olga's story

Olga came from Russia to Ireland in 2002 to work in the agricultural industry. Her employer had applied for a work permit for one year. Olga experienced serious exploitation in the workplace that ultimately led to a breakdown in the relationship with her employer.

She was expected to work a 70-hour, six-day week and 60% of her salary was withheld on the premise that she would get this back at the end of the working year. Olga questioned the conditions of work and expressed concerns about health and safety standards. In response to this, Olga was put into a taxi, driven to the nearest airport and told to return home. Olga was not in a position to return home as she had borrowed over €1,000 to pay the recruitment agent. Olga went to Dublin without money, little English, no knowledge of the city, no job and nowhere to live. Olga experienced further exploitation in the workplace from a 'friend' who had offered to 'help her'. Olga felt she had no option but to work for this woman because she was undocumented and believed her previous employer had reported her to immigration. Olga is two and a half years undocumented. She is now working full-time for a family in the east of Ireland. She wanted to make a complaint against her first employer, but was worried that, in accessing legal services in Ireland, she would leave herself open to deportation.

She desperately wants to regularise her legal status and had approached her current employer about applying for a work permit application. This employer is not familiar with the work permit system and feels that, because of Olga's status, she will not be granted a work permit and will leave the employer open to investigation. Olga has not seen her family in over three years. Due to her undocumented status, she is unable to travel home without the risk of being permanently refused entry in the future. She feels very invisible in Irish society and lives only to work here.

people that these people are unwanted, even though their labour and tax payments are contributing to economic growth. This is not a uniquely Irish phenomenon. In the past, other European countries such as France, and, more recently, Spain, have carried out mass regularisations of their undocumented migrant worker population. The Platform For International Cooperation On Undocumented Migrants (PICUM) estimates that irregular migration constitutes a large share of all migration into Europe. Ireland has the opportunity now to learn from such experiences and put in place a system that, whilst responding to the needs of the Irish economy, affords reasonable human rights and protections to all migrant workers in the country and encourages their integration.

Again, it is relevant to look at Irish Emigrants' experience and nowhere is this more evident than in the United States. Here, the issue of illegal immigrants has become a controversial topic in the aftermath of the terrorist attacks on 11th September 2001, and the subsequent increase in security consciousness. It is estimated that there are between 5,000-50,000 illegal Irish immigrants in the US, with many commentators stating that the figure is most definitely in excess of 25,000. Irish political representatives have lobbied the American government in the past on the situation of undocumented Irish workers, most recently in relation to the Kennedy/McCain Bill before the Senate in October of 2005. The Minister for Foreign Affairs, Dermot Ahern, remarked at the time that, "its provisions, if enacted, would enable undocumented people, including the undocumented Irish, to participate fully in the life of their adopted home, free from fear and uncertainty."[117] The Irish experience of emigration is all too familiar with the pain of separation, loss, fear and the deep uncertainty about the future. Such experiences are documented in our own poetry, drama, literature and songs of struggle, where the experiences of one generation are passed onto the next.

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[117] The Irish Times (December 2005): www.ireland.com

3.5

Conclusion

Access to social rights and entitlements is an essential component to creating the conditions for the social inclusion and integration of migrant workers and their families. The social dimension to integration, as described in this section, relates to the basic services and elements required in order to participate fully in all aspects of society, such as: education, health, housing, family reunification, the judiciary and social protection. Access to family reunification, the most basic social unit and a core human right, is a well-recognised agent of integration. Denial of access to family reunification was very much identified as an issue for many migrant workers in Ireland, most notably those on work permits and in lower paid jobs. It was also highlighted as a barrier to integration. Equality of access to, participation in, and outcomes from, service provision (in the areas of, for example, health and education) are key in terms of combating social exclusion, but also in the creation of a more equal and intercultural society. This section has not examined social service provision, such as housing or the judiciary in any detail; rather it has highlighted the importance of social rights to the integration process and focused on specific barriers facing migrant workers in realising such rights. Some of these barriers were formal ones (such as, the implementation of the HRC), and others focused on the very vulnerable circumstances some migrant workers find themselves in when attempting to access social services (for example, in being undocumented). It is hoped that this section outlined how migrant workers are vulnerable to social exclusion and the importance of mainstreaming equality in the provision of social services, not only to combat social exclusion, but also in creating the conditions for integration.

POLITICAL PARTICIPATION;
ACTIVE CITIZENSHIP

4.1

Introduction

Above all, political rights refer to the rights required to participate actively in the democratic processes of governance and decision-making within society. Such rights include: the right to vote and to stand for office at the various levels of government; freedom of assembly and of association; and freedom of information.[118] But, at its core, political rights are concerned with the right of a community to participate in decisions that impact on their lives, whether a citizen or a non-citizen. The above could be described as formal political rights, and it represents the most basic and necessary political rights required in order to participate in the democratic processes of government in Ireland today. Political rights could be extended to include acquisition of nationality and citizenship, and all that is associated with that. In formal terms, there appears to be a fairly clear division between citizens (whether by birth or by naturalization) who enjoy political rights, and resident non-citizens, who do not.[119] This throws up a challenge for traditional notions of what it means to be a citizen; a discussion later in this section around emerging concepts of civic and active citizenship will address this issue.

The majority of migrant workers in Ireland do have the right to vote in local elections, and those who have acquired citizenship and naturalisation have the right to vote in general elections. However, the formal possession of political rights does not guarantee genuine political participation for members of minorities that have a marginal economic and social situation.[120] It does not mean that migrant workers and their families are politically active, are having their voice heard or are being represented in the political structures in Ireland. For those who are vulnerable to social exclusion and often at risk of poverty, active political participation is an aspiration. Indeed, for those struggling to support families on minimum wage and even struggling to secure family reunification itself, having a say in the decision-making structures is often lower down in the hierarchy of needs. Political participation itself is not guaranteed solely by access to formal political rights, such as, the right to vote. The realisation of such requires creating the conditions for active participation of those effected by decision-making at a local, regional and national level, so that the voices of migrant workers are

Common Basic Principles of Integration

"The participation of immigrants in the democratic process and in the formulation of integration policies and measures, especially at the local level, supports their integration."

JHA Council Nov 2004 www.europa.eu.int

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[118] Castles, S. and Davidson, A. (2000) *Citizenship and Migration: Globalisation and the politics of belonging,* Routledge: New York (p.108)

[119] Ibid (p.108)

[120] Ibid (p.108)

"Political participation of immigrants provides opportunities for integration and should be supported in its different forms, including acquisition of nationality, local electoral rights and consultative structures."

Migration Policy Group (2004) for the European Commission

Taken from, "Handbook on Integration for policy-makers and practitioners"

www.migpolgroup.com

heard in such decision-making processes. These concerns are shared amongst many socio-economically disadvantaged communities and are at the core of the debate on democratic participation and active citizenship.

Enabling effective participation requires the creation of opportunities where migrant workers and their families can come together collectively to address the issues facing them, form an analysis of their situation and the system they are a part of, and decide how to go about having their voice heard within that system. Therefore, active political participation of migrant workers in Ireland not only involves a focus on the representative forms of democracy, but also participative democratic processes. This can take the form of active engagement in civil society, such as, trade union membership, participation in consultative structures or, indeed, actively participating in the democratic processes by campaigning for policy change, and participating in organisations that represent their interests.

The NPAR contains a key commitment in relation to participation. It includes an objective to, "enhance the participation of cultural and ethnic minorities in Irish society, including a focus on participation at the political level, the policy level and the community level."[121] Within this objective, some of the expected outcomes include: the enhanced participation of cultural and ethnic minorities in political processes; policy consultative forums; research; community and local development.

This section will highlight the important political dimension that exists in relation to integration. It will begin by outlining the importance of political participation to social inclusion and integration, focusing on the right of migrant workers to have their voice heard and to participate in the representative and participative democracy structures in Ireland. This is followed by a brief discussion on citizenship as it relates to political representation, highlighting the evolving concepts of civic and active citizenship. The barriers and issues in relation to political participation are addressed with specific focus on social exclusion, experiences of racism, the democratic deficit in Ireland today, lack of political representation, and the opportunities and supports for political participation for migrant workers.

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[121] Department of Justice, Equality and Law Reform (2005) *Planning for Diversity: National Action Plan Against Racism 2005-2007:* www.justice.ie

4.2

Political inclusion and integration

Who makes decisions and how they are made is a core concern in any effectively functioning democracy. Being excluded from this process can directly impact on the degree to which members of a society feel they belong or can actively participate. In general, debates and evolving discussions on integration and social exclusion have tended to concentrate on efforts to improve service provision and immigrants' access to such services. There is less concern with the degree to which those same communities are enabled and empowered to participate in the process of designing the necessary responses, implementation of social inclusion initiatives or in monitoring their outcomes.

At a basic level, if the decision-making structures (most obviously the representative democratic structures both locally and nationally), do not represent the main concerns of migrant workers and their families this will lead to disillusionment with the political processes and will further alienate those already at risk of social exclusion. There is undoubtedly a democratic deficit in Ireland today and a distinct lack of visible ethnic minorities in the representative decision-making structures at a local, regional and national level. There is, as a consequence, less on the political horizon for migrant workers to identify with, and also a lack of diversity in the visible democratic process.

At a broader level, due to a lack of access to formal political rights or because of social and economic exclusion, the inability to actively participate in decision-making structures, leads to feelings of frustration, a lack of diversity in the decision-making structures and apathy amongst those marginalized by the political system in Ireland. Active political participation, going beyond the basic right to vote, needs to be a fundamental concern of any future integration strategy. Indeed, such a strategy will only be effective if based upon the real experiences and input of those affected by barriers to social exclusion and integration. Ireland is a multicultural society, and history tells us that democratic and political institutions have the potential to play both a positive and negative role in combating racism and discrimination.[122] The success of

"Achieving political equality involves a focus on representative democracy and its institutions at a national, regional and local level, participatory democracy and its institutions at a national, regional and local level, legal and judicial systems."

The Equality Authority

Taken from, "Building an Intercultural Society"

www.equality.ie

www.migpolgroup.com

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[122] Submission by the National Consultative Committee on Racism and Interculturalism (NCCRI) to the Democracy Commission (2004) (p.3): www.nccri.ie

any future integration strategy is reliant upon hearing the voices of those experiencing racism and discrimination in Ireland today, and incorporating their ideas and concerns into policy responses. This poses a challenge for the decision-making structures in Ireland in terms of ensuring that diverse, and often marginalized, voices are heard and resourced in the decision-making structures, at a local and national level.

Realising Citizenship – a migrant workers experience

There are two sides of naturalisation; the formal process of becoming a citizen of the Republic of Ireland and the organic process of becoming a member of Irish society. The formal process begins following the submission of the application form, but the informal, more organic process starts upon arrival in Ireland, finding work, settling in, and with beginning to integrate culturally, socially, politically and economically. The questions could be asked then: Why naturalise?; Why apply for Irish citizenship?; Why not?; It's happening informally to us anyway! And more importantly, it grants more security, freedom to travel, the right to vote in General Elections, the right to work without a work permit and start a business for the whole family, and improved access to benefits. Migrants do not all have the same objectives. Some come to earn money and go back home. Some of them stay. Some come for a new experience and some of them stay. Some do not have any citizenship at all! (For example, people with status of 'Alien Resident of the Republic of Latvia'). What needs to change in relation to the citizenship application procedures in Ireland? The waiting time needs to be reduced, and a more transparent application procedure introduced. The system needs to be able to process such applications in an efficient, speedy manner, so that migrants who have committed to living and working in Ireland for 6/7 years can plan for their future. I will finish with an important question for consideration; what does it mean to be Irish anyway?

Adapted from a presentation by Denis Avdonin, on behalf of the MRCI, to the NCCRI Roundtable on Active Citizenship (2004)

It is also important to consider the possible long-term and negative consequences of not creating the conditions for the participation of migrant workers and their families in Irish politics and decision-making structures. It is worth noting the voting power of diaspora groups, which can have a huge impact on local and national politics. Within this context, it is important to consider the voting power of a badly integrated immigrant population, who may feel disaffected and marginalized from mainstream democratic political processes. Such a reality would undoubtedly impact negatively on integration and possibly lead to a political underclass emerging. Creating the conditions for the active participation of migrant workers in both the representative and participative democracy structures in Ireland is, therefore, paramount to social inclusion and also to their future integration.

4.3

Citizenship and political participation

What does it mean to be a citizen and what is citizenship? These are important questions to ask when discussing the participation of migrant workers in Irish society. Traditional understandings of citizenship are wrapped up in the concept of the nation state. Modern democratic societies, which have evolved from the nation state, are supposedly made up of citizens who possess a wide range of civil, political and social rights (which are then, in turn, balanced by obligations to the State). Ideally, the nation state is inclusive, there for all of the people living in that territory. Even before the effects of globalisation and modern migration, this notion that citizenship simply equates with formal political participation and representation has never been a reality. There have always been marginalized groups who have not been able to realise their full citizenship rights because of discrimination based on class, social status, gender, ethnicity or religion.

The effects of globalisation, the mobility of people, the reality that people have multiple identities and that many people who are granted formal membership in the host country do not receive the rights that should accompany it, mean that a new, evolving definition of citizenship is required; one which entails a vastly different approach to what it means to belong to, and participate in, a society that is increasingly diverse and polarised. This is clearly pertinent in an Irish context when, after decades of emigration, we are now experiencing net inward migration, which has occurred over a relatively short period of time.

"It is widely recognised that acquiring nationality is a means of facilitating integration, although it need not be the ultimate aim of the integration process and it does not by itself avoid problems arising from social exclusion and discrimination. Obtaining nationality is important, however, because it encourages a sense of belonging in national life. Nationality entitles the bearer to full citizens' rights guaranteeing de jure participation in the political, civil, social, economic and cultural life of the Member State."

Communication from the EU Commission on Immigration, Integration and Employment

**Brussels, 3.6.2003
COM (2003) 336 final**

4.4

Access to formal citizenship

Citizenship is a key ingredient to achieving formal political rights for migrant workers and their families in Ireland. The Handbook on Integration has stated that political participation is a key opportunity for supporting integration and, within this, acquisition of nationality was cited as part of this process.[123] Acquisition of nationality, or possession of citizenship, is accompanied by a more extensive set of rights and entitlements, and is granted after a certain period of long-term residency.[124] It is also subject to certain conditions depending on the policies of the host country.

The Handbook points out the importance of the formal recognition of a person's right to reside in a country, and that immigrants will obtain the fullest degree of political rights if they become citizens of the country they reside in.[125] In Ireland, it can take in excess of seven years to secure citizenship; this includes the required five year period of residency and a processing time that is currently taking two years or more. There is still a backlog of applications for citizenship/naturalisation in the Department of Justice, Equality and Law Reform, with applicants from late 2003/2004 receiving an answer now in 2006. A communication from the EU commission has recommended that naturalisation should be rapid, secure and non-discretionary, and criteria should be clear, precise and objective.[126] It should also be noted that any periods of time spent undocumented or as an asylum seeker (regardless of the circumstances and time spent studying in Ireland) are not counted as years of residency. It should also be noted that not all people will want to apply for formal citizenship and, indeed, for many people (for example,

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[123] Niessen, J. and Schribel, Y. (2004) Handbook on Integration for policy-makers and practitioners, Migration Policy Group on behalf of the European Commission (Directorate-General for Justice, Freedom and Security): www.migpolgroup.com

[124] In Ireland, five years is the required period of time upon application, and this is subject to certain conditions in relation to continuous residency

[125] Niessen, J. and Schribel, Y. (2004) Handbook on Integration for policy-makers and practitioners, Migration Policy Group on behalf of the European Commission (Directorate-General for Justice, Freedom and Security): www.migpolgroup.com

[126] COM (2003) 336 final: http://europa.eu.int/comm/justice_home/funding/doc/com_2003_336_final.pdf

> **"All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development."**
>
> Article 1, International Covenant on Civil and Political Rights www.unhchr.ch

migrant workers from Bangladesh and Pakistan) dual citizenship is not an option. In such cases, the individual is forced to relinquish their own citizenship (from their country of origin) and this, clearly, is a big decision that impacts their life and the possibility of ever returning to their country of origin.

Therefore, formal citizenship should, in so far as is possible, be a question of choice, and a decision not to access formal citizenship should not disadvantage one individual over another. Formal citizenship is not the only means through which migrant workers can participate politically in Ireland, but it does offer an essential pathway to acquisition of nationality, which itself guarantees the most extensive set of political rights.

4.5

Evolving concepts underpinning political participation

4.5.1 Active citizenship

Achieving the integration and social inclusion of migrant workers and their families requires a shift from traditional notions of citizenship to a more participatory understanding that focuses on their economic, social, cultural and political inclusion. The concept of 'active democratic citizenship', "has become more relevant in the context of recent social, economic and demographic changes in Irish society. We are experiencing an increasing diversity in Ireland, with significant immigration (including the return of many Irish citizens from abroad). Irish citizens do not, necessarily, share common ethnic or cultural backgrounds, and there is more diversity around moral, religious and ethical perspectives."[127]

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[127] Democracy Commission: www.domocracycommission.ie

Principles of Community Development

- *Collective action*

- *Participation and inclusion*

- *Empowering and enabling*

- *Involves both process and task*

- *Non-sexist and non-racist*

- *Solidarity, not charity*

- *Starting where people are at*

- *Accountability*

- *Self determination*

- *Equality-based*

- *Thinking globally, acting locally*

- *Being creative*

Participation and Community Development

Participation has always been at the core of community work and community development. It is essential in order to empower local communities, especially those who experience poverty and social exclusion, to have a more effective input into decision making in order to facilitate collective action for social change. Put simply, participation in development terms implies the active participation of individuals, groups and communities in shaping their environment and the quality of their living conditions. This involves people in both geographic and communities of interest.

Taken from, "The Community Workers Co-Operative (CWC): Strategies to Encourage Participation Strategy (Guide 1)"

The changes in our society require us to re-examine what is meant by citizenship, and how it can contribute to creating the conditions for integration. A more inclusive notion of the concept of citizenship needs to be developed and should be rooted in the promotion of participation, engagement and rights of all, irrespective of status, within Irish society. In an increasingly diverse society, we are challenged to facilitate cultural expression and intercultural dialogue at all levels. There is an imperative to stop viewing migrant workers as temporary residents who do not have a stake in Ireland's future, and recognise their role, not just economically, but socially, culturally and politically. We are required to recognise that racism undermines active citizenship, and that denial of the opportunities and conditions to participate damages the very foundation of a free and democratic society.

Community work is an approach that is exclusively concerned with the right of disadvantaged communities to participate and be actively engaged in decision making. Community work, more commonly referred to as community development, is a process that seeks to, "support people and their communities to develop an analysis of their situation and take collective action to address it and aims to bring about the active participation of people experiencing exclusion in decision-making structures."[128] Community work is fundamentally concerned with power and how it is used. It is ultimately concerned with positive social change and the creation of a society where there is more

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[128] MRCI *Strategic Plan 2005-2008:* www.mrci.ie

equal distribution of power. The empowerment of migrant workers is central to this process. Community work with migrant workers is crucial at this time, as it is very effective in enabling migrant workers to be active agents, rather than passive participants, in debates and decision making that directly impact on them.

In general, for society to work well, we require more people to be active in the processes of governance and democracy, and to have a say in the decisions that affect their lives. This applies to migrant workers and their families as members of ethnic minority communities in Ireland, but also across the board to members of society in general, especially those on the margins whose voices are traditionally not the ones being heard. Civic education also has a key role to play in the school system in order to develop an understanding of issues, such as, social justice, participation, equality and diversity.

4.5.2 Civic citizenship

The EU Commission has contributed to the evolving definition of citizenship; its November 2000 communication[129] introduced a concept of civic citizenship defined as guaranteeing certain core rights and obligations to immigrants. These rights would be acquired gradually over a period of years, so that they are treated in the same way as nationals of their host state, even if they are not formally naturalised. Civic citizenship would help immigrants to settle successfully into society and could also be a first step in the process of acquiring the nationality of the Member State concerned.[130] This concept of civic citizenship, the Commission believes, can be used to promote integration.

Central to the concept of civic citizenship is the guaranteeing of certain core rights to legally resident third-country nationals over a period of years, "so that they are treated in the same way as nationals of their host state,

Civic Citizenship

Civic citizenship would guarantee a number of core group rights to third-country nationals who are long-term residents in the EU, such that they are treated in a comparable way to nationals of their host state. Civic citizenship uses EU citizenship as a benchmark for rights. Apart from basic non-discrimination principles, civic citizenship includes rights in relation to residence, family reunification and right of participation in political life. Civic citizenship would be a common baseline for all residents in the EU; it would be part of a European framework for integration for policies towards third-country nationals. Such integration policies would contribute to social cohesion and economic competitiveness, whilst remaining faithful to the Union's principles of legal and political equality and social inclusion.

Taken from, "The European Civic Citizenship and Inclusion Index (2005)"

British Council Brussels, Foreign Policy Centre and Migration Policy Group

www.britishcouncil.org

[129] COM (2000) 757: http://europa.eu.int/eur-lex/en/com/cnc/2000/com2000_0757en01.pdf

[130] Niessen, J. and Schribel, Y. (2004) *Handbook on Integration for policy-makers and practitioners,* Migration Policy Group on behalf of the European Commission (Directorate-General for Justice, Freedom and Security) (p.40): www.migpolgroup.com

Council Directive 2003/109/EC of 25th November 2003 concerning the status of third-country nationals who are long-term residents

The aim of the Directive, "is not to replace the existing national long-term resident status, but rather to enable third-country nationals to enjoy a legal status comparable to that of EU citizens and allow the persons concerned, under certain conditions, to move from one Member State to another, maintaining the rights and benefits gained in the first Member State, without being required to comply with all the procedures to which new migrants are subject."

"The social exclusion of minorities weakens the social bond and questions the strength of citizenship as an integrating force in contemporary society. The exclusion of ethnic minorities from citizenship is brought about through discourses and practices in which gender, race, class and culture are interlocked."

Taken from, "Citizenship and Migration -Globalisation and the politics of belonging (2005)"

(Castles and Davidson)

even if they are not naturalised."[131] In 2003, the EU Council issued a directive concerning the status of third-country nationals who are long-term residents.

The directive is seen as an important step in confirming the rights and obligations of legally resident third-country nationals, which in itself is viewed as central in moving the concept of civic citizenship forwards. Ireland, along with Denmark and the UK, has unfortunately opted out of this directive, citing the common travel area arrangements with the UK as a reason.

4.6

Barriers to political participation

There are many factors that directly impact on the ability of migrant workers and members of their families to participate in the political process. Income adequacy, security of residence, employment security, the temporary nature of the work permit system, language, legal status and the reality of social exclusion are some of the obvious barriers to political participation. From a cultural point of view, there are sometimes negative perceptions or fear of authority that exist for some communities, which may pose other challenges in attempting to engage with the formal system. Participation also depends, crucially, on the creation of opportunities to participate, and on the openness of societal institutions. The Irish Human Rights Commission has pointed out that, "the clientist nature of parliamentary democracy means that some voices will always be louder in the political system, while the needs of others may often be ignored."[132] In an Irish context, the

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[131] COM (2003) 336 final:
http://europa.eu.int/comm/justice_home/funding/doc/com_2003_336_final.pdf

[132] Irish Human Rights Commission (2005) *Making Economic, Social and Cultural Rights Effective: An IHRCI Discussion Document* (p. 21): www.ihrc.ie

highly centralised nature of the decision-making system means that the formal structures are more difficult to engage with. A fairly weak local government structure that is dominated by particular interests in society can also make the political process more exclusive. Migrant workers tend to be viewed as temporary residents and, therefore, assumptions are made about their lack of desire to participate in political processes.

4.6.1 Social exclusion and experiences of racial discrimination

Social exclusion often means a situation of political powerlessness.[133] It has been acknowledged that ethnic minorities, including migrant workers and their families, are at risk of social exclusion in Ireland today.[134] The reality is that many migrant workers who possess formal political rights are often unable to enjoy them. Castles and Davidson have stated that this situation applies to the growing proportion of the population of western nations who are so economically and socially disadvantaged that they cannot fully participate in society. These groups are often referred to as the 'underclass' or the 'excluded'.[135] Migrant workers in many European countries, most notably those in the lower paid and less stable sectors of the economy, form part of this political underclass, which clearly impedes the degree to which integration is possible. This is a reality that Ireland can learn from, not least in terms of the experience of many Irish emigrants who became, or have become, socially excluded from the host countries that they live and work in.

As a result of a combination of social class factors and experiences of racism, members of ethnic minorities have a high probability of belonging to socially excluded groups. Many such people have formal political rights, but lack real opportunities of participation in established political structures. "Their voice is largely absent in parties and parliaments."[136] Interacting with, and attempting to participate in, the representative democracy structures here in Ireland is undoubtedly a

"Immigrant interest in voting grows with the presence of candidates who have an immigrant background. While immigrants can stand as independents, mainstream political parties are also called upon to actively encourage the participation of immigrant candidates. It is important that immigrant candidates have the possibility to stand for cross-cutting issues, rather than only for immigrant issues, which could have a segregation effect."

The Migration Policy Group on behalf of the European Commission

Taken from, "Handbook on Integration for Policy Makers and Practitioners"

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[133] Castles, S. and Davidson, A. (2000) *Citizenship and Migration - Globalisation and the politics of belonging,* Routledge: New York (p.109)

[134] National Action Plan Against Social Exclusion and Poverty 2003-2005: www.socialinclusion.ie

[135] Castles, S. and Davidson, A. (2000) *Citizenship and Migration: Globalisation and the politics of belonging,* Routledge: New York (p.109)

[136] Ibid (p.109)

daunting task for any 'newcomer' who has to first acquaint themselves with a new political system, a different way of doing things and, often, with the language barrier. Experiences of individual and institutional racism will also, clearly, have an impact on the degree to which migrant workers are going to attempt to engage with the political system and attempt to have their voice heard. The trend towards political parties using immigration as a way to gain electoral support, only compounds this reality.

The ability for migrant workers to engage with the more formal representative structures is very dependent upon legal status (for example, the temporary nature of the work permit leaves many feeling that they are not stakeholders in the process). Those who are socially excluded, and on the margins of Irish society, are going to find it even more difficult to become active political citizens. It is also important to emphasise that there is a substantial number of migrant workers who have no political rights, in any manner, in Ireland today because they lack secure resident status. These include undocumented migrant workers who have 'fallen out' of the system and are experiencing difficulties regularising their status. The degree to which they are socially excluded and, in many ways, invisible in Irish society has vastly negative implications for the degree to which they can actively participate politically. They may have integrated into the workplace, and may have also begun to integrate in the local community, but their irregular status will mean they have no access to formal political rights and citizenship.

4.6.2 Democratic deficit – lack of voter participation

There is a very evident democratic deficit in Ireland today and this is obvious when examining the levels of voter participation of certain marginalized groups. Voting is a key element of representative democracy, and electoral rights are at the core of political participation in democracies. At the local level, electoral rights provide immigrants with political representation in decisions that affect their most immediate needs.[137] It is, however, widely acknowledged that there is a level of disillusionment with politics in Ireland. The Democracy Commission has identified that there is an impression of disempowerment and disillusionment amongst many of those

Representative democracy extends to the formalised structures of government at a local and national level. It envisages a number of levels of participation, these include:

- *involvement of migrant workers within political parties*

- *migrant workers representing their community as independent candidates*

- *migrant workers exercising their right to vote.*

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[137]   Niessen, J. and Schribel, Y. (2004) Handbook on Integration for policy-makers and practitioners, Migration Policy Group on behalf of the European Commission (Directorate-General for Justice, Freedom and Security) (p.41): www.migpolgroup.com

with whom they have spoken. This is reflected in the poor turnout at elections (in the last general election the turnout was 63%; 3% lower than the previous election). "A CSO survey of attitudes, conducted after the last election in the Republic of Ireland in 2002, found that a worrying 4 in 10 Irish people believe that their public representatives do not care about the opinions of ordinary people, while even fewer believe that politicians are honest."[138]

It is widely documented that those who are marginalized within society are less likely to vote and to engage in society. This is the case for many migrant workers who do not feel they have a stake in Irish society due to the lack of representation by the political establishment, the lack of consultation about decisions that affect their lives and the lack of resources to organise and participate. Many migrant workers may not know they have the right to vote. In Fact, many choose not to vote because they believe that their voice has no value, and because they do not know how to register and may feel confused by the process.

> *"Ireland has seen a worrying decline in the number of people voting in local, national and European elections in recent years. Research has highlighted a number of core factors in this decline:*
>
> - *Barriers associated with educational disadvantage*
>
> - *Registration and voting processes*
>
> - *A sense of exclusion and alienation from the political process*
>
> *These factors have a relevance to Black and minority ethnic communities. They reflect a serious problem for the effective functioning of democracy."*
>
> **The Equality Authority - Building an Intercultural Society www.equality.ie**

4.6.3 A lack of political representation

"Black and minority ethnic groups, including Travellers, are largely invisible in representational political processes at both a local and national level."[139] Many migrant workers do not feel that they are represented by mainstream political parties, and do not believe that local political representatives adequately represent their interests. There is undoubtedly a lack of diversity present in the representative democracy structures at a local and national level in Ireland. In June 2004, a number of individuals from ethnic minority communities contested the local elections, and two were elected to local councils. Whilst this is an important first step in creating a visible diversity in local political structures, it does not guarantee genuine participation for members of new communities in Ireland. Research shows that there is a need for the

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[138] The Democracy Commission (2004) Disempowered and Disillusioned but not Disengaged – Democracy in Ireland: A progress report: www.democarcycommission.ie

[139] The Equality Authority Building an Intercultural Society (p.19): www.equality.ie

Rotimi Adebari's story

Rotimi is a local councillor; one of the few local representatives in Ireland coming from an ethnic minority background. He ran for office to combat the negative publicity about immigrants 'milking' the system, to have the voice of ethnic minorities heard at a local and national level, and to promote a positive image of new communities in Ireland. Rotimi feels that it is very important that ethnic minorities have the opportunity to have their voices heard and that this is critical in terms of combating racism in Ireland.

"As long as ethnic minorities and marginalized groups of people in society are denied power, they will be socially excluded. Power is a multidimensional issue but if you have some form of political representation, it's a good start." Rotimi acknowledges how strong and, indeed, how representative that voice is, is another matter.

As a local councillor Rotimi has identified that inequality and discrimination are not confined to the new communities in Ireland, but are experienced by many different groups in society. The socially excluded (Travellers, lone parents, people with disabilities) in his constituency require a voice in politics. Looking to the future, Rotimi argues that the political structures need to reflect the multicultural Ireland of today, and the services provided need to be more culturally appropriate.

The challenge for the Irish government is to provide an enabling atmosphere, to recognise and fund the important work of NGO's in this area, and also recognise and resource the Immigrant Lead Organisations so that the voice of immigrants in Ireland is strengthened, and people are actively encouraged to engage with the system.

Adapted from an interview with Rotimi Adebari (Nigerian National and Independent Councillor in Co Laois 2004)

main political parties to take active steps to encourage immigrants to participate in politics. A survey conducted of the six main political parties in Ireland, "found an absence of measures aimed at encouraging immigrants and ethnic minorities to become involved in Irish politics."[140] The report from the World Conference Against Racism underlines, "the key role that politicians and political parties can play in combating racism, and encourages political parties to take concrete steps to promote equality, solidarity and non-discrimination in society."[141]

Political parties will see increased involvement of immigrants when they refrain from using anti-immigrant rhetoric in their public pronouncements.[142] It is important that the tone and content of political debate in relation to immigration does not fuel racism and xenophobia. Public representatives, political parties, candidates and the media all have specific roles to play in this regard.[143] It is essential that politicians, who are the public representatives and supposedly represent the 'voice of the people', are careful about the rhetoric and language used in discussing sensitive issues in relation to immigration. "There is no doubt that political leadership can play a crucial role in combating racism, and influencing public opinion in a positive way."[144] It is to be welcomed that there is a broad consensus within political parties in Ireland to address racism. All the political parties have signed the Anti-Racist Political Protocol, which they re-endorsed on 21st March 2004.[145] This is a significant commitment, but there is a key challenge for political parties to take ownership of the protocol and ensure its enforcement.

There is a gender perspective in relation to political participation of minority ethnic women that requires attention. In general, there is a serious under-representation of women in the formal political system in Ireland. The way in which political life is structured poses challenges for childcare and work/life balance, which alienates many women from engaging fully. Some minority women have expressed difficulties, from a

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[140] Quinn & Hughes, European Migration Network, Policy Analysis on Asylum and Migration: Ireland 2003 to Mid-2004, 2005

[141] The Equality Authority Building an Intercultural Society (p.19): www.equality.ie

[142] Niessen, J. and Schribel, Y. (2004) Handbook on Integration for policy-makers and practitioners, Migration Policy Group on behalf of the European Commission (Directorate-General for Justice, Freedom and Security)(p.42): www.migpolgroup.ie

[143] NCCRI - Submission made to the Democracy Commission 16th August 2004 (p.9): www.nccri.ie

[144] European Commission Against Racism and Intolerance Council of Europe Report from a High-Level Panel Meeting on the occasion of the International Day for the Elimination of Racial Discrimination Paris, 21st March 2005 The use of racist, anti-Semitic and xenophobic elements in political discourse (p.5)

[145] Ibid (p.9)

An example of building leadership

In 2004 the MRCI ran an eight-week introduction to community work and leadership course. The course aimed to equip migrant workers with the skills, analysis and knowledge necessary to identify the issues affecting them and their families, and to take action and leadership roles in promoting rights for migrant workers. The course aided participants to develop an understanding of the policy and decision-making structures in Ireland; especially those relevant to economic migration. Throughout the course participants were supported to:

- Make the connection between their own individual experience and journey of migration, and a broader analysis of the Irish and global system migration.

- Critique the system of migration by addressing some of the issues that faced them. This culminated in a presentation to The Work Permit Section of The DETE on recommendations for change in relation to the current work permit system in Ireland.

- Participants have actively engaged with the political structures in Ireland by:

- Lobbying their local councillors on issues concerning them.

- Members of the group actively participated in NAPS Incl. regional seminars, the Social Inclusion Forum 2005, research on migration for the National Economic and Social Council (to be published this year)

- Several participants went on to become involved in a campaign to amend the Employment Permits Bill 2005 (part of this involved the collection of over 4,000 signatures for presentation to the Minister for DETE.

cultural perspective, in becoming vocal within their own communities, and in taking up representative positions. Combined with gender discrimination in the formal representative and decision-making structures and processes, there are particular barriers for women from minority ethnic communities. Some of these barriers include experiences of gender inequality within their own community, the perceived role of women in general, lack of resources and supports, and the experience of racism when attempting to articulate their own concerns.

4.6.4 Absence of opportunities and supports to actively participate

"Participatory democracy is essentially about striving to achieve, to the greatest possible degree, the most equal distribution of power in society." [146]

Visibility of individual migrants in the local and national political structures, whilst a most welcome and important development, does not guarantee participation of others (especially those most vulnerable to social exclusion). The formal, and highly centralised, structure of decision making in Ireland offers a very limited type of political participation to those on the margins of Irish society.

There is virtually no representation of migrant workers or their organisations in the democratic institutions at a local, regional and national level. It has been identified that, "consultative bodies at the local and national level have a potential to stimulate political participation by immigrants, and to improve integration policies by communicating the views of immigrant representatives to governmental and other stakeholders." [147] No specific committees or forums have been established to address the needs of migrant workers or their families, or have there been resources dedicated to this.

The participation of migrant workers and their families in the development, not only of an integration strategy but also in

"The growth of community-based organisations, representing the interests of communities experiencing racism, is an important factor in advocating for, and securing, greater visibility and inclusion in decision and policy making for Black and minority ethnic groups. These organisations play a range of roles including service provision within their own communities, sustaining an infrastructure for their culture and identity, and identifying and articulating the collective interests of their community. A significant network of Traveller organisations has made important contributions in all these areas at a national and local level. Black and minority ethnic groups face significant challenges in organisation building and in securing the necessary resources to play such participating roles."

The Equality Authority

Taken from, "Building an Intercultural Society"

www.equality.ie

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[146] Community Workers Co-operative (2000) Partnership, Participation and Power – The contribution of the Integrated Local Development Programme to the development of structures for local participation in decision-making

[147] Niessen, J. and Schribel, Y. (2004) Handbook on Integration for policy-makers and practitioners, Migration Policy Group on behalf of the European Commission (Directorate-General for Justice, Freedom and Security) (p.42)

decisions that effect their lives on a daily basis, requires resourcing and the creation of spaces where people feel they can engage with the political system and have their voices heard. Political participation of migrant workers will not happen over night, it needs to be resourced, and there is a need for the decision-making institutions to reach out to those disaffected and alienated from politics.

Conclusion

The political dimension to integration is concerned with the right of migrant workers and their families to participate in the decisions that impact on their lives. Access to formal political rights (in terms of, for example, the right to vote and stand for office) is important in relation to migrant workers having their voice heard in the democratic political processes both locally and nationally. Some such formal political rights are guaranteed by becoming an Irish 'citizen'. However, traditional notions of citizenship do not guarantee active participation for all groups in society and are also being challenged by modern day migration. This section has looked at evolving concepts of active and civic citizenship that are more applicable to modern day realities. It has also been highlighted that possession of formal political rights does not necessarily guarantee active participation in the political process. In turn, this section has outlined the barriers facing migrant workers and their families to participating in the political sphere, focusing on social exclusion, experiences of racism, lack of voter participation and political representation, and an absence of supports for participative democracy. This section has emphasised the value of community work as an approach in promoting the empowerment and participation of migrant workers and their families in society and its structures. Political participation is essential to the creation of the conditions for integration. In a multicultural Ireland, it is imperative that there is ethnic minority representation and active participation in the decision-making process. This is essential in terms of ensuring that our policies respond to the main concerns and issues facing migrant workers and their families in Ireland. In turn, this contributes to the creation of a more inclusive society that promotes interculturalism and equality.

CULTURAL INCLUSION;
ANTI-RACISM AND
INTERCULTURALISM

5.1

Introduction

Culture is a way of both understanding and organising human life.[148] It is a complex term that is, in itself, increasingly evolving and diversifying as a result of the effects of globalisation, migration and political interpretations. It has been identified, however, that within the context of increasing ethnocultural diversity and globalisation, cultural rights are an essential part of the citizenship framework and of the integration process. Such rights can include: full access to the majority language and culture, the right to the maintenance of minority languages and cultures, the right to different customs and lifestyles (within a general framework of law that is not culturally biased), educational equality, and the right to intercultural and international communication.[149]

Ireland is a multicultural and multi-ethnic society, with many different communities making up this diversity. Such diversity is not new. In addition to the Traveller community (the largest indigenous ethnic group in Ireland), there is the long established Jewish community, Black Irish community, and growing Islamic, Asian and Chinese communities. However, there has been, "a significant broadening of cultural diversity in recent years, both in terms of numbers of people and national or ethnic origin."[150] The arrival of migrant workers has further enriched Irish society. Migrant workers come from a multiplicity of ethnic backgrounds and countries, with a range of cultural identities. This is contributing to the complexity of ethnic diversity emerging within an Irish context.

Debates on culture and multiculturalism are gaining momentum across Europe. The underpinning interpretations, concerns and tensions around culture are, unfortunately, fuelled by negative views on the impact of multiculturalism on societies. Some commentators have suggested that the current debate on culture is a guise for avoiding more fundamental issues, such as, racism, the effects of globalisation and the impact of global politics on local communities across the world.

Common Basic Principles of Integration

Frequent interaction between immigrants and citizens is a fundamental prerequisite for integration.

Respect for the diversity of culture and religion as long as they are compatible with the Charter of Fundamental Rights.

(JHA Council 19th Nov 2004)

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[148] Parekh, B. (2000) Rethinking Multiculturalism Cultural Diversity and Political Theory, Palgrave: London (p.142)

[149] Castles, S. and Davidson, A. (2000) Citizenship and Migration Globalisation and the politics of belonging, Routledge: New York

[150] NCCRI Submission by the National Consultative Committee on Racism and Interculturalism (NCCRI) to the Democracy Commission (16th August 2004): www.nccri.ie

What is an ethnic group?

An ethnic group shares a common ancestry, culture, history, tradition and sense of belonging, and is a political and economic interest group. Ethnicity is a way of categorising people on the basis of self-identity and ascription by others.

What is culture?

Culture is the way in which ethnic identity is expressed. "Everybody has a culture. It is a package of customs, traditions, symbols, values, phrases and other forms of communication by which we can belong to a community... Culture is the way we learn to think, behave, and do things."

Report of the Task Force on the Travelling Community (1995)

Respect for cultural diversity and the ability to access cultural rights should be set in the context of an anti-racism framework, and must also take into consideration mass migratory movements globally. This mass movement, "together with new technologies and communications bring cultures in contact at a speed that is tremendously challenging for people and societies to absorb, without profound ramifications, sometimes in the form of racism, xenophobia and intolerance, limitations to human rights and outright conflict,"[151] Yet, the positive contribution that cultural diversity brings to the development of society is widely acknowledged. This is in danger of been ignored without an integration strategy that focuses on granting cultural rights to ethnic groups.

No doubt, the issues are complex but it is important that the cultural dimension to integration is highlighted. This section will focus on a specific number of issues that are relevant to the promotion of integration for migrant workers and their families. It will begin, firstly, by looking at the policy context at a national and European level, and will then endeavour to highlight the important cultural dimension that exists in relation to integration. This focus on the important cultural dimension will briefly critique some of the existing models, such as, assimilation, multiculturalism and interculturalism, as they are very relevant to current debates on integration. Finally, some of the barriers facing migrant workers and their families to cultural inclusion will be highlighted.

5.2

The policy context

At an international level there has, to some extent, been a focus on social, economic and political rights, but cultural rights have been invisible in international discourse and, "have attracted relatively little attention."[152] This is despite the fact that cultural rights have been enshrined in international law since 1966. The International Covenant on Civil and Political Rights (Article 27) and the International Covenant

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[151] Stamatopoulou, S. (2004) Why Cultural Rights Now? Paper to the Human Rights Initiative of the Carnegie Council

[152] Steiner, J. and Alston, P. (2000) International Human Rights in Context

on Economic, Social and Cultural Rights (Article 15), and the United Nations Universal Declaration provide for full recognition of cultural rights (which are considered indispensable for the maintenance of dignity), and a minimum condition for this is a right to participate in the cultural life of the community. States are obliged under these treaty commitments to put in place the necessary infrastructure to respect, protect and fulfil cultural rights.

Ireland has followed this trend and tended to ignore the issue of cultural rights. The Irish State has been slow to recognise Travellers as a minority ethnic group. This is despite the fact that the CERD committee, in its concluding observations of March 2005, encouraged work to concretely recognise the Travelling community as an ethnic group.[153] While there has been recognition of the need to respect and protect different cultures from racism and discrimination through the Equality Infrastructure and the recently published NPAR, the issue of the promotion of cultural rights remains unexplored. In its objective on recognition, the NPAR seeks to, "enhance recognition and respect of cultural diversity in Ireland through promotion of interaction and understanding between people, including a focus on awareness raising, the media and intercultural dialogue and interaction."[154]

Using an intercultural approach, cultural rights can include the following set of demands:

- *The right to "non-discrimination and equality*

- *The right to freedom from interference with the enjoyment of cultural life*

- *The right to freedom to create and contribute to culture*

- *The right to freedom to choose in what culture(s) and cultural life to participate*

- *The right to freedom of dissemination*

- *The right to freedom to cooperate internationally*

- *The right to participate in the definition, preparation and implementation of policies on culture". (United Nations' Development Report, Cultural Liberty in today's Diverse World, 2004)*

- *"Other elements connected to the right to participate in cultural life (inter-dependence of human rights: freedom of expression, freedom of movement, the right to work, freedom of religion, the right to an adequate standard of living)."*

Elsa Stamatopoulou

Taken from, "Why Cultural Rights Now?" (2004)

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[153] Concluding observations from CERD, Observation 20: www.diversityireland.ie

[154] Department of Justice, Equality and Law Reform (2005) Planning for Diversity: National Action Plan Against Racism 2005-2007: www.justice.ie

5.3

Cultural inclusion and integration

The recognition of cultural identity and the positive sense of self that this creates, is a fundamental human right and a requirement for a strong and vibrant community. It is a right and entitlement integral to the development of a culturally diverse society, and its recognition, "is a necessary precondition for the exercise of human rights."[155] Though not an exhaustive list, the set of demands (boxed left), are useful in providing a practical focus for the promotion of cultural rights within the context of an integration strategy. There have, however, been different approaches taken in response to emerging multicultural societies in Europe. An exploration of several of the main models is useful in the context of their relevance to creating the conditions for integration and social inclusion of migrant workers and their families in Ireland.

5.3.1 Assimilation

It has been identified that integration is a two-way process and, for the part of the migrant worker, should not result in the relinquishing of cultural identity in order to assimilate 'successfully' into society. "Assimilation means absorption, incorporation and digestion. The shedding of one's identity to become as if a member of the dominant group that makes up that society."[156] Assimilation dismisses a person's previous culture and identity. In the late 1970s and 1980s, the Irish State adopted an assimilationist approach to the 'integration' of the Traveller community. This approach failed dramatically and it has been stated that the denial of their status as an ethnic group, with a corresponding set of cultural rights, has directly contributed to the racism at an individual and institutional level that the community experience on a daily basis.[157] In terms of what we mean by integration, questions clearly have to be asked; does such a definition in practice contribute to the creation of an intercultural and anti-racist society? Should migrant workers and their families feel that they have to 'shed their own identity' in order to integrate and be socially included? Assimilation is very much a one-way process putting demands on ethnic minorities to adapt and conform to the host society, whilst, at the same time, failing to ask questions of that host society, and the way in which

[155] Celermajer, D. (Spring 2005) Human Rights Dialogue: 'Cultural Rights', Series 2: Number 12, Carnegie Council on Ethics and International Affairs

[156] Sarkozy, N. New Europe – New Vision (unpublished)

[157] The Irish government in its report to the United Nations Convention on the elimination of all forms of Racial Discrimination have stated that Travellers have a distinct culture, but deny that they constitute an ethnic group, therefore, denying them cultural rights

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its policies are designed and implemented with respect to social inclusion, equality and anti-racism.

5.3.2 Multiculturalism

Another approach that has been used in the past and recently has been the subject of much discussion (mostly in relation to its failure to create the conditions for integration of ethnic minority communities) is that of multiculturalism. Firstly, there is undoubtedly a need to make a distinction between 'multicultural society' and 'multiculturalism as a policy'. Ireland is a multicultural society and this is an accepted fact. A multicultural society simply refers to the presence of ethnic minority communities.

However, multiculturalism as a policy has been pursued in a number of EU countries in an attempt to generate racial harmony, and address racial disadvantage (for example, social segregation, and exclusion from the labour market and community tensions). Multiculturalism has often involved activities, such as, providing supports for cultural expression and multicultural events. It says little about either the situation or the status of the members of different cultures, it only implies their presence. Traditional multicultural approaches have also been criticised in the past for failing to adequately address racism, in particular institutional racism and the direct and indirect racism that flows from that. "Rather, it has been more concerned with tensions between cultures, and enabling different cultures to exist side by side. If a group or a community's position in society is only addressed at the level of their 'cultural fit', they often are then blamed for their own exclusion, i.e. the belief that some members of certain cultures are harder to work with, or are more aggressive. A classic example of this was the wide scale belief that Travellers were not interested in education and that they were responsible for high levels of illiteracy amongst the community."[158]

> *"Multicultural workplaces often disguise the reality that ethnic minorities and migrant workers are concentrated in the '3 D jobs' – dirty, dangerous and difficult. Multiculturalism does not include any real emphasis on equality, but on putting in place supports to assist different cultures to adjust and fit in, rather than a focus on rights or equality."*
>
> **Siobhan O'Donoghue**
>
> **The Mirgrant Rights Centre Ireland 'Challenging Multiculturalism' (March 2006; unpublished)**

5.3.3 Interculturalism

Interculturalism is essentially about creating the conditions for interaction, understanding, equality of opportunity and respect.[159] It is about ensuring that cultural diversity is acknowledged and catered for,

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[158] Ibid

[159] Department of Justice, Equality and Law Reform (2005) Planning for Diversity: National Action Plan Against Racism 2005-2007: www.justice.ie

with inclusion of minority ethnic groups by design and planning, and not as a default or add-on.[160] Interculturalism is underpinned by the principles of anti-racism and equality, and creating an intercultural society will involve taking steps to prevent racism, accommodate cultural diversity and provide positive action to support full equality for minority ethnic communities in Ireland. Interculturalism as a concept and approach undoubtedly moves forward the whole notion of multiculturalism to the creation of a more equal society. An intercultural society is, ideally, an inclusive one in which the integration of ethnic minorities is perceived as a two-way process that places responsibilities and obligations on both minority ethnic communities and the State.

There have been different responses and approaches used in relation to the emergence of multicultural societies in Europe. Their relevance to a discussion document on integration is that these approaches have been used to encourage and promote the inclusion and integration of immigrant and ethnic minority communities in the host societies, to varying degrees of success. Culture and the right to cultural expression have become contentious issues within such debates. In an increasingly diverse Ireland, the debate on integration and what it means to ethnic minority communities and to the host societies is becoming very topical. It is essential, therefore, to critique some of the existing models as part of an informed discussion on integration for migrant workers and their families in Ireland, and in order to learn from other countries' experiences. This is also important in the context of defining what we actually mean by the term integration. As the approaches above clearly indicate, integration can be interpreted very differently and, therefore, has vastly different outcomes for ethnic minority communities and the host society.

5.4

Barriers to cultural inclusion

Migrant workers and their families experience barriers in expressing their own cultural identity and, in some instances, are culturally excluded in Irish society. This can happen as a direct result of feeling that one's own culture (for example, practicing a minority religion, speaking a minority language or simply preparing different foods) must be suppressed in order to be included in Irish society. Lack of opportunities and structures for cultural expression and intercultural dialogue also form other barriers

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[160] Watt, P. and McGaughey, F. (2006) (NCCRI) How public authorities provide services to minority ethnic groups: Northern Ireland, Republic of Ireland, Scotland, Emerging Findings Discussion Paper, March 2006: www.nccri.ie

to the realisation of cultural inclusion. Experiences of racial discrimination form a serious barrier to the expression of one's own cultural identity and, again, can result in the suppression of culture on the part of migrant workers and their families. The level of fluency of the English language has a direct impact on migrant workers' cultural integration in Ireland. Access to the English language and understanding Irish culture is needed for meaningful participation, whilst maintaining the right to one's own language. The lack of consultative structures in which migrant workers and their organisations can contribute to the designing and shaping of policy issues in this area, form other barriers to the realisation of cultural rights for migrant workers and their families.

5.4.1 Racism and discrimination

Racism is a specific form of discrimination and exclusion based on the false belief that some 'races'[161] are inherently superior to others because of different skin colour, nationality,[162] ethnic or cultural background.[163] Racism can be experienced both directly and indirectly. The former relates to experiences of unequal treatment on the basis of race, ethnicity, national origins, nationality or colour, and the latter relates to practices or policies which intentionally or, more often than not, unintentionally result in discrimination by, for example, failing to respond to the needs of minority ethnic communities. In the context of cultural inclusion, it is important to address racism at a structural level. As stated previously, action at the individual level will not generate equality outcomes. Migrant workers experience racism and discrimination in a range of ways and this too has been reflected throughout this document. The NPAR 2005-2008 was developed in recognition of the existence of racism at an individual and structural level, and sets out a range of commitments to combat racism and to develop a more inclusive, intercultural society. In the context of NPAR, migrant workers are recognised as being victims of racism in its different forms.

Lack of awareness and understanding on the part of the majority population about other cultures, religions and traditions, contributes to

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[161] The term 'race' has been used in the past in an attempt to rank people according to their physical and biological criteria. Nowadays, 'race' is often written in inverted commas to underline the difficulty in defining that term

[162] While international and EU standards on racism tend to include discrimination based on national origin and not nationality, the Irish legislation includes reference to nationality and national origin. Under the Employment Equality Act 1998 and the Equal Status Act 2000 the 'race ground' is defined as discrimination on the basis of different race, colour, nationality or ethnic or national origins

[163] NCCRI *Submission to the Democracy Commission* (16th August 2004): www.nccri.ie

racism and xenophobia being experienced by migrant workers and their families. Much unfounded fear is based on a lack of information about the cultural norms of other societies (for example, migrant workers from particular parts of the world or from certain traditions, being perceived as a security threat or associated with certain strands of fundamentalism).

Racism can take different, sometimes overlapping forms, which can include:

Racism experienced by **Travellers** on the basis of their distinct identity and nomadic tradition.

Racism experienced by **recent migrants**, which includes migrant workers, refugees, asylum seekers and students studying in Ireland and temporary visitors, including tourists.

Racism experienced by **'black and minority ethnic people,** on the basis of their skin colour and ethnic and/or national identity, irrespective of their legal status.

The racism experienced by **Jewish and Muslim** people in the form of Anti Semitism and Islamophobia.

Planning for Diversity

Taken from, "The National Action Plan Against Racism 2005-2008"

www.justice.ie

5.4.2 Stereotyping and labelling

Labelling has been recognised as one of the main manifestations of racism in an Irish context.[164] "Negative stereotyping and portrayal, create and reinforce racist attitudes, and build a sense of alienation. The perpetrators of racism frequently seek justification for their actions based on biased images, myths and negative stereotypes of their victims."[165]

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[164] Department of Justice, Equality and Law Reform (2005) *Planning for Diversity: National Action Plan Against Racism 2005-2007:* www.justice.ie

[165] The Equality Authority (2004) *Building an Intercultural Society* (p.27)

Hussein's story

Hussein is a Sikh from India and is in Ireland on a student visa studying I.T. He applied to a supermarket for a part-time position at the Deli counter. He was successful in the interview, but before commencement in his new position, the manager approached him about his turban and beard. He was asked to shave for work in the future and, if possible, to leave the turban at home also.

As a Sikh, Hussein is not permitted to shave off his beard and has, in fact, been growing it as part of his religion. He explained this to the manager who was then concerned about hygiene. "I was embarrassed that he questioned my hygiene. My beard is clean and kept well. It's not an option for me to shave it off. His questions caused a little offence but I just presumed that, like most Irish people, he had absolutely no knowledge of the customs and traditions of the Sikh religion."

Labelling and stereotyping of a whole community undoubtedly fuels racial tension within society, undermines the integration process and can result in migrant workers feeling culturally isolated, excluded and suppressed. This is particularly evident when one considers the racism experienced by Jewish and Muslim people in the form of anti-Semitism and Islamaphobia. In the context of the rise of the Right in representative politics, and a rise in fundamentalism, it is imperative that cultural identity is not used to advance an inherently racist agenda, or to put fear in the minds of the majority population by stereotyping an entire community. Migrant workers are, in many instances, stereotyped, romanticised, polarised and victimised in the Irish media. Sensationalistic journalism can lead to a desensitising of the Irish public to issues (such as, the exploitation of migrant workers) and can fuel racial tension in reports of, for example, welfare tourism, as suggested in articles preceding the enlargement of the EU in some papers. The media, however, is also a powerful tool in fighting racism, and promoting cultural diversity in Ireland today.

5.4.3 Cultural exclusion

The lack of recognition of cultural diversity can result in migrant workers having to suppress their cultural identity in order to survive within the dominant culture. This creates a sense of conflict for the individual and their community, and can leave migrant workers excluded from the society in which they live. This can occur in the workplace, in accessing services such as, housing, health and education, practicing religion or when speaking the native language. Cultural exclusion can occur when migrant workers are actively encouraged to suppress their own culture in order to be accepted (for example, the wearing of certain items of clothing i.e. the Hijab). Cultural exclusion in the workplace is, unfortunately, something that some migrant workers have an experience of. Whether it is not being allowed to cook one's own food during time off as a domestic worker in the private home, or being denied the right to speak your native tongue in the workplace, this can amount to cultural suppression and a sense of exclusion.

Indeed, instances such as these are bordering on discrimination on the basis of race, which is prohibited under Irish Equality legislation. Cultural exclusion can be experienced at an individual level, but also at an institutional level. The absence of culturally appropriate service provision, in response to the needs of migrant workers at an institutional and community level, further excludes migrant workers from accessing supports and resources to support the development of infrastructure that promotes their cultural identity. The right to participate in the definition, preparation and implementation of policies on culture, is central to achieving cultural rights. In the absence of a consultative structure with migrant workers and their organisations, there is no avenue towards designing and shaping policy issues in this area.

5.4.4 Cultural Identity

Cultural identity has an important place in the migratory process. For migrant workers and their families the maintenance of their own cultural identity may translate into keeping the mother tongue alive in the family, preparing traditional food from the home country or listening to music that reminds them of their country of origin. This does not mean that the family in question do not wish to participate in Irish society. Nor, does it mean that they do not respect Irish cultural norms, or wish to distance themselves from mainstream society. As was previously pointed out, integration does not entail the shedding of one's previous culture.

In a cultural context, Migrant workers arrive in Ireland from areas of the world that are culturally very different to Ireland. Their arrival in Ireland will require a level of adjustment often referred to as 'culture shock'. Over time, they get used to the different symbols, traditions and norms of Irish culture, but will need some familiar symbols on the horizons to relate to. This may take the form of a mosque in the local area or an ethnic food shop that sells produce from their home country. The right to the maintenance of minority languages and cultures, and the right to different customs and lifestyles (within a general framework of law that is not culturally biased) are key elements, therefore, of an integration strategy. Also key to this is the creation of spaces for intercultural dialogue and, within this, awareness raising and recognition of different cultures.

Culture is becoming increasingly politicised in all countries of immigration. As ideas of racial superiority lose their ideological strength, exclusionary practices against minorities increasingly focus on issues of cultural difference.[166] Obviously, the right to maintenance of cultural identity and different customs and lifestyles must be in accordance with the legislation framework of law in Ireland. However, it is just as important, in the context of creating the conditions for integration, that, in order to feel included in Irish society, suppression of culture is not seen as the only option to migrant workers.

"For ethnic minorities, culture plays a key role as a source of identity and as a focus for resistance to exclusion and discrimination. Reference to the culture of origin helps people to maintain self-esteem in a situation where their capabilities and experience are undermined. But a static, primordial culture cannot fulfil this task, for it does not provide orientation in a hostile environment. The dynamic nature of culture lies in its capacity to link a group's history and traditions with the actual situation in the migratory process."

Taken from, "The Age of Migration International Population Movements in the Modern World" (Castles and Miller)

5.4.5 Diversity within cultures

As has been previously mentioned, there is no such thing as a homogenous culture and, indeed, migrant workers and their families in Ireland represent a multitude of cultural identities and a richness of cultural diversity. It is also imperative to point out that within this, people possess multiple identities, and their cultural identity is shaped by many different factors including gender. An individual's experience of racism is informed by a multiplicity of factors including gender, age, sexual orientation, religion, disability, and marital or family status.[167]

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[166] Castles, S. and Miller, M.J. (2003) *The Age of Migration: International Population Movements in the Modern World,* Palgrave: London, Third Edition (p.40)

[167] The Equality Authority (2004) *Building an Intercultural Society*

"We are convinced that racism, racial discrimination, xenophobia and related intolerance reveal themselves in a differentiated manner for women and girls, and can be among the factors leading to deterioration in their living conditions, poverty, violence, multiple forms of discrimination, and in the limitation or denial of their human rights."

Taken from a report by, "The World Council Against Racism"

www.wcar.com

Gender is wrapped up in cultural identity and, in terms of addressing racism and the impact it can have on cultural identity, it is important to acknowledge that women experience racism differently (for example, being dismissed from a job due to pregnancy or being trafficking for the purpose of the sex industry). This intersection of racism and sexism is important to consider. It is especially when discussing cultural identity and migrant women within minority cultures seeking access to services because, "if measures and actions do not specifically name and target women who experience multiple forms of discrimination they most likely will be excluded from the benefits of such measures, further reinforcing their unequal position."[168]

Migrant workers and their families need to be supported in expressing their cultural identity in a manner that does not force isolation and disenfranchisement from mainstream society. What is evident from our own experience of emigration, is that channels for cultural expression will be found but are more likely to be seen as subversive, if not supported. A positive sense of identity is one of the fundamental requirements of a strong and vibrant community. The development of a positive sense of identity can be difficult in a context where one culture is seen as the norm. The lack of recognition of cultural diversity, and the absence of resources to give full expression to one's culture, are barriers to reinforcing a positive sense of identity within minority ethnic communities.[169] In a variety of ways and on a daily basis in Ireland, Migrant workers and their families express their own culture (for example, in the existence of religious structures, such as, Sikh Temples or Mosques, ethnic food shops, newsletters and information, in general, in native languages). This may also take the form of observance of a national holiday in the home country (for example, attending service in a Sikh temple, followed by the sharing of news and typical Indian food together as a community).

Cultural expression needs to placed in the context of what is legally acceptable under Irish legislation, and it cannot be used as a justification, in any way, for the violation of an individual's or a group's human rights. The expression of culture in the host society is a negotiation of sorts and there are complex issues involved. These are

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[168] Community Workers Co-operative *Submission on the development of the National Plan for Women* (Friday, 15th February 2002)

[169] The Equality Authority (2004) *Building an Intercultural Society* (p.28)

Kuldip's story

Kuldip Singh came to Ireland thirty years ago from India. He lives here with his wife and children and is very much involved with the Indian and Sikh community in Dublin.

In 1985, Mr Singh, along with several other fellow Sikhs, held a meeting for the growing Sikh community in Dublin. The people indicated that they wanted a temple where they could practice their religion, as well as come together as a community and support each other. Initially, they met in a restaurant in Dublin every Sunday where they would pray and then eat together.

A generous donation from a Sikh in England, along with donations from all members of the community, secured a building on Serpentine Avenue in Ballsbridge. The Sikh temple has been located here since 1998. Mr Singh sees the temple as being helpful to the Indian community in Ireland, but it is not exclusively for those who adhere to the Sikh religion.

The temple is not just about having a space to practice religion and pray together, it also creates a sense of community. It provides a crucial network for students arriving in Ireland for the first time, a place for people to meet, share information, support each other and eat together. Members of the Irish community are very welcome to visit the Sikh temple, and many have been invited to come and pray together on a Sunday.

The temple itself provides an important symbol on the Irish horizon for the Sikh community to engage with. This is undoubtedly very important in terms of retaining a sense of cultural identity and in combating social exclusion and isolation.

clear examples of acts, legitimised by some under the auspices of cultural practice, which are clearly illegal and a violation of human rights. Cultural expression is clearly an inherent part of cultural rights, and should be facilitated and respected within a framework that acknowledges human rights and legal activity.

5.4.6 Religious discrimination

Religion is a central element of this expression of cultural identity. As Castles and Davidson point out, "one of the first collective actions of a new immigrant group is often to set up a place of worship."[170] It is important that migrant workers and their families have a space to practice their own religion, as it is a core aspect of culture. It also plays an important role in the rebuilding of identity for the migrant worker in a new culture, and it serves as vital link with his or her own community. Structures such as the mosque, form not only a symbol of culture and a means of practicing a minority religion, but form vital access routes to informal networks where migrant workers can share information and support each other. The role of the Church in providing help and orientation to immigrants has been well documented. However, we need, to be somewhat cautious in naming religious leaders as the most valid and legitimate community leaders. While not undervaluing the role of religion in a community's existence, it is also true that dominant religious doctrine can alienate minority views within that community (for example, sexual minorities and women).

In a European context, it has also been documented that there has been an increase in instances of religious and racial discrimination, most notably in the rise of Islamophobia and anti-Semitism. There is undoubtedly an intersection between racial and religious discrimination, with certain religions being stereotyped and labelled due to a lack of understanding and interchange between religious communities. At the same time, the expression of extreme or fundamentalist convictions can serve to undermine the enjoyment of human rights by mainstream religious communities.

Clearly, not all migrant workers are religious and, indeed, in different cultures religion plays different roles. Therefore, it is important that people do not feel additionally excluded because they choose not to be active within their own minority religion in the host country. This is why the creation of safe, neutral spaces where cultural difference can be expressed and celebrated, is vitally important for the maintenance of

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[170] Castles, S. and Davidson, A. (2000) *Citizenship and Migration - Globalisation and the politics of belonging,* Routledge: New York (p.135)

Zhyan's story

Zhyan has been living in Ireland for seventeen and a half years. She and her husband, along with their three teenage sons, came to Ireland from Kurdistan and have made their home in Dublin. She is awaiting news on her citizenship application, which she applied for three years ago. Zhyan feels that she can still be part of Irish society and get involved in the local community without formal citizenship rights. She does not want to feel like a stranger in Ireland, especially after spending over seventeen years of her life making a new home here for her family. "Years ago it made me very sad when I told people I was from Kurdistan and nobody had heard of it!" Zhyan feels that in order to integrate fully into Irish society it is important that the host country is aware of new cultures, and that this is celebrated with both immigrants and the local community. In 2002, Zhyan and other members of the Kurdish community in Ireland established the Kurdish Irish Society. Since 2001, the 21st of March, International Day for the Kurdish Community, has been celebrated in Ireland. This day has become a great celebration of diversity, where Kurdish people get an opportunity to express their culture with the Irish, which is, as Zhyan says, "very important because many are very far away from home, from their people and their country". Zhyan also feels that it is very important that such celebrations do not occur in isolation, as being able to come together to share culture with the Irish people creates a sense of community.

cultural identity and the celebration of cultural diversity in a multicultural Ireland.

5.4.7 Intercultural dialogue

It will be easier for migrant workers to feel that they can express their own culture when there is better awareness in Irish society of the existence and importance of cultural diversity. This is essential in creating the conditions for integration for migrant workers and their families, and also in the creation of an intercultural society. There is no structure where migrant workers can express their concerns, or impact

"Since culture is concerned with the meaning and significance of human activities and relations, and since this is also a matter of central concern to religion, the two tend to be closely connected. Although no culture can be exclusively based on religion, it can be shaped by it in different ways and degrees. Some cultures are primarily derived from, and heavily dependent on, religion, in other cultures religion is only one source of influence and this is constantly challenged by the influences of science, secular morality and critical reason. In different cultures religion plays different roles."

Taken from, Rethinking Multiculturalism by Bhikhu Parekh page 147

on cultural policies at a government level in order to inform policy makers of mechanisms that could be put in place to create an intercultural society where all cultural rights are respected.

The NPAR, in its objective on recognition, has committed to working with the media, arts/culture, sports and leisure, and tourism sectors to promote interaction, and to raise awareness and understanding of cultural diversity. Some of this work will entail combating negative stereotyping and racism in its various manifestations, and will also require the creation of spaces for intercultural activity and dialogue, so that interaction and understanding is promoted between the majority population and ethnic minorities.

One key mechanism for promoting anti-racism and cultural diversity is education. Ireland is now a multicultural society and children of migrant workers are attempting to integrate in schools around the country at a national and secondary level. The curriculum in the Irish education system should reflect the multicultural nature of Irish society in a manner that creates awareness of other cultures and celebrates diversity. There is no doubt that intercultural activities can create positive spaces for interaction, inclusion and, in an informal manner, increase awareness of cultural diversity. This is evident in the arts and in sports, with initiatives, such as, Sports Against Racism Ireland (SARI) and various annual Intercultural Events hosted by community groups around the country. Is important that migrant workers and their families have access to such events, and that these, in turn, are resourced sufficiently to ensure inclusion and diversity of participation.

5.5

Conclusion

Culture, whilst complex and changing in nature, represents a core element of an individual and a community's sense of identity. Whilst there have been increasing debates about culture and cultural rights in multicultural societies, such complexities should not move away from the fact that respect for cultural rights needs to be set in the context of an anti-racist framework. As it becomes unacceptable to blatantly

express racist views, there is a tendency to use culture as a basis for criticising diversity and as a guise for racism. There is a strong cultural dimension to the integration process; a process that should not result in the relinquishing of cultural identity in order to assimilate 'into' society. This section has briefly explored some of the different approaches taken in response to emerging multicultural societies in Europe, in the context of their relevance to creating the conditions for integration and social inclusion of migrant workers and their families. Assimilation, multiculturalism and interculturalism were discussed in this manner followed by a focus on some of the issues and barriers to cultural inclusion for migrant workers and their families. Some of these issues relate to racism and discrimination (namely stereotyping and labelling), cultural exclusion, the need to acknowledge diversity within cultures, religious discrimination and the essential space required for intercultural dialogue.

"Interculturalism is essentially about interaction between majority and minority cultures to foster understanding and respect. It is about ensuring that cultural diversity is acknowledged and catered for. It is about inclusion for minority ethnic groups by design and planning, not as a default or add-on."

National Consultative Committee on Racism and Interculturalism (NCCRI)

www.nccri.ie

SECTION 6

RECOMMENDATIONS TOWARDS REALISING INTEGRATION

6.1

Overview of key recommendations

This section begins by setting out a series of principles and core elements that should underpin developments in the area of integration for migrant workers and their families. This is followed by a set of existing and new policy recommendations that are particularly relevant to creating the conditions for this integration. Many of the recommendations made here are evidence-based and arise from the MRCI's experience in working directly with migrant workers and their families, who find themselves in situations of vulnerability. We do not seek to present a definitive list of recommendations, rather to build on our own experience and knowledge.

6.1.1 Principles underpinning integration

Creating the conditions for the integration of migrant workers involves them being recognised as full participants in Irish society, and as human beings with civil, political, economic, social and political needs and rights. The meaningful integration of migrant workers and their families is fundamental in developing a more inclusive and intercultural society. "Developing a more inclusive and intercultural society is about inclusion by design, not as an add-on or afterthought. It is essentially about creating the conditions for interaction, equality of opportunity, understanding and respect."[171] To this end, any attempt at creating the conditions for integration must be underpinned by principles of anti-racism, equality, human rights and inclusion.

6.1.2 Key elements of integration

It has been pointed out that many European countries are still faced with persistent and structural difficulties in terms of the economic, social and political inclusion of their immigrant populations, and that the EU currently has a legal 'underclass' of third-country nationals, who do not enjoy the same rights as EU citizens.[172] The European Civic Citizenship and Inclusion Index sets out a formulation of inclusion based on labour market inclusion and civic citizenship. This useful framework identifies five key policy areas that can be used to facilitate immigrant inclusion:

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[171] Ibid

[172] British Council Brussels, Foreign Policy Centre and Migration Policy Group *European Civic Citizenship and Inclusion Index* 2005 (p.3): www.britishcouncil.org/brussels-europe-inclusion-index.htm

labour market inclusion, residence (long-term residence), family reunion, naturalisation and anti-discrimination. In each of these areas, the measures suggested are about creating favourable policy conditions for immigrant inclusion. All of these policy areas were focused upon, to varying degrees, throughout this discussion document, as they are seen as essential in the creation of the conditions for integration.

In addition to these core elements, clear and transparent rules of admission and entry are an absolute perquisite for meaningful integration strategies. How migrant workers are admitted, and the rules and regulations associated with their residency, is central to the integration process, either creating a sense of security or fostering insecurity and forced exclusion. Family reunification has been mentioned above and, without doubt, it is, in the experience of the MRCI, a key ingredient to the integration process. Families promote positive integration, and the family unit has been identified as a key agent of integration for immigrants. The MRCI and others have called for a clear policy response to the issue of family reunification. This policy response should set out transparent rules and procedures, facilitate family reunification on a basis that is fair and equitable and does not penalise, and further marginalize, those on low incomes. Access to citizenship and length of time, and conditions associated with such, is another core element of the integration process and a highly relevant policy area. It has been recommended by the Index[173] that, "immigrants and their family members should have access to nationality after a limited number of years, and the second and subsequent generations should acquire nationality automatically at birth."[174] Anti-discrimination, which, in itself, can be legislated for in terms of equality of access to key services for migrant workers and their families, promotes equality, which is a basic human right to all. A number of these elements are addressed in more detail later in this section.

6.1.3 Integration policy framework

Legislating for integration is a complex issue, especially in the absence of a strong working definition in an Irish context. It is particularly challenging when one considers the vastly different objectives associated with integration evident in other European countries, i.e. assimilation versus multiculturalism. The Employment Permits Bill 2005, and the soon

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[173] European Civic Citizenship and Inclusion Index: www.britishcouncil.org/brussels-europe-inclusion-index.htm

[174] British Council Brussels, Foreign Policy Centre and Migration Policy Group (2005) *European Civic Citizenship and Inclusion Index* (p. 15): www.britishcouncil.org/brussels-europe-inclusion-index.htm

to be published Immigration and Residency Bill, are two examples of legislation that will have a direct impact on the integration process. The Immigration and Residency Bill will be important for its focus on such areas as terms of entry and residency, family reunification, status of migrant workers who become undocumented, and the Employment Permits Act will impact on the integration process through its focus on rights of migrant workers on employment permits, right to move jobs, and have greater control over their employment situation, and so on.

The NPAR and NAPS Incl are two policy areas that have an important role in creating the conditions for integration in the context of combating social exclusion and racism, and mainstreaming equality. Another recommendation is that equality proofing and mainstreaming be established on a statutory basis, similar to the situation in Northern Ireland. This mainstreaming approach would greatly assist in the process of securing an integrated approach in the provision of services to migrant workers and their families, in addition to assessing relevant policy developments for their potential negative or positive impact on migrant workers and their families.

The Joint Committee on European Affairs has recommended that, "The publication of a government white paper on integration would be a useful contribution to what needs to be a wide debate."[175] This is a helpful suggestion and one that warrants consideration.

6.1.4 Institutional arrangements in relation to integration

Integration is clearly a cross departmental issue, and structures should reflect this need. An inter agency/departmental approach, in itself, will not generate the desired results. An integrated approach, on the other hand, involving a range of stakeholders including migrant workers and the organisations that represent their interests, is important to securing successful integration outcomes. This has been the experience from previous approaches, such as tackling long-term unemployment, gender equality, area-based disadvantage and so on.

The MRCI welcomes the proposal for the establishment of an Immigration Integration Unit. This Unit should provide the coordination and direction for a future integration strategy. Such a Unit needs to be overseen by a high level steering committee with clear terms of reference. This committee requires high-level officials from all relevant

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[175] Houses of the Oireachtas Joint Committee on European Affairs Eleventh Report (April 2006)
Report on Migration An Initial Assessment of the Position of European Union Migrant Workers in Ireland pos- 2004 (p.7)

government departments and agencies, along with migrant representative organisations. The Group should have an independent chairperson and a strategic plan with realisable targets that are consistent with commitments and targets set elsewhere, i.e. NPAR. The Integration Steering Group will produce an annual report that is presented to the government for discussion. To function effectively, the Unit would require sufficient resources (both human and financial). It is vital that the Unit and the Steering Group operate in a transparent and inclusive manner, and gain the confidence and support of the key agents of integration (for example, migrant workers themselves, community and local infrastructure, relevant State agencies). At a local level, responsibility for promotion of integration and inclusion would be best placed in existing structures that have a track record in the area of social inclusion and development (for example, area-based partnerships). Again, a key element in local structures is ensuring that these structures are inclusive of organisations that are active in the area of integration and working with migrant workers and their families. A number of State agencies, at regional and local level, have allocated responsibility for the inclusion of asylum seekers and refugees in a particular service (for example HSE). Within these institutions, there is also need for a focus on access by, and inclusion of, migrant workers and their families in a range of services, for example, health, social welfare, employment services, housing, education and training.

6.1.5 Resourcing Integration

The planned EU Integration Fund (INTI) offers an opportunity to develop innovative ways of promoting the integration of migrant workers and their families. It is vital that this fund is not simply used to bolster existing funding packages, but is strategically used to optimise the added value and the innovation intended by the European Commission. The fund is likely to be limited in size and, therefore, careful consideration is required to ensure that it does achieve its objectives, in particular, prioritising the need to develop our long-term capacity to enable successful integration. The fund should be managed through an agency with a track record in developing and implementing programmes which target disadvantage and social inclusion (for example, Pobal). The Integration Fund should be developed in coherence with other programmes, for example, a successor to the local development and social inclusion programme.

In addition to a specific limited fund drawn down from the EU, exchequer funding is also required if successful integration is to be realised. Rather than stretching existing budgets to include a focus on

the integration and social inclusion of migrant workers, additional resources are required. Integration costs money, but the long-term implications of not resourcing the process adequately will create more long-term costs for the State in the form of social division, underemployment, exclusion from the labour market etc.

6.2

Implementation of existing relevant policy frameworks and recommendations

There are existing policy commitments, at a national and international level, that are highly relevant to the integration agenda, and would be instrumental in contributing to creating the conditions for the political, social, economic, and cultural integration of migrant workers and their families. A future integration strategy must also have coherence and compatibility with international obligations under human rights instruments. This section will not endeavour to include all such policies, nor will it go into great detail about the specific recommendations contained in each of them.

6.2.1 Planning for Diversity The National Action Plan Against Racism 2005-2008 (NPAR)

The publication of the NPAR represents the fulfilment of a commitment given by the Government at the UN World Conference Against Racism in Durban 2001, a commitment that was further reaffirmed in Sustaining Progress, the Social Partnership Agreement 2003-2005 (under which the Plan is a key element of the Special Initiative on Migration and Interculturalism). The overall aim of the Plan is to provide strategic direction to combat racism and to develop a more inclusive, intercultural society in Ireland, based on a commitment to inclusion by design, not as an add-on or afterthought, and based on the policies that promote interaction, equality of opportunity, understanding and respect.[176]

Realisation of the objectives contained within should substantially progress the integration of migrant workers and their families. The objectives touch on the core elements that would constitute an integration strategy, which are the political, cultural, economic and social dimensions of integration. The intercultural framework provides a very useful basis within which to consider the development of an integration

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[176] Department of Justice, Equality and Law Reform (2005) *Planning for Diversity: National Action Plan Against Racism 2005-2007* (p.27)

strategy, and the plan itself should underpin any integration strategy going forward. What is also useful in NPAR is the mainstreamed approach in relation to equality and human rights, along with the use of targeting specific strategies in order to overcome the inequalities experienced by specific groups. There is a growing concern amongst the community sector that the progress required to ensure meaningful implementation is too slow and insufficiently resourced.

Some of the specific objectives contained within the NPAR, as they relate to the various dimensions of integration for migrant workers, worth highlighting are:

Economic

2.2 Inclusion through employment rights, responsibilities and workplace policy.

2.5 Inclusion of migrant workers, consistent with the requirements of policy on immigration, employment and equality.

2.6 Inclusion through vocational training and employment service strategies.

Political

9.2 Enhance the participation of cultural and ethnic minorities in political processes.

9.3 Enhance the participation of cultural and ethnic minorities in policy consultative forums and research.

9.4 Develop an Intercultural Forum to give further consideration to issues related to cultural diversity in Ireland.

9.5 Enhance the participation of cultural and ethnic minorities in community and local development.

Social

3.1 Develop a template for service providers to underpin the NPAR

3.3 Mainstream/develop anti-racism and intercultural training in all government departments as part of the equality/diversity theme.

3.5 Develop targeted initiatives focussing on access to key public services for Travellers, refugees and migrants.

3.6 Develop a comprehensive framework of social and equality statistics to meet policy and service provision needs.

3.7 Develop a clear policy on how diverse external customers/key stakeholders will be consulted on policy and service provision on an ongoing basis.

Cultural

8.1 Consolidate and evolve national anti-racism and intercultural awareness-raising strategies.

8.2 Work with the media to combat racism, promote interaction and raise awareness and understanding of cultural diversity.

8.3 Develop the potential of art/culture policy to promote interaction and understanding of cultural diversity.

8.4 Develop the potential of sports and leisure to promote interaction and understanding of cultural diversity.

6.2.2 Other relevant policy developments and opportunities

There are a number of policy recommendations made in recent years that are relevant to securing successful integration:

The National Development Plan (NDP)

The current National Development Plan is coming to an end, and the process of drawing up a new plan (covering the period 2007 to 2013) has begun. This is the key national framework for coordinating economic and employment growth, competitiveness and infrastructural development. To Date, the NDP has also had an objective to promote social inclusion. The contribution of migrant workers, particularly in relation to infrastructural development, has been essential. However, there have been growing concerns about the treatment of some migrant workers employed on projects funded through the NDP (For example, the Gamma controversy). In planning for NDP 2007-2013, it is important that there are explicit objectives and programmes to promote the inclusion, protection and development of migrant workers. Infrastructure projects included in the NDP should have anti-discrimination clauses included in the contracts agreed, and special provision be made for the inclusion and protection of the migrant workers employed in projects funded through the NDP.

The National Action Plan Against Poverty and Social Exclusion (NAPS Incl)

NAPS Incl has the potential to be instrumental in bringing about better conditions and access to rights for ethnic minorities and migrant workers in Ireland. Migrants and ethnic minorities have been identified as groups

vulnerable to social exclusion. The current NAPS Incl contains a policy task to, "improve the effectiveness of the regulation of migration, and develop and implement a comprehensive policy for the integration of migrants, with a view to combating their social exclusion and accommodating their cultural diversity". The Plan also contains a key policy objective, "that aims to facilitate participation in employment, and access by all to resources, rights, goods and services."[177] New guidelines have been developed for NAPS Incl, which, itself, will now form part of the Joint Social Inclusion and Social Protection Report. To date, little progress has been made in developing a comprehensive policy for the integration of migrant workers, and needs to be restated with greater consideration of the steps required to realise this commitment.

The EU's Joint Report on Social Inclusion (an assessment of member States planned by NAPS Incl) identified a number of key challenges for Ireland, "…it is weak in establishing targets and developing policy responses." The report also pointed out that social inclusion co-ordination should, "be strengthened at local and regional levels to ensure an integrated approach that will enable the successful delivery and implementation of the NAPS Incl objectives."[178] The 2005 draft joint report on Social Protection and Social Inclusion noted that available statistical evidence, at EU level, on poverty and social exclusion, still does not cover some of the most exposed groups. The report also highlights that immigrants and ethnic minorities face very particular risks.[179] In this context, the report notes a key policy priority is, "overcoming discrimination and increasing the integration of ethnic minorities and immigrants: The fight against high levels of exclusion experienced by specific groups, especially the Roma, involves a mixture of increasing access to mainline services and opportunities, enforcing legislation to overcoming discrimination and developing targeted approaches to address particular situations."[180]

European Employment Strategy (EES)

The Employment Guidelines, as part of the EES, are based on three over-arching objectives: full employment, quality and productivity at work, and cohesion and an inclusive labour market. One of the core group guidelines is, "strengthening social and territorial cohesion: Determined action is needed to strengthen social inclusion, prevent social exclusion

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[177] The National Action Plan Against Poverty and Social Exclusion (2003-2005)

[178] Joint Report on Social Inclusion (May 2004)

[179] Draft Joint Report on Social Protection and Social Inclusion (SEC (2005) 69): http://europa.eu.int/scadplus/leg/en/s02312htm.

[180] Ibid

from the labour market, support integration in employment of people at a disadvantage, and to reduce regional disparities in terms of employment, unemployment and labour productivity, especially in regions lagging behind." The guidelines also stress that, "equal opportunities combating discrimination are essential for progress… particular attention must also be paid to significantly reducing employment gaps for people at a disadvantage, including disable people, as well as between third-country nationals and EU citizens, in line with any national targets."[181]

Concluding observations of the Committee on the Elimination of Racial Discrimination (CERD)

11. The Committee recommends that the State party introduce, in its criminal law, a provision that committing an offence with a racist motivation or aim constitutes an aggravating circumstance, allowing for severe punishment.

12. The Committee recommends that the State party provide the newly established institutions in the field of human rights and non-discrimination with adequate funding and resources to enable them to exercise the full range of their statutory functions, and also support the NGO community.

14. The Committee is concerned about reported instances of exploitation of foreign workers by some employers, and of violations of labour regulations prohibiting discrimination. The Committee, recalling its General Recommendations on discrimination against non-citizens, encourages the State party to ensure full practical implementation of legislation, prohibiting discrimination in employment and in the labour market. In this context, the State party could also consider reviewing the legislation governing work permits, and envisage issuing work permits directly to employees.

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[181] Council Decision of (12th July 2005) *Guidelines for the Employment Policies of the Member States*

Concluding Observations from CERD (continued)

23. The Committee is particularly concerned about the situation faced by women belonging to vulnerable groups, and at the instances of multiple discrimination they may be subject to. The Committee encourages the State party to take measures with regard to the special needs of women belonging to minority and other vulnerable groups, in particular, female Travellers, migrants, refugees and asylum seekers.

24. The Committee hopes that all issues pertaining to the appeal procedure will be adequately resolved within the framework of the proposed Immigration Bill currently before the Dáil.

25. The Committee wishes to encourage the State party to ratify the Convention on the Protection of the Rights of Migrant Workers and Members of their Families, and ILO Convention No. 97 on Migration for Employment (Revised), to ensure better protection for migrants and migrant workers.

The concluding observations from CERD are relevant, and their recommendations important in establishing the basis for an effective integration strategy:

Implementation of the UN Convention on the Rights of Migrant Workers and their Families

The bedrock of an integration strategy must be an understanding, regardless of legal status, that migrant workers should never be denied their most fundamental rights enshrined in international law. The 1990 UN Convention on the Rights of Migrant Workers and their Families is a key instrument in defining these rights, and sets standards by which the treatment of migrant workers in Ireland can be measured. In the past, the Irish government have explicitly stated that they will not be signing up to the Convention. This view should be revisited and a consideration of the requirements necessary for the Irish State to live up to the Convention should be explored. At the very least, in the development of

new legislation and policies, the spirit of the Convention should be reflected. The Convention is important in that it:

- provides an international definition of 'migrant worker', categories of migrant workers, and members of their families

- establishes international standards of treatment through the elaboration of the particular human rights of migrant workers and members of their families

- extends fundamental human rights to all migrant workers, both documented and undocumented, with additional rights being recognised for documented migrant workers and their families; notably equality of treatment with nationals of States of employment in a number of legal, political, economic, social and cultural areas.

6.3

Recommendations on key aspects of an integration approach

Contained in this section are a list of policy recommendations that would contribute to breaking down many of the barriers facing migrant workers and their families in participating fully in Irish society.

6.3.1 Enabling family reunification

There is universal recognition of the positive role family makes to the integration process and, similarly, there is recognition of the strain and isolation associated with being forced to live apart from one's own immediate family. The MRCI advocates a statutory entitlement to family reunification for migrants, similar to that provided for in the Refugee Act 1996 for recognised refugees. Such a right should be provided for in the forthcoming Immigration and Residence Bill. Inclusion of this right should involve a statement of rights and entitlements of family members. Consistent with developments in most EU member States, the MRCI also supports a broad definition of the family for the purposes of family reunification, such as, the recognition of unmarried partnerships (whether opposite or same sex). The ongoing development of a family policy for Ireland, under the auspices of the Department of Social and Family Affairs, must reflect the needs of migrant workers and the growing diversity of family life.[182]

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[182] MRCI (July 2005) *Submission to the Immigration and Residence in Ireland Discussion Document*

6.3.2 Access to information for migrant workers in situations of vulnerability

The MRCI has observed that migrant workers who are living in situations of vulnerability (and are unaware of, or prevented from accessing, support structures) will stay longer in jobs that are exploitative, and put up with extreme conditions and treatment (for example, physical abuse, forced imprisonment). It is essential that migrant workers are able to access information about their rights and entitlements in Ireland and, in turn, are supported to act upon such information. Information provision at the point of departure is essential, as is accessible, language-appropriate information upon arrival in Ireland. In the provision of information and support services to migrant workers, the MRCI believes that a developmental approach is most effective in supporting individuals/groups who are in situations of vulnerability. The MRCI believes that a developmental approach is essential because:

- it works from a person-centred versus client-centred approach, with the multiplicity of factors and dynamics impacting on a person's situation to the forefront, and by shaping appropriate responses

- it fosters links and contacts within the migrant community through informal networks. This is vital given that informal exchange is the main mode of communication within these communities

- there is a focus on empowerment, which generates the conditions for migrant workers to self-advocate and engage in processes and dialogue that directly concerns them, such as, joining a trade union

- mainstream service providers can be engaged with, and supported to, adapt and make their services more responsive to local need

- local community infrastructure are challenged and supported to respond to the diverse make up of that community

- migrant workers who need to make formal complaints can be supported in a way that maximizes constructive outcomes. We know from experience that the support dimension is vital

- it is more likely to generate sustainable, long-term outcomes.

6.3.3 Learning English as a second language and life-long learning opportunities

There is general recognition that the acquisition of a basic level of English is essential to achieving a level of participation in society, which

is necessary to support meaningful integration. The approach to enabling migrant workers access this skill is critical. The experience of incorporating language training, as part of citizenship tests in other countries, has, to date, had a negative impact on immigrant communities, and has only served to foster a sense of exclusion, tension and isolation. On the other hand, where migrant communities are directly involved and resourced to develop innovative and practical ways of acquiring English language skills, it has been possible to do so in a constructive, inclusive and welcome way. Many migrant workers, in particular those who are in the most isolated, low-paid positions, generally do not have opportunities to access language training, and this is, without doubt, a factor that leads to their isolation and exclusion. Whilst many education providers are attempting to respond to the growing demand and need for language training, migrant workers are currently not eligible to access VEC or government funded language classes. Affordable and accessible language classes should be made available to migrant workers regardless of their residency status. In order to target those who are in the greatest need, it will be necessary to work in conjunction with local and national support organisations. Classes should be timetabled with consideration to the working schedule of most migrant workers. There are excellent models of teaching English as a second language in countries with a long tradition of inward migration (for example, the US and the UK), and this experience should be drawn on within the Irish context.

In the area of life-long learning, recommendations include, prioritising supports and provision of life-long training opportunities to migrant workers located in work sectors where they are likely to experience difficulty accessing training, either in the workplace or outside the workplace, (for example, care work, agriculture, hospitality, construction). The MRCI has developed an innovative programme, with the support of the Equality for Women Measure, to provide life-long learning training to migrant women employed in the private home. Life-long learning programmes need to be provided in ways that are accessible, both in terms of time and finance. FÁS has a clear role in this area, through provision of training, identification of progression routes, engagement of employers and business interests.[183]

6.3.4 Access to employment support services

Migrant workers are vulnerable to becoming unemployed or being made redundant in the same way as all other workers. It is widely accepted

[183] MRCI (July 2005) *Submission to the Immigration and Residence in Ireland Discussion Document*

that the provision of supports to re-engage in the labour force at an early stage is essential to avoid the difficulties associated with long-term unemployment.

Migrant workers resident in Ireland under the Work Permit System do not have access to FÁS employment support services. This situation should be reversed, and all workers, irrespective of their status (work permit/EU/student), should have access to the full range of FÁS employment services. Mainstream local employment services should be directed and resourced to specifically target and support migrant workers to access their employment services, participate in training initiatives, and respond to their specific needs (for example, language appropriate provision).[184]

6.3.5 Provision of interpretation services and access to services

The growing number of people living in Ireland whose first language is not English clearly presents a challenge to both the people attempting to access services and for service providers. This is a crucial aspect of the integration process, as without an acceptable level of interpretation provision there is, in effect, a structural barrier in accessing services that are considered essential for normal functioning and participation in society. While there is growing recognition of the requirement to respond to this situation, there are concerns with both the pace of developments and the manner in which responses are evolving. In addition, there is concern with the standard, quality and cost of providing interpretation services. Recommendations in this area include: the creation of a system for interpretation services across the full range of public services; training for frontline service providers in both understanding the need for, and use of, interpretation services (for example, phone services, supports for social economy and community enterprise initiatives in developing translation and interpretation services); provision of grants to community sector organisations attempting to provide accessible services to migrant workers and their families. Ensuring high standards must also be prioritised and involve agencies such as the Irish Translators and Interpreters Association.

6.3.6 Addressing exploitation and supporting integrated workplaces

The experience of exploitation contributes significantly to the degree to which a migrant worker is able to participate and integrate. Combating the exploitation of migrant workers is complex and has received

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[184] MRCI *Protecting Migrant Workers in the context of a new social partnership agreement*

significant attention in several publications and forums. To summarise, the MRCI advocates action in relation to:

- mechanisms for reporting exploitative employers and agencies

- the development of more accessible mechanisms to facilitate migrant workers to report their situation without fear of undermining their legal status

- greater access to redress mechanisms such as the Rights Commissioner Service

- amended labour rights legislation that reflects the changing nature of Irish workplaces and employment relationships (for example, growth in number of people registered as self employed)

- expedited access to the Equality Tribunal in cases of alleged discrimination

- a more substantial focus on addressing racism in the workplace

Most importantly, migrant workers who are experiencing workplace exploitation should be facilitated in leaving employment and supported in making a complaint against that employer. Migrant workers, who are in the process of making a formal complaint against their former employer in the Labour Relations Commission or Employment Appeals Tribunal, should be granted access to social protection and be supported in accessing the labour market. The MRCI also recommends that the decisions made on cases in the Labour Relations Commission, Employment Appeals Tribunal and by the Equality Authority should be advertised more widely (especially in terms of the recommendations made for employers).

Creating the conditions for integration requires a focus on preventative strategies and actions aimed at generating greater equality between members of society. This is of particular relevance in the workplace. Workplaces are increasingly diverse and multicultural, but are not necessarily more equal to, or inclusive of, the diversity that exists. Action is required to ensure progress is made in areas such as: equal pay, non-discriminatory treatment, progression opportunities, equality proofing and mainstreaming, and institutional change (for example, how and who makes decisions). The Equality Authority has developed a positive role in promoting equality in the workplace and the MRCI recommends that this role is actively resourced and supported.

6.3.7 Access to Social Protection

Migrant workers are also vulnerable to becoming unemployed or finding themselves unable to work for any given period of time, for example, as a result of injury, illness, pregnancy-related matters, exploitation, and redundancy. Experience suggests that many of these workers are having difficulties in accessing the full range of services and support systems available to Irish nationals, not least due to the implementation of the HRC. This is often despite the fact that many workers will have made sufficient social insurance contributions that should qualify them for social benefit. Action is required to clarify and communicate the situation for migrant workers, and to ensure that unemployed migrant workers have equal access to the same range of supports and social protection as Irish nationals.[185] The MRCI recently published research on the impact of the HRC in relation to migrant workers and their families. A number of recommendations were made, including a call to abolish the HRC (given that the rationale underpinning its implementation is no longer valid). While waiting for the abolition of the HRC, there are a series of steps that should be taken to ensure that migrant workers and their families have access to a basic level of social protection, which is necessary to support survival and participation in society. These include:

- Removal of Child Benefit from the list of payments for assessment under the HRC for all migrant workers (including those from outside the EEA). The inclusion of Child Benefit in the HRC related payments, is causing hardship for children and families, and is creating inequalities amongst children in Ireland. The UN Committee on the Rights of the Child will be deliberating on Ireland's progress in implementing the CRC in 2006.

- Allowance of access to SWA and social assistance payments for non-habitually resident migrant workers reporting exploitation in the workplace, and wishing to pursue their case in the Labour Relations Commission and/or the Equality Tribunal. The current situation, while improved, continues to exclude non-EEA workers from access to emergency payments.

6.3.8 Minimising routes into undocumented status and access to social services

It is the experience of the MRCI that migrant workers that have become undocumented, initially entered and resided in the country legally, but become undocumented as a result of an incident or process generally not of their doing or responsibility (for example, employers not

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[185] MRCI *Submission to Developing Ireland's Employment Action Plan 2005*

renewing work permits, permits being promised but not forthcoming, workplace exploitation, lack of knowledge of the system being operated, administrative mistakes and delays). Migrant workers who are undocumented are, in effect, excluded from participating in society, and are denied even the most basic levels of social protection or health care.

No system of democracy or governance can operate effectively with a sizable proportion of its population outside the legal and governable system. It is in the interest of the State to ensure that there are safety nets in place that avoid situations where workers employed legitimately in the State do not find themselves in the situations described above. The MRCI advocates the introduction of a 'bridging visa' for migrant workers who have become undocumented through no fault of the their own. A bridging visa is a 'temporary permission to reside' stamp that would allow the worker regularise his/her situation within a defined period of time. The worker remains documented, in a position to make a formal complaint and seek new employment etc.

Access to services for undocumented migrant workers should not be restricted to emergency services only. This runs contrary to the State's core values in relation to all participants of society being supported to access a basic level of services, as set out in a range of policy commitments. Forthcoming legislation, in the form of the Immigration and Residency Bill, should define a range of medical and social services and benefits that must be available to everyone (irrespective of their status) and in line with our international obligations.

6.3.9 Enabling the integration and social inclusion of migrant women

The feminisation of migration has become a global pattern, with women frequently being confined to the low-skilled, low-paid, isolated and vulnerable employment positions.

(i) Migrant women employed in the private home

A specific focus is required on migrant women employed in the private home. This is an employment sector that will expand significantly over time. Given the high level of isolation and vulnerability associated with this category of work, specific protections are required.[186] In particular, there is a need to specify, and make explicit, the conditions of employment for both care and domestic work in the private home. To achieve agreement and a statutory basis for implementing recognised

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[186] MRCI *Private Homes A Public Concern*

terms of employment, a Joint Labour Committee should be established. An employment situation where the place of work is also the home of the employee, presents particular challenges in enabling their integration, autonomy and independence. Migrant workers in this area require targeted supports to enable them to access training and life-long learning initiatives, information and support services, and community development activities to support them to be visible and have their voice heard. The experience of the MRCI Domestic Workers Support Group offers some useful insights, and this type of activity requires mainstream support.

(ii) Women who are dependent spouses

Dependent spouses of work permit holders (who are, in the vast amount of cases, women) do not have the automatic right to work in Ireland and, as a result, are becoming deskilled, marginalized and at risk of social exclusion. While there have been positive developments in this area (for example, spouses are now allowed to apply for work permits if living in the country for a period exceeding three years), it remains a difficulty for spouses to persuade potential employers to go through the process of making an application for a work permit. Spouses of all employment permit holders (be it visa or work permit) should have the automatic right to work in Ireland. This will enable them to contribute to the family income, access the labour market, feel more socially and economically included in Irish society, and will aid the integration process.

6.3.10 Migrant workers trafficked for the purpose of bonded and forced labour

In conjunction with Anti-Slavery International and with the support of Dublin City University (DCU), the MRCI has undertaken initial research in the situation of migrant workers trafficked for the purpose of forced labour and debt bondage. This research indicates that trafficking does exist. Ireland has yet to introduce legislation that gives effect to International Commitments contained in the Palermo Protocol. While there is a commitment to introducing the relevant legislation, there is also a concern that it will be of a minimalist nature and will not give a desirable level of protection (for example, legal status facilitating movement into further employment, social protection or access to health care). The MRCI believes that it is essential that migrant workers who have been trafficked for forced labour or debt bondage be given support: to leave the place of employment; to make a formal complaint against the employer and/or agency; to be accommodated if undocumented because of this situation; to be given access to social

protection payments; to be provided with health care; and to be supported through non-State organisations to make vital decisions about his/her future. As a principle, it is critical that action to combat trafficking prioritises the protection of the person who is the victim, and that it enables that person to make the best possible decisions about his/hers future.

6.3.11 Promoting a positive perception of migrant workers in Irish society

The MRCI believes that the Government has a key responsibility to promote a positive perception of migrant workers in Irish society, and of the economic, social and cultural benefits of migration. Immigration topics are sometimes used in political debates to fuel tension, division and, unfortunately, to appeal to a public, who may be confused and concerned about core issues such as, changes in the workplace, job security, and access to services etc. Government and other stakeholders (including trade unions, media, business interests and church leaders) must publicly highlight the positive contribution of migrant workers, not alone to the economy, but to society in general. The position and leadership shown by all stakeholders at a national level have an obvious determining impact on the attitudes and opinions of the general public.

6.3.12 Access to citizenship and support for active citizenship

Access to formal citizenship is not addressed in any great detail in this discussion document. However, the MRCI considers that smooth and easy acquisition of citizenship is important in terms of integration. Studies have revealed that acquisition of citizenship has a positive effect on the performance of economic migrants, and may attract more highly skilled migrants in a competitive market. The legislation underpinning access to citizenship must clarify routes to citizenship for migrant workers, setting out entitlements to apply for, and clear procedures on how to do so, with speedy processing of applications.[187]

While there must be clear and definite opportunities to access legal citizenship, equally important is the broader notion of civic citizenship, including the increasingly popular term 'active citizenship'. Many migrant workers will not wish to naturalise, but they do want to be

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[187] The findings of the recent European Civic Citizenship and Inclusion Index 2005 are relevant in this regard (they looked at citizenship and inclusion policies in the existing 15 Member States). Key findings include: there is a glaring lack of data collected by Member States of the EU in the area of immigrant inclusion and citizenship; although statuses for immigrants are relatively difficult to acquire and weakly protected, they have significant rights associated with them and naturalization remains one of the most problematic areas for Member States, reflecting the ongoing debate over whether migration should be seen as a long-term or temporary phenomenon. See: www.migpolgroup.com

active and valued participants within society. The recently established Task Force on Active Citizenship, in consultation with organisations concerned with the integration of migrant workers, has the opportunity to focus on the theme of addressing barriers and promoting the active citizenship of migrant workers and their families.

6.3.13 Migrant workers in local development, community development and county and city development boards

Migrant workers live and work in local communities. It is at this interface that migrant workers experience and interact with people around them, access services and so on. The role of community leadership is critical to ensuring that the integration process is successful. Residents of local communities frequently look to this community leadership for direction in responding to new and changing situations in their area. Both CDPs and local development organisations are particularly important to the integration process. Area-based partnerships and community groups have a remit to targeting vulnerable groups in their area (for example, migrant workers and disadvantaged women). CDPs, in using a community development approach, have a remit to support the most disadvantaged residents and groups, and to work for their empowerment and participation.

(i) Community Development Support Programme

Individual CDPs are beginning to incorporate a focus on migrant workers within their work, and this work is greatly valued. The MRCI's recommendations in relation to the Community Development Support Programme include:

- The support and encouragement of local CDPs to develop a focus on migrant workers and their families, through making available resources for special initiatives and actions

- The provision of resources for the development of a number of interest-based CDPs strategically located around the country

- The allocation of dedicated resources for specialist supports to the Community Development Support Programme, through national organisations with a remit and track record in community work and community development.

(ii) Local development and social inclusion programme

There is a growing body of work focusing on migrant workers within area-based partnerships and community groups, funded under the Local Development and Social Inclusion Programme (LDSP). Through these

actions, there is developing expertise and practice in both responding to the needs of migrant workers and in supporting local service providers to offer more appropriate services to migrant workers. A recent initiative between Pobal, Dublin Employment Pact and the MRCI on local based strategies in relation to migrant workers and their families, identified a series of recommendations that would contribute greatly to integration and inclusion of migrant workers through local development processes.[188] This report also identifies the importance of area-based partnerships taking a leadership role, and it draws attention to the fact that partnership companies are well placed to both develop innovative ways of enabling the inclusion and integration of migrant workers, and encourage improved mainstream supports and service provision.

(iii) City/County Development Boards (CDB)

CDBs have an important role in the identification of priorities, and the promotion of greater coordination between service providers at a county and city level. The integration and inclusion of migrant workers and their families is an area that a number of CDBs have already incorporated into their work. The MRCI's recommendation is that CDBs be actively encouraged to identify the inclusion and integration of migrant workers as a priority area of action, with a particular focus on improving access to services, such as, health, education and training, housing, employment support services, social services, and social protection. Core service providers (for example, HSC, the VEC, local authorities and FÁS) should identify migrant workers within their annual service plans and, in turn, identify key personnel, resources and internal requirements necessary to fulfil their responsibilities towards increasingly diverse and complex client user groups.

Local State service providers (such as, local authorities and health boards) are now significant employers of migrant workers. An interesting initiative would be for State service providers to address the issue of integration within their own workplaces, and to take action to support the inclusion of those migrant workers involved in delivering State services (for example, care work and environmental services).

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[188] Report of The Initiative - *Local Based Strategies In Relation to Migrant Workers and Their Families,*
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