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International Migration in Ireland, 2009¹

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I. Major Developments

Legislation

In January 2008 the *Immigration, Residence and Protection Bill, 2008* was published. The 2008 Bill was an amended version of the draft *Immigration, Residence and Protection Bill, 2007* which fell with the change of government after the general election of 2007. As with the 2007 Bill, for the first time in domestic legislation the phrase ‘foreign nationals’ would refer only to those who are from outside the European Union. Details of the new Bill are discussed in Section VII

The *Criminal Law (Human Trafficking) Act, 2008* was enacted in June 2008. The Act creates separate offences of trafficking in children for the purpose of labour exploitation or the removal of their organs; trafficking in children for the purpose of their sexual exploitation; and trafficking in adults for the purposes of their sexual or labour exploitation or the removal of their organs. It also makes it an offence to sell or offer for sale or to purchase or offer to purchase any person, adult or child, for any purpose. Protection for victims of trafficking was provided in August and November 2008, when the Anti-Human Trafficking Unit of the Department of Justice, Equality and Law Reform published *Administrative Immigration Arrangements for the Protection of Victims of Human Trafficking*. The publication of the notice aimed to provide information related to administrative arrangements whereby a suspected victim of human trafficking from outside the EEA may be granted a 45 day period of ‘recovery and reflection’ in the State and may also, in certain circumstances, be granted one or more periods of temporary residence in the State. This 45 day period of ‘recovery and reflection’ was subsequently amended to 60 days in arrangements announced in November 2008.

The *Employment Compliance Bill, 2008* contained measures to strengthen the ability of the State to secure improved compliance with employment legislation. It also contained measures to establish the National Employment Rights Authority (NERA) on a statutory footing. The Bill was intended to increase penalties for certain offences

under employment legislation (and certain other enactments); to further amend employment legislation (and certain other enactments) and to provide for related matters, including underpayment of staff. Criticism of the Bill centred on the potential power of labour inspectors to request viewing of employment permits from workers (and thus containing a perceived 'immigration' element) and that the Bill does not include provisions for domestic workers in private homes or clarity regarding undocumented workers.

In May 2008 the Minister for Justice, Equality and Law Reform stated his intention to draft and publish an administrative scheme relating to foreign nationals who were holders of work permits but had become undocumented and, thereby, were unlawfully in the State. It was announced that such cases would be dealt with in a 'humanitarian way.' During the year the Department of Enterprise, Trade and Employment published a policy regarding a decision to 'look favourably' on applications made by foreign nationals who are current employment permit holders and who have been made redundant within the previous three months. In addition, it also agreed to change published regulations on the right of work permit holders to change employers, with certain limitations. After a minimum of one year with the same employer work permit holders may now change employers provided that their new employment is either within the same economic sector in which they are currently employed or within another eligible sector. In both cases there no longer exists a labour market test requirement.

Economic Recession

The Irish economy moved into recession in the first half of 2008, leading to a dramatic deterioration in labour market conditions. Gross National Product contracted by 2.7% in 2008 and is expected to fall by 8.7 per cent in 2009.¹ Total employment fell by almost 175,000 (8.2%) in the time between Quarter 2 2008 and Quarter 2 2009. Unemployment increased from less than 5% at the beginning of 2008 to 12% of the labour force in Quarter 2, 2009. In this context, immigration declined from a high of 110,000 in the twelve months to April 2007 to 57,300 in the twelve months to April 2009, while emigration increased to 65,100 in the year to April 2009. As a

¹ Barrett, A., Kearney, I., and Goggin, J., 2009, *Quarterly Economic Commentary, Autumn 2009*. Dublin: ESRI.

result Ireland registered net outward migration, of 7,800 in the 12 months to April 2009, for the first year since 1995. The inflow from workers from the New EU Member States² has fallen considerably over the past year.

² Note that this excludes Bulgaria and Romania. In December 2008, the Government announced its decision that, from 1 January 2009, it would continue to restrict access to the Irish labour market for nationals of Bulgaria and Romania. This decision will be kept under on-going review and will be assessed before the end of 2011.

II. General Population and Migration Trends

Overall Trends

The history of population and migration trends in Ireland since the early part of the nineteenth century has been outlined in earlier SOPEMI Reports and it is not proposed to repeat the details of this here. Tables 1 and 2 contain historical series of population and migration statistics extending back to the middle of the last century. Table 2 provides annual average figures for the components of population change for intercensal periods over the time span from 1871 to 2006. This shows the precise manner in which both net migration and the natural increase in the population have influenced long-term demographic changes in Ireland.

The population of Ireland (Republic) reached its highest level since 1871 in April 2009 when it was estimated to be 4,459,300. Table 1 shows that the corresponding figure in 1998 was 3,742,000 implying an increase of 717,000 (19%) over the decade. Over 55% of the intercensal population increase between 1996 and 2006 was attributable to net inward migration, with the natural increase in the population accounting for the remainder.

Table 3 shows annual gross and net migration, between 1987 and 2009.³ This period was characterised by considerable volatility in regard to migration flows. There were substantial population losses due to emigration in the late 1980s: the annual outflow peaked at over 70,000 in 1989. However the position stabilised in the early 1990s when migration inflows and outflows were more or less in balance. Inward migration grew steadily since the mid-1990s, to well over 100,000 per annum in 2006 and 2007. However, in the context of the emerging economic downturn, immigration declined to 57,000 in the twelve months to April 2009. Migratory outflows have also increased in recent years, as returning immigrants have added their numbers to the emigrating Irish nationals. In the twelve months to April 2009, the inflow of 57,000 was offset by an estimated outflow of over 65,000, resulting in net outward migration of almost 8,000: the first year of net outward migration since 1995.

³ Migration and population data are estimated for twelve month periods to April of each year.

Foreign Nationals in Ireland

The number of foreign residents in Ireland peaked at the end of 2007. Census data indicate that the number of non-Irish nationals almost doubled to 420,000 between 2002 and 2006. The 2006 Census suggests that non-Irish nationals accounted for about 10% of the total population, up from 6% in 2002. Of these, over 276,000 were nationals of other EU countries and over 140,000 come from outside the EU25. This compares to a total of 224,000 non-Irish nationals in 2002, of which 133,000 came from other EU15 countries and 90,000 from outside the EU. UK citizens accounted for most non-Irish nationals in Ireland (112,500) in 2006.

Substantial immigration from the EU New Member States (NMS) beginning in 2004 took place up to the end of 2007. Table 5 shows the adult population (aged over 15 years) by nationality in 2004. The total share of foreign nationals in the adult population increased from 240,700 (7.5%) in 2004 to 485,300 (13.8%) in the final quarter of 2007. The dominant change is the growth in the number from the NMS, from 31,000 (1% of the adult population) in 2004 to almost 211,000 (6%) in 2008.

Table 1. Population of Ireland (Republic) Since 1841

<i>Year</i>	<i>Population</i>
	<i>1,000s</i>
1841 ¹	6,529
1851 ¹	5,112
1861	4,402
1871	4,053
1881	3,870
1891	3,469
1901	3,222
1911	3,140
1926	2,972
1936	2,968
1946	2,955
1951	2,961
1961	2,818
1971	2,978
1981	3,443
1982	3,480
1983	3,504
1984	3,529
1985	3,540
1986	3,541
1987	3,547
1988	3,531
1989	3,510
1990	3,506
1991	3,526
1992	3,555
1993	3,574
1994	3,586
1995	3,601
1996	3,626
1997	3,664
1998	3,703
1999	3,742
2000	3,790
2001	3,847
2002	3,917
2003	3,979
2004	4,044
2005	4,131
2006	4,235
2007	4,339
2008	4,422
2009	4,459

¹ Armed Forces excluded

Sources: Data from 1841 to 1981 are from previous reports; Data from 1981 to 2006 are from the CSO website, Population Estimates: <http://www.cso.ie>. Data for 2009 is from CSO, 2009, *Population and Migration Estimates April 2009*.

Table 2. Components of Population Change in Intercensal Periods 1871-2006

Intercensal Period	Population Change	Natural Increase (i.e., births less deaths)	Net Migration
Annual Averages			
1871-1881	-18,317	+31,855	-50,172
1881-1891	-40,133	+19,600	-59,733
1891-1901	-24,688	+14,954	-39,642
1901-1911	-8,214	+17,940	-26,154
1911-1926	-11,180	+15,822	-27,002
1926-1936	-357	+16,318	-16,675
1936-1946	-1,331	+17,380	-18,711
1946-1951	+1,119	+25,503	-24,384
1951-1961	-14,226	+26,652	-40,877
1961-1971	+15,991	+29,442	-13,451
1971-1981	+46,516	+36,127	+10,389
1981-1991	+8,231	+28,837	-20,606
1991-1996	+20,074	+18,426	+1,648
1996-2002	48,500	+23,030	+25,511
2002-2006	79,431	+32,829	+46,602
Annual Rates per 1,000 average population			
1871-1881	-4.6	+8.0	-12.7
1881-1891	-10.9	+5.3	-16.3
1891-1901	-7.4	+4.5	-11.9
1901-1911	-2.6	+5.6	-8.2
1911-1926	-3.7	+5.2	-8.8
1926-1936	-0.1	+5.5	-5.6
1936-1946	-0.4	+5.9	-6.3
1946-1951	+0.4	+8.6	-8.2
1951-1961	-4.9	+9.2	-14.1
1961-1971	+5.5	+10.2	-4.6
1971-1981	+14.5	+11.3	+3.2
1981-1991	+2.4	+8.3	-5.9
1991-1996	+5.6	+5.2	+0.5
1996-2002	+12.9	+6.1	+6.8
2002-2006	+19.5	+8.1	+11.4

Source: CSO, Census, various years. Available at www.cso.ie.

Table 3. Gross and Net Migration Flows, 1987-2009

<i>Year</i> <i>(ending April)</i>	<i>Outward</i>	<i>Inward</i> <i>1,000s</i>	<i>Net</i>
1987	40.2	17.2	-23.0
1988	61.1	19.2	-41.9
1989	70.6	26.7	-43.9
1990	56.3	33.3	-22.9
1991	35.3	33.3	-2.0
1992	33.4	40.7	7.4
1993	35.1	34.7	-0.4
1994	34.8	30.1	-4.7
1995	33.1	31.2	-1.9
1996	31.2	39.2	8.0
1997	25.3	44.5	19.2
1998	28.6	46.0	17.4
1999	31.5	48.9	17.3
2000	26.6	52.6	26.0
2001	26.2	59.0	32.8
2002	25.6	66.9	41.3
2003	29.3	60.0	30.7
2004	26.5	58.5	32.0
2005	29.4	84.6	55.1
2006	36.0	107.8	71.8
2007	42.2	109.5	67.3
2008	45.3	83.8	38.5
2009	65.1	57.3	-7.8

Source: CSO Population and Migration Estimates , various years;

Table 4: Total Population in 2002 and 2006 Classified by Nationality

	2002		2006	
	<i>1,000s</i>	%	<i>1,000s</i>	%
Irish	3585.0	94.1	3706.7	89.8
United Kingdom	103.5	2.7	112.5	2.7
EU 13 (EU 15 excl IE and UK)	29.9	0.8	42.7	1.0
EU 16-25			120.5	2.9
Rest of Europe	23.1	0.6	24.4	0.6
Africa	21.0	0.6	35.3	0.9
Asia	21.8	0.6	47.0	1.1
America	15.4	0.4	21.1	0.5
Other	9.5	0.2	16.2	0.4
Not stated	49.2	1.3	45.6	1.1
Total	3858.5	100.0	4172.0	100.0
Total Non-Irish	224.3	5.9	419.7	10.2

Source: CSO, *Census 2002* and *Census 2006* www.cso.ie

Table 5: Population aged 15 years and over by Nationality

	2004, Quarter 3		2007, Quarter 4		2009, Quarter 2	
	<i>1,000s</i>	%	<i>1,000s</i>	%	<i>1,000s</i>	%
Irish nationals	2,979.60	92.5	3,027.0	86.2	3,079.0	87.4
Non-Irish nationals	240.7	7.5	485.3	13.8	444.8	12.6
<i>of which:</i>						
<i>United Kingdom</i>	77.5	2.4	95.9	2.7	93.8	2.7
<i>EU15 excl. Irl. & UK</i>	33.8	1	46.6	1.3	45.7	1.3
<i>New EU Member States EU16- EU27</i>	31.3	1	210.9	6.0	182.6	5.2
<i>Other</i>	98.1	3	131.9	3.8	122.7	3.5
Total persons	3,220.30	100	3,512.3	100.0	3,523.8	100.0

Source: CSO, various years. *Quarterly National Household Survey*. www.cso.ie

By the second quarter of 2009, the total number of non-Irish nationals in the adult population had fallen back to 445,00 or 12.6%, and the number of New EU Member State nationals had fallen to 183,000 (5%).

Additional information on the stock of immigrants can be derived from data on Certificates of Registration. A Certificate of Registration is issued by the Garda National Immigration Bureau (GNIB) to lawfully resident non-EEA nationals who expect to stay in the State for more than three months. It verifies that the person has registered with their registration officer. The Certificate of Registration contains the person's photo, registration number, relevant immigration stamp, and an expiry date. A Certificate of Registration card contains one of a number of different immigration stamps.

Table 6: Certificates of Registration, 2007 and 2008

Stamp	Category	2007	2008	% change
1	Issued to non-EEA nationals who have an employment permit or business permission.	31472	31944	1.5
1A	Issued to non-EEA nationals permitted to remain in Ireland for the purpose of full time training with a named body until a specified date. Other employment is not allowed.	-	67	67
2	Issued to non-EEA national students who are permitted to work under certain conditions.	36019	41097	14.1
2A	Issued to non-EEA national students who are not permitted to work.	3701	3845	3.9
3	Issued to non-EEA nationals who are not permitted to work.	17220	17437	1.3
4	Issued to people who are permitted to work without needing an employment permit or business permission: Non-EU EEA nationals; Spouses and dependants of Irish and EEA nationals; People who have permission to remain on the basis of parentage of an Irish child; Convention and Programme refugees; People granted leave to remain; Non-EEA nationals on intra-company transfer; Temporary registered doctors; Non-EEA nationals who have working visas or work authorisations.	63748	63658	- 0.1
4 EU FAM	Issued to non-EEA national family members of EU citizens who have exercised their right to move to and live in Ireland under the European Communities (Free Movement of Persons) Regulations 2006. People holding this stamp are permitted to work without needing an employment permit or business permission, and they can apply for a residence card under the 2006 Regulations.	1660	3723	124.3
5	Issued to non-EEA nationals who have lived in Ireland for at least eight years and who have been permitted by the Minister for Justice, Equality and Law Reform to remain in Ireland without condition as to time. Holders of this stamp do not need an employment permit or business permission in order to work.	149	218	46.3
6	Can be placed on the foreign passport of an Irish citizen who has dual citizenship, and who wants their entitlement to remain in Ireland to be endorsed on their foreign passport.	17	26	52.9
Unrecorded		1260	2028	60.9
A		6	2	
B		1	-	
Total		155253	164045	5.7

Source: Department of Justice, Equality and Law Reform.

In 2008 there were a total of 164,045 persons registered with GNIB, an increase of almost 6% above the previous year. There was a sharp increase in the number of cards issued in respect reunification of non-EEA family members of EU citizens, albeit off a relatively small base figure in 2007.

Table 7 shows country of origin data for the 10 largest groups of Certificates of Registration in 2007 and 2008.

Table 7: Certificates of Registration by Country of Origin, 2007 and 2008

	2007		2008	
	Country of Origin	Number Registered	Country of Origin	Number Registered
1 st	India	15,484	India	18,018
2 nd	China	15,056	China	15,624
3 rd	Nigeria	13,358	Nigeria	14,401
4 th	Philippines	11,596	Philippines	12,218
5 th	America	10,896	America	11,302
6 th	Brazil	6,817	Brazil	10,385
7 th	Pakistan	6,782	Pakistan	7,221
8 th	Romania	6,297	South African	5,843
9 th	South Africa	5,652	Australian	5,331
10 th	Australia	5,598	Mauritius	5,016

Source: Department of Justice, Equality and Law Reform

Citizenship

In 2008, a total of 10,885 applications for naturalisation were received.⁴ During the year 7,827 applications were processed and 3,117 certificates of naturalisation were issued.

⁴ Department of Justice, Equality and Law Reform, 2009, *Annual Report, 2008*.

III. Inward Migration

Overall Trends

As we have already seen, inward migration increased until 2007 and has since declined. The gross migratory inflow increased from around 20,000-25,000 per annum in the late 1980s to almost 110,000 in the year to April 2007, before declining with the deterioration in the labour market to less than 84,000 in 2008 and 57,000 in the year to April 2009.

Table 8: Estimated Immigration by Nationality, 1996 – 2009

	Irish	UK	EU 13 (EU15 excl IE and UK)	EU 16-27	USA	Rest of World	Total
	<i>1,000's</i>						
1996	17.7	8.3	5.0	0.0	4.0	4.2	39.2
1997	20.8	8.4	5.5	0.0	4.2	5.5	44.5
1998	24.3	8.6	6.1	0.0	2.3	4.7	46.0
1999	26.7	8.2	6.9	0.0	2.5	4.5	48.9
2000	24.8	8.4	8.2	0.0	2.5	8.6	52.6
2001	26.3	9.0	6.5	0.0	3.7	13.6	59.0
2002	27.0	7.4	8.1	0.0	2.7	21.7	66.9
2003	17.6	9.1	8.8	0.0	2.1	22.4	60.0
2004	16.7	7.4	13.3	0.0	2.3	18.8	58.5
2005	18.5	8.9	9.3	34.1	2.1	11.6	84.6
2006	18.9	9.9	12.7	49.9	1.7	14.7	107.8
2007 ¹	20.0	5.9	10.4	52.7	2.8	17.8	109.5
2008 ¹	16.2	7.0	8.6	33.7	2.0	16.3	83.8
2009 ¹	18.4	4.4	8.6	13.5	1.1	11.3	57.3
	<i>%</i>						
1996	45.2	21.2	12.8	0.0	10.2	10.7	100.0
1997	46.7	18.9	12.4	0.0	9.4	12.4	100.0
1998	52.8	18.7	13.3	0.0	5.0	10.2	100.0
1999	54.6	16.8	14.1	0.0	5.1	9.2	100.0
2000	47.1	16.0	15.6	0.0	4.8	16.3	100.0
2001	44.6	15.3	11.0	0.0	6.3	23.1	100.0
2002	40.4	11.1	12.1	0.0	4.0	32.4	100.0
2003	29.3	15.2	14.7	0.0	3.5	37.3	100.0
2004	28.5	12.6	22.7	0.0	3.9	32.1	100.0
2005	21.9	10.5	11.0	40.3	2.5	13.7	100.0
2006	17.5	9.2	11.8	46.3	1.6	13.6	100.0
2007	18.3	5.4	9.5	48.1	2.6	16.3	100.0
2008	19.3	8.4	10.3	40.2	2.4	19.5	100.0
2009	32.1	7.7	15.0	23.6	1.9	19.7	100.0

Note: ¹ Preliminary

Source: 1996-2003: CSO *Population and Migration Estimates*, various years;
2004-2009: CSO *Population and Migration Estimates April 2009*

The decline in inward flows was particularly marked among nationals from the new EU NMS, whose numbers fell from 53,000 in the year to April 2007 to less than 14,000 in the year to April 2009. Nationals of the EU12 NMS accounted for 48% of all immigrants to Ireland in 2007 but only 24% in 2009.

Table 9. Estimated Immigration Flows classified by Age, 1991-2009

End April	0-14	15-24	25-44	45-64	65+	Total
<i>1,000s</i>						
Persons						
1991	5.2	9.3	14.6	2.5	1.7	33.3
1992	6.2	12.5	16.5	4.1	1.4	40.7
1993	5.6	10.3	14.5	3.6	0.8	34.7
1994	4.4	9.7	12.1	3.1	0.9	30.1
1995	5.3	8.0	14.6	2.6	0.7	31.2
1996	6.6	10.9	16.9	3.6	1.2	39.2
1997	6.4	13.8	18.2	4.7	1.5	44.5
1998	7.5	12.4	19.9	4.3	1.8	46.0
1999	7.0	15.3	21.5	4.1	0.9	48.9
2000	7.1	16.8	23.4	4.0	1.2	52.6
2001	7.9	16.4	29.5	4.3	0.8	59.0
2002	7.0	19.8	35.2	4.2	0.8	66.9
2003	7.3	17.5	28.8	5.1	1.3	60.0
2004	6.1	18.7	28.8	4.2	0.7	58.5
2005	8.0	24.2	44.8	6.1	1.2	84.6
2006	11.5	31.6	57.2	6.1	1.4	107.8
2007	11.7	30.3	59.8	6.9	0.9	109.5
2008	13.6	23.7	39.2	5.8	1.5	83.8
2009	5.9	16.3	29.8	3.9	1.4	57.3
Males						
1991	2.7	4.5	8.0	1.4	0.9	17.6
1996	3.1	4.2	8.7	2.2	0.6	18.8
2001	4.1	6.6	16.3	2.5	0.5	30.1
2007	5.6	13.4	33.6	4.3	0.6	57.4
2008	6.6	10.3	19.0	3.4	0.6	39.9
2009	2.8	6.4	16.3	2.1	0.6	28.2
Females						
1991	2.6	4.8	6.5	1.1	0.8	15.8
1996	3.6	6.7	8.1	1.3	0.6	20.4
2001	3.8	9.8	13.2	1.8	0.3	29.0
2006	6.0	15.2	23.2	2.4	0.7	47.5
2007	6.1	16.9	26.2	2.7	0.3	52.4
2008	7.0	13.4	20.2	2.4	0.9	43.9
2009	3.0	9.9	13.5	1.8	0.9	29.1

Source: CSO Population and Migration Estimates, various years

The absolute number of Irish nationals returning peaked at 27,000 in 2002. At this point returning Irish nationals represented 40% of all immigrants. In 2007, the number of Irish immigrants was 16,000, representing just 19% of the total. The inflow of Irish nationals increased to 32% in 2009. Inflows from non-EEA countries have dropped steadily since 2004, reflecting current Irish policy of seeking to meet labour needs from within the enlarged EU.

The estimates for the year to April 2009 indicate that about 8% of the total inflow was UK nationals; about 2% were citizens of the US; while almost 20% were from other countries. Immigrants from the rest of the world (other than the EU or USA) peaked at 22,000 (37%) in 2003. However, the share of this group fell to just under 14% in 2009. The number of immigrants from the rest of the world continued to decrease, to 11,000 in 2009, although their share of the gross inflow increased, to almost 20%.

In terms of age distribution, the decline in immigrant numbers can be observed in each age group. Those aged 25-44 years currently constitute over 50% of the total inflow, a proportion that has increased in recent years (see Table 9). Almost 30% of the gross inflow relates to young people aged 15 to 24 years. Around 10% of inward migrants in 2009 were children aged less than 15 years. This proportion declined in the year to April 2009, reversing an earlier trend and suggesting that immigrants with families may be less willing to risk migration into a labour market in crisis. Immigrants in the age group 45 years and over currently make up less than 9% of the inflow.

Table 10: Personal Public Service Numbers Issued by Nationality, 2003-2008

	Ireland	Non-Irish National	Total
		<i>1,000s</i>	
2003	86.9	104.7	191.6
2004	86.7	133.3	220.0
2005	80.2	191.0	271.2
2006	80.8	231.1	311.9
2007	87.6	218.0	305.6
2008	91.3	156.1	247.4

Source: www.welfare.ie

The Irish Department of Social and Family Affairs issues Personal Public Service Numbers (PPSN) which are necessary for employment. The number of such PPSNs issued to non Irish nationals increased from 105,000 in 2002 to over 230, 000 in 2006,

and then fell to 218,000 in 2007 and 156,000 in 2008. An analysis by the Central Statistics Office that compares PPSN allocations and employer end-of-year (P45) returns to the Revenue Commissioners for non-Irish nationals reveals the extent to which those allocated PPS numbers took up and retained insurable employment over time.⁵ The analysis shows that only 45% of those allocated a PPSN in 2004 showed employment activity in 2007. For those allocated a PPSN in the earlier period (i.e. the year 2002) about one in three had some level of insurable employment in 2007. This reflects a pattern of declining employment participation over time, but the rate of decline appears to level off after about 4 years. For example, almost 60% of those allocated PPS numbers in 2002 were recorded as having been in employment in 2002. This proportion employed fell to 35% in 2005, 34% in 2006 and 33% in 2007.

Among nationals of the NMS, the employment rate started off very high (over 70%) in 2004 and fell off more slowly than in respect of other nationalities – 55% of NMS nationals allocated PPSNs in 2004 were economically active in 2007, compared to the average of 45% for all nationalities. These data on inflow and employment of immigrants around the period of EU enlargement highlight the need for caution in using data on registrations for the purposes of job search to make inferences about the size and duration of migration flows and their impact on the labour market.

Inflows of Workers from Non-EEA Countries

It is possible to derive information on the trends in the numbers of non-EEA nationals⁶ entering the country to take up employment by analysing the annual figures for the numbers of employment permits issued and renewed by the Department of Enterprise, Trade and Employment. This programme is based on the provisions of the 2003 Employment Permits Act and, since January 2007, the 2006 *Employment Permits Act*.⁷ Work and employment permits apply to all engagements for financial gain involving non-EEA citizens, including those of short duration. The system is employer-based and the initiative must be taken by the employer in the first instance to obtain the permit prior to the entry of the employee into the State. The application

⁵ Central Statistics Office, 2009, *Foreign Nationals: PPSN Allocations and Employment, 2007*.

⁶ EU citizens and citizens of Norway, Iceland and Liechtenstein do not require Employment Permits in order to take up employment in Ireland.

⁷ It was previously based on the *Aliens Act 1935*.

must relate to a specific job and to a named individual. In the period leading up to EU enlargement on 1 May 2004 the Department of Enterprise, Trade and Employment, in accordance with the *EU Accession Treaty*, encouraged employers to source their potential work permit requirements from the EU-25 countries.

Table 11. Employment Permits Issued and Renewed, 1998-2008

Year	Permits Issued	Permits Renewed	Total	Percentage Renewed
1998	3,830	1,886	5,716	42.0
1999	4,597	1,660	6,262	29.0
2000	15,735	2,271	18,006	36.3
2001	29,951	6,485	36,446	36.0
2002	23,759	16,562	40,321	45.4
2003	22,512	25,039	47,551	62.1
2004	10,821	23,246	34,067	48.9
2005	8,166	18,970	27,134	55.7
2006	8,524	16,600	24,854	61.1
2007	10,147	13,457	23,604	54.1
2008	8,481	5,086	13,567	21.5

Note: The percentage renewed is calculated on the basis of the total permits issued for the previous year.

Source: Department of Trade Enterprise and Employment website
<http://www.entemp.ie/labour/workpermits/>

Until this century the number of workers entering the country with employment permits was small, and did not change very much over the years. Many of those involved tended to be skilled and working in multinational enterprises, in the medical sphere or in a self-employed capacity in the catering area. However, as Table 11 shows, the number of permits increased rapidly from just under 6,000 in 1998 to over 47,000 in 2003. Following EU enlargement in 2004, and the implementation of the new policy of meeting most Irish labour market demand from within the EU, the number of permits dropped steadily. The decline was particularly dramatic from 2008 (23,604) to 2009 (13,567). The most dramatic fall occurred in respect of renewals of work permits.

Table 12: Employment Permits, 2007 and 2008

	New	Renewed	Issued
<i>2007</i>			
Green Cards	2974	NA	2974
Work Permits*/ Intra-Company Transfers/ Group permits/Training	5386	12234	17620
Spousal Dependent permits	1787	1223	3010
Total Permits	10147	13457	23604
<i>2008</i>			
Green Cards	2175	NA	2175
Work Permits*/ Intra-Company Transfers/ Group permits/Training	4197	3139	7336
Spousal Dependent permits	2200	1879	4079
Total Permits	8571	5019	13590

Source: Department of Enterprise, Trade and Employment

The number of Green Cards issued dropped from just under 3,000 in 2007 to 2,174 in 2008. They cover occupations offering a salary of €60,000 or more per annum, but also include some occupations with annual salaries in the €30,000 to €59,999 range in which skills shortages have been identified. The fall in the number of work permits, Intra-Company Transfers (ICT) etc. was much more dramatic: from 17,620 to 7,336 in 2008. Work permits issued to spouses and dependents of certain categories of employment permits were the only category of work permit to increase in 2008: just over 3,000 permits were issued to dependent spouses in 2007 and 4,000 in 2008.

Table 13: Employment Permits Issued and Renewed by Country of Nationality, 2003-2008 (Major sending countries)

	2003	2004	2006	2007	2008		Total
					<i>New Permits</i>	<i>Renewals</i>	
Australia	1149	908	795	808	301	109	410
Bangladesh	1038	1009	623	666	128	149	277
Brazil	1554	1512	983	1173	366	235	601
Canada	304	269	294	348	166	46	212
China	1593	1284	963	1188	416	245	661
Croatia	235	141	127	112	33	23	56
Egypt	277	257	199	171	37	42	79
India	1030	1253	1805	4069	2313	1021	3334
Israel	22	19	95	175	92	8	100
Japan	209	235	195	208	45	20	65
Malaysia	1030	886	661	797	388	161	549
Mexico	49	39	37	125	22	8	30
Moldova	1043	849	541	534	82	126	208
New Zealand	658	550	473	484	164	60	224
Nigeria	84	60	77	138	92	59	151
Pakistan	830	846	691	813	209	153	362
Philippines	4042	4301	3286	3885	1006	1204	2210
Romania	2527	2113	1267	120	120	6	126
Russian Federation	1091	0	10	404	94	78	172
South Africa	2468	2031	1469	1461	453	299	752
Sri Lanka	155	144	142	187	53	31	84
Thailand	549	507	405	486	106	129	235
Turkey	466	1191	159	222	74	34	108
Ukraine	2866	2137	1476	1412	239	248	487
United States of America	961	927	897	1209	737	130	867
Zimbabwe	262	251	167	216	71	40	111
Total	47551	34067	24854	23604	8481	5086	13567

Source: Department of Enterprise, Trade and Employment www.entemp.ie

Table 13 shows the number of employment permit holders from 2003 to 2008 in respect of the citizens of different countries with substantial numbers of permits.⁸ With exception of Nigeria and Romania, both of which registered a very modest increase on a low base, the number of employment permits issued to citizens of every other country in the table declined between 2007 and 2008.

⁸ The table distinguishes all countries for which the 2007 inflow exceeded 100.

Refugees and Asylum Seekers

The number of persons entering Ireland as asylum seekers or persons seeking refugee status has declined quite rapidly following legislative changes taken in recent years to cope with the huge increase in the number of applicants from less than 40 in 1992 to a peak of 11,600 in 2002 (Table 14). However, between 2002 and 2005 the number of applicants fell sharply by over 7,000 or about 60 per cent. There were a total of 3,866 applications for asylum in 2008, the lowest since 1997. It should be recognized that this annual influx for 2008 represents less than 7% of the estimate of total gross inward migration in the twelve months to April 2009.

Among the factors influencing the decrease in recent years in the number of applications for asylum are the provisions in the *Immigration Act 2003* for carrier liability for bringing an undocumented immigrant into the state, for fingerprinting of all asylum applicants, for an increased duty on applicants to co-operate with the asylum process, for the designation of safe countries of origin and for an accelerated procedure for certain categories of applications deemed to warrant prioritisation.⁹

Table 14: Asylum Seekers 1992-2008

Year	Number of Applications
1992	39
1993	91
1994	362
1995	424
1996	1179
1997	3883
1998	4626
1999	7724
2000	10938
2001	10325
2002	11634
2003	7900
2004	4766
2005	4323
2006	4,314
2007	3,985
2008	3,866

Source: Office of the Refugee Applications Commissioner. Available at <http://www.orac.ie>

⁹ These and other provisions of this Act were discussed in the report for SOPEMI for 2003.

Another important recent development that may have influenced the decrease in the number of asylum seekers is the resolution of the issue relating to the citizenship of Irish-born children. Prior to January 2005 the Irish Constitution guaranteed (without qualification) the right of any person born in Ireland to become an Irish citizen. In July 2003 the Government announced that immigrants could no longer seek residency in Ireland based solely on their child's Irish citizenship and suspended the processing of residency claims lodged on that basis. It was argued that both within and outside the asylum framework, large numbers of non-EEA nationals were traveling to Ireland to give birth and thus securing an automatic right to Irish citizenship for their children by virtue of birth within the State and prospective associated residency rights within the State and/or the EU as an Irish-citizen parent. The Department of Justice, Equality and Law Reform stated that this argument was supported by evidence that almost 60 per cent of female asylum seekers aged 16 and over were arriving in Ireland while pregnant.¹⁰

A referendum was held in June 2004 on the question of a Constitutional amendment to this automatic granting of Irish citizenship based by virtue of birth on the island of Ireland. The referendum, was passed by a large majority, provides a constitutional entitlement to citizenship only to a child who has at least one Irish-citizen parent. The Irish Nationality and Citizenship Act 2004 was subsequently enacted and provides that any person born in Ireland after 1st January 2005 to non-Irish parents will not be entitled to be an Irish citizen unless one of the parents was lawfully resident in Ireland for at least three out of the four years preceding the child's birth. Certain types of temporary residence are excluded from reckonable residence, for example periods spent as an asylum-seeker or student.

In January 2005 the Department of Justice, Equality and Law Reform moved to clarify the position of the non-Irish national parents of Irish-born children who had applied for residency on the basis of their Irish child but had had their claims suspended in 2003, and invited such persons to apply under the *Irish-Born Child 2005 Scheme (IBC/05)*. This was a special scheme under which non-Irish national parents

¹⁰ Department of Justice, Equality and Law Reform (April 2004) 'Information note: Proposal for Constitutional amendment and legislation concerning the issue of the Irish citizenship of children of non-national parents'. Available at www.justice.ie

of Irish children could apply for permission to remain in the State. Almost 18,000 applications were submitted under the 2005 Scheme, with 16,693 applications approved. In early 2007, a Scheme was announced for renewal of leave to remain from non-national parents of Irish born children granted leave to remain under the IBC/05 Scheme. Applicants who were successful have had their leave to remain renewed for up to three years at which stage those qualifying will be eligible to apply for full citizenship having held five years of legal residence in Ireland. In order to qualify for a renewal an applicant must:

- Have been successful under the first IBC/05 Scheme,
- Must have been living in Ireland with his or her child since being granted permission to remain, and
- Must have made every effort to become economically viable.

Processing of applications for renewal of this permission to remain in the State commenced in January 2007. The closing date for receipt of renewal applications from persons granted permission to remain in the State between 15 January 2005 and 31 March 2006 was 31 March 2008.¹¹ By the end of 2008, some 14,261 applications for renewal had been received, with 14,117 granted positive decisions and 102 applications refused. There were a number of legal challenges against refusal decisions under the IBC/05 administrative Scheme. In November 2006, in a number of test cases, the High Court overturned the Minister's decision refusing permission to remain on grounds the Minister was required, but had failed, to consider the constitutional and convention rights of the Irish-born children prior to making that decision. In December 2007 the Supreme Court overturned the decision of the High Court in relation to its findings in the series of test cases, (*Bode [A Minor] -v- Minister for Justice, Equality & Law Reform & Ors*), which overturned previous and recognised the fundamental power of the State to control the entry, residence and exit of foreign nationals.

¹¹ Quinn *et al.*, 2008. *Handbook on Immigration and Asylum in Ireland, 2007*. Dublin: ESRI. Available at www.esri.ie.

Table 15: Applications for Asylum by Nationality 2003 to 2008

2003		2004		2005	
Country	No.	Country	No.	Country	No.
Nigeria	3,110	Nigeria	1,776	Nigeria	1,278
Romania	777	Romania	286	Romania	385
DR Congo	256	Somalia	198	Somalia	367
Moldova	243	China	152	Sudan	203
Czech Republic	186	Sudan	145	Iran	202
Others	3,328	Other	2,209	Other	1,888
<i>Total</i>	<i>7,900</i>	<i>Total</i>	<i>4,766</i>	<i>Total</i>	<i>4,323</i>
2006		2007		2008	
Country	No.	Country	No.	Country	No.
Nigeria	1,038	Nigeria	1,028	Nigeria	1,009
Sudan	308	Iraq	285	Pakistan	237
Romania	289	China	259	Iraq	203
Iraq	215	Pakistan	185	Georgia	181
Iran	205	Georgia	174	China	180
Other	2,259	Other	2,054	Other	2,056
<i>Total</i>	<i>4,314</i>	<i>Total</i>	<i>3,985</i>	<i>Total</i>	<i>3,866</i>

Source: Office of the Refugee Applications Commissioner. Available at www.orac.ie.

Table 15 shows that Nigeria remains the stated country of nationality of the largest number of applicants for asylum. In 2003 and 2004 nearly 40% of all applicants stated that they were of Nigerian nationality. In 2008, over a quarter of asylum applicants (1,009) were of stated Nigerian nationality. Applications from those listing Romanian nationality ranked second in 2002-2004, but have declined following its accession to the EU in 2007.¹² Applications from stated nationals of Iraq, China and Pakistan have entered the top five ranking countries since 2007 displacing Sudan, Romania and Iran. The remaining applicants in 2008 came from a diverse range of countries and in most cases the number applying from each country was less than 100.

¹² After an initial rise in applications from Romanian nationals in January 2007, as from that month asylum applications from nationals of Romania and Bulgaria were deemed inadmissible for processing in the State due to citizens of both countries (and their family members) enjoying free movement rights as set out in the *European Communities (Free Movement of Persons) (No. 2) Regulations 2006*. The *EU Treaty Protocol on asylum for nationals of Member States of the European Union*, which provides that applications for refugee status from EU nationals shall be inadmissible for processing by another EU Member State except in very exceptional circumstances, was subsequently applied.

Joyce (2009) notes that during 2008 some 4,581 asylum applicants received decisions or determinations in their cases from the Office of the Refugee Applications Commissioner (ORAC), representing an increase of 10.3% on the number (4,152) made in 2007.¹³ Of these cases finalised, 6% concerned cases where the Commissioner made a recommendation that the applicant be granted refugee status. Taken on a quarterly basis, asylum applications in Ireland peaked slightly in the third quarter at 1,032 applications. Some 3,070 asylum decision appeals were received by the Refugee Appeals Tribunal (RAT) during 2008, an increase of 10% on those received during 2007. Decisions were issued by the Refugee Appeals Tribunal in 2,460 cases. Nigerian nationals represented the highest proportion of applicants received by the Tribunal.¹⁴ Overall, 88% of recommendations made by the ORAC were upheld by the Refugee Appeals Tribunal during 2008.

In a global context, in 2008 the UNHCR listed the number of individuals requesting refugee or asylum status in the 51 European and non-European countries as having increased by 12% year-on-year since 2007.¹⁵ Within these figures, among the 27 Member States of the European Union some 238,000 asylum applications were lodged in 2008, representing an increase of 6% on 2007 figures.

During 2008 some 85% of asylum applications were made at the Office of the Refugee Applications Commissioner and not at port of entry.¹⁶ Of the number who sought asylum at places other than the office of ORAC, 8% sought asylum at ports.

In November 2008, and in response to a Parliamentary Question on changes to the asylum system since the enactment of the *Immigration Act, 2003*, the Minister for Justice, Equality and Law Reform stated that “5,799 asylum applications had been withdrawn including 1,777 applications last year and a further 607 up to the end of October this year”.¹⁷

¹³ Joyce, C., (2009) *Annual Policy Report on Migration and Asylum 2008: Ireland*. Dublin: ESRI, European Migration Network

¹⁴ Refugee Appeals Tribunal (2009) *Annual Report 2008*.

¹⁵ UNHCR (2009) *Asylum Trends in Industrialised Countries 2008*. Available at www.unhcr.org

¹⁶ Figures provided by the Minister for Justice, Equality and Law Reform in response to a parliamentary question from Labour Justice spokesperson Pat Rabbitte in April 2008, as cited in *The Irish Times* (30 April 2008) ‘Most asylum seekers already in State when making initial application’.

¹⁷ *The Irish Times* (17 November 2008) ‘Thousands of asylum applications withdrawn’. Available at www.irishtimes.com

During 2008, some 385 determinations were made in ORAC under the Dublin II process compared to 368 in 2007 which represented an increase of 4.6%.

Table 16 shows decisions and recommendations to grant refugee status at first instance and appeal stage from 1998 to 2008. The numbers peaked at just under 2,000 in 2002 but have fallen below 600 in recent years, reflecting, at least in part, the decline in applications. The number of persons who are granted refugee status in Ireland in accordance with provisions set forth in the *1951 UN Convention Relating to the Status of Refugees* tends to be comparatively small. Calculation of refugee recognition rates that take adequate account of first instance and appeal stages are inherently problematic because they involve the comparison of annual numbers of applications and decisions, and the latter can relate to applications over a number of years. Ideally the measure should view the first instance and appeal stages as one integrated process and avoid double counting of individual applicants.

Table 16: Decisions/Recommendations to Grant Refugee Status at First Instance and Appeal Stage 1998 – 2008

	Decisions/ Recommendations to grant refugee status at first instance	Decisions/ Recommendations to grant refugee status at appeal stage	Yearly Total
1998	128	40	168
1999	166	351	517
2000	211	394	605
2001	459	481	940
2002	894	1,097	1,991
2003	345	832	1,177
2004	430	708	1,138
2005	455	511	966
2006	397	251	648
2007	376	204	580
2008	295	293	588

Source: Department of Justice, Equality and Law Reform/INIS. Cited in Joyce (2009).

Table 17. Refugee Recognition Rates 2004-2008*

	2004	2005	2006	2007	2008
Total ORAC Recommendations	6878	5243	4244	3808	3926
Total RAT Completed appeals	6305	4029	1950	1878	2568
Positive ORAC Recommendations	430	455	397	376	295
“Positive” RAT Decisions**	717	514	251	203	293
Total Decisions/Recommendations	13183	9272	6194	5686	6494
Total Positive Decisions/Recommendations	1147	969	648	579	588
Recognition Rate ORAC	6.3%	8.7%	9.4%	9.9%	7.5%
Recognition Rate RAT	11.4%	12.8%	12.9%	10.8%	11.4%
Overall Recognition Rate	8.7%	10.5%	10.5%	10.2%	9.0%

Source: Derived from Office of the Refugee Applications Commissioner statistics available at www.orac.ie; Refugee Appeals Tribunal 2008, 2007, 2006, 2005. Data related to EU Dublin Regulation cases are excluded.

* These data include withdrawn/deemed withdrawn/abandoned cases as “negative” recommendations/decisions because comprehensive data excluding such cases are not published. ** Recommendations issued by the Refugee Appeals Tribunal to the Minister for Justice, Equality and Law Reform to overturn the decision of the Refugee Applications Commissioner are counted as “positive decisions”.

Table 17 provides estimated refugee recognition rates for the period 2004 to 2008 based on published statistics from the Office of the Refugee Applications Commissioner (ORAC) and the Refugee Appeals Tribunal (RAT). These rates are calculated on the basis of the total number of recommendations or decisions that refugee status should be granted at first instance and appeal in any given year as a percentage of the total number of recommendations or decisions made at first instance or appeal in that year.¹⁸ The problem of double counting cases persists.

In June 2008 it was noted that during the year some 86 per cent of substantive appeals against negative ORAC decisions regarding refugee status were turned down by the Refugee Appeals Tribunal. When all types of appeal are taken into account, including

¹⁸ Cases finalised refer to those that are processed to the stage where the Minister for Justice, Equality and Law Reform is in a position to grant, or not to grant, a declaration of refugee status. Applications processed under *Regulation (EC) No 343/2003 of 18 February 2003* (“The Dublin Regulation”) are excluded from these calculations. Applications that are withdrawn, deemed withdrawn or are abandoned are included in the calculations and are counted as negative recommendations/decisions; inadequate data are published to construct a rate excluding such cases.

accelerated appeals where no oral hearing is allowed, the refusal rate for last year rose to 90 per cent.¹⁹

Certain key decisions or actions taken in the asylum and deportation process may only be appealed to the High Court by way of judicial review.²⁰ Statistics on applications for judicial review of the decisions of the Office of the Refugee Appeals Commissioner (ORAC), the Refugee Appeals Tribunal (RAT) and the Minister for Justice, Equality and Law Reform in asylum related matters are published by the Courts Service. During 2008 there was a overall reduction of 25% in applications for judicial review (representing 1,379 cases) with a similar reduction in asylum-related applications for judicial review. Some 785 applications for the judicial review of decisions of the Office of the Refugee Applications Commissioner, the Refugee Appeals Tribunal, and the Minister for Justice, Equality & Law Reform were made during 2008, with 2008 figures regarding asylum-related judicial review applications representing 57% of all judicial review applications. Overall some 1,465 orders were made in asylum cases in 2008, representing a 79% increase on comparable figures for 2007.²¹

Family Reunification

The Department of Justice, Equality and Law Reform received a total of 408 applications for family reunification from recognised refugee status holders in 2008. This represented an increase of 9.4 per cent per cent on similar figures for 2007.

¹⁹ NCCRI Bulletin (June 2008) citing article in *The Irish Times* (28 June 2008) '86% of Appeals to Refuse Refugee Status Turned Down'. Available at www.irishtimes.com/newspaper/ireland/2008/0628/1214600743908.html.

²⁰ Section 5 of the *Illegal Immigrants (Trafficking) Act 2000* specifically provides that certain decisions made in the asylum and immigration processes cannot be questioned other than by way of judicial review. Section 5 of the 2000 Act also provides special rules for judicial review of such decisions. These rules are more stringent than the normal rules for judicial review.

²¹ Courts Service (2009) *Annual Report 2008*. Dublin: Courts Service.

IV. Outward Migration

Outward migration declined somewhat in the 1990s, but subsequently increased. Table 3 has already shown that the gross population outflow declined from 56,000 in 1990 to 25,000 in 1997. However, emigration has increased again in recent years, to over 65,000 in the 12 months to April 2009.

Table 18: Estimated Emigration Flows by Country of Destination, 1991-2009

End April	UK	Rest of EU 15	EU 12	USA	Other	Total
Persons			<i>1,000s</i>			
1991	23.0	3.1	--	4.8	4.4	35.3
1992	16.9	7.5	--	3.5	5.5	33.4
1993	16.4	7.3	--	5.6	5.8	35.1
1994	14.8	5.5	--	9.6	4.9	34.8
1995	13.3	5.1	--	8.2	6.6	33.1
1996	14.1	5.1	--	5.2	6.8	31.2
1997	11.6	3.8	--	3.4	6.6	25.3
1998	11.8	5.9	--	5.3	5.6	28.6
1999	11.2	5.5	--	5.3	9.5	31.5
2000	7.2	5.5	--	4.0	10.0	26.6
2001	7.8	5.6	--	3.4	9.5	26.2
2002	7.4	4.8	--	4.8	8.5	25.6
2003	8.6	6.5	--	2.8	11.4	29.3
2004	7.1	5.0	--	3.9	10.5	26.5
2005	7.9	4.9	0.8	3.3	12.7	29.4
2006	8.8	5.7	2.3	3.3	15.8	36.0
2007	10.1	3.2	7.0	2.9	19.0	42.2
2008	7.0	7.4	9.0	2.2	19.8	45.3
2009	11.9	6.6	22.9	3.7	20.1	65.1
Males						
1991	12.2	1.4	--	2.3	1.8	17.6
1996	6.7	2.2	--	2.7	3.6	15.3
2001	3.4	2.0	--	2.0	5.2	12.6
2006	4.5	2.4	1.0	1.6	9.3	18.7
2007	4.8	1.4	4.3	1.6	11.5	23.6
2008	3.7	3.0	6.0	1.7	13.3	27.6
2009	7.5	2.8	14.9	2.1	11.8	39.0
Females						
1991	10.8	1.7	--	2.5	2.7	17.7
1996	7.4	2.8	--	2.5	3.2	15.9
2001	4.4	3.6	--	1.5	4.3	13.6
2006	4.4	3.3	1.4	1.7	6.6	17.3
2007	5.3	1.9	2.7	1.2	7.5	18.6
2008	3.3	4.4	3.0	0.5	6.5	17.7
2009	4.4	3.8	8.0	1.6	8.3	26.1

Source: CSO Population and Migration Estimates (various editions)

Destination and Nationality of Emigrants

The destinations to which Irish migrants have tended to go have changed significantly over time. The large numbers of emigrants who left in the early part of the last century went mainly to North America. However, these flows came to an abrupt end at the beginning of the 1930s because of the Great Depression that followed the Stock Market crash of 1929. Employment opportunities in the United States dried up and not only did the outflow cease, many former emigrants returned. From this point onwards the great majority of Irish emigrants went to the United Kingdom.

Recent figures suggest that emigrants from Ireland (who at this stage are not necessarily all of Irish nationality) now tend to travel to a much more diverse range of countries. Table 18 shows that in 1991 about 65% of those who emigrated went to the UK. However by 2009 the UK share had dropped to 18% while in the same year 35% went to the new EU Member States, reflecting economic crisis. Another 30% went to the rest of the world outside the EEA and USA.

Table 19: Estimated Emigration by Nationality, 2006-2009

	2006	2007	2008	2009
	<i>1,000s</i>			
Irish	15.3	13.1	13.4	18.4
UK	2.2	2.3	2.4	2.9
Rest of EU15	5.1	6.9	4.2	5.5
EU12	7.2	14.4	18.8	30.1
Rest of world	6.2	5.5	6.4	8.3
Total	36	42.2	45.3	65.1

Source: CSO, 2009 Population and Migration Estimates, April 2009

Unfortunately we do not know how much of the non-Irish national emigration reported in Table 17 is represents return migration. However, Table 18, showing outward migration by nationality, provides some information on this. In the twelve months to 2009 almost half of all emigrants were citizens of the new EU Member States and there was a substantial increase in numbers between 2008 and 2009. This is of interest, firstly, because it provides some indication of how migrants from the new EU Member States are responding to recession. Secondly, given that the number of New Member State (NMS) citizens emigrating from Ireland substantially exceeds the number emigrating to the New Member States, it suggests that many citizens of the NMS are migrating on to other destinations. Emigration of Irish citizens has also increased, to over 18,000 in 2009.

Age of Emigrants

Irish emigration has always tended to apply predominantly to young people, even though when economic conditions in Ireland are depressed, it can extend to the older age groups. The most recent estimates available (Table 19) show that 44% of emigrants in the year to April 2009 are in the 15-44 year age group, which represents a substantial increase in their number and share of emigrants, and another 47% of the gross outward movement relates to those aged between 25 and 44 years.

Table 20. Estimated Emigration Flows classified by Age, 1991-2009

End April	0-14	15-24	25-44	45-64	65+	Total
Persons			1,000s			
1991	4.6	19.9	10.5	0.4	0.0	35.3
1992	0.7	22.5	8.8	1.2	0.2	33.4
1993	1.1	23.6	9.1	1.2	0.2	35.1
1994	1.4	24.6	8.2	0.6	0.0	34.8
1995	1.2	22.6	8.5	0.8	0.0	33.1
1996	0.9	21.4	8.1	0.7	0.0	31.2
1997	0.3	19.4	5.6	0.0	0.0	25.3
1998	1.6	21.1	5.8	0.2	0.0	28.6
1999	0.0	23.1	7.6	0.3	0.6	31.5
2000	0.0	21.4	4.6	0.1	0.6	26.6
2001	0.0	21.2	4.4	0.0	0.7	26.2
2002	2.5	18.7	3.1	0.1	1.2	25.6
2003	0.9	17.0	8.8	1.3	1.2	29.3
2004	1.5	14.1	9.2	1.3	0.4	26.5
2005	2.1	14.3	10.6	1.5	0.9	29.4
2006	2.2	15.9	14.2	2.0	1.6	36.0
2007	1.3	16.6	19.3	2.7	2.3	42.2
2008	1.5	18.2	20.3	2.6	2.8	45.3
2009	1.2	28.8	30.4	2.6	2.0	65.1
Males						
1991	2.3	9.5	5.8	0.1	0.0	17.6
1996	0.4	9.8	5.1	0.0	0.0	15.3
2001	0.0	9.9	2.4	0.0	0.4	12.6
2006	1.1	8.0	7.6	1.2	0.8	18.7
2007	0.5	8.2	11.7	1.8	1.4	23.6
2008	0.7	10.0	13.0	2.1	1.9	27.6
2009	0.6	16.4	20.0	1.4	0.6	39.0
Females						
1991	2.3	10.4	4.7	0.3	0.0	17.7
1996	0.6	11.7	3.0	0.7	0.0	15.9
2001	0.0	11.3	2.0	0.0	0.3	13.6
2006	1.1	7.9	6.5	0.9	0.9	17.3
2007	0.7	8.4	7.6	0.9	0.9	18.6
2008	0.8	8.2	7.3	0.6	0.9	17.7
2009	0.7	12.4	10.4	1.3	1.4	26.1

Source: CSO Population and Migration Estimates (various editions)

Return Migration

Some 961 persons were removed from Ireland during 2008, representing a 23% increase in return migration (deportations, transfers and voluntary repatriations) from Ireland year-on-year from 2007.²² Of these, 161 deportation orders to non-EU countries were effected.

Regarding *Dublin II Regulation* transfer orders, 271 transfer orders were effected during 2008, an increase of 20% on 2007 figures. The rate of effecting of transfer orders signed in 2008 was 74%, compared with 62% in 2007. Some 475 formal requests were made by the Office of the Refugee Applications Commissioner (ORAC) to EU Dublin II Regulation States, with 294 concerning “take back” requests and 181 concerning “take charge” requests. During 2008 overall determinations in ORAC under the *Dublin II Regulation* increased by 4.6 per cent year-on-year, with some 385 determinations. In response to a Parliamentary Question in November 2008, the Minister for Justice, Equality and Law Reform stated that in the period from 2004 to 2008 a total of 1,019 people were transferred to the country where they first entered the EU.²³

Voluntary Assisted Return

In 2008 in Ireland, 529 persons opted to be assisted to return home voluntarily, a substantial increase from 2007 and 2006 when 417 and 238 persons sought voluntarily assisted return, respectively. Of the 2008 figure, some 454 persons were assisted to return by the International Organization for Migration (IOM) and 75 persons received administrative assistance to return by the Department of Justice, Equality and Law Reform. IOM continued to run a number of programmes related to voluntary return during 2008: the Voluntary Assisted Return and Reintegration Programme and the Voluntary Assisted Return Programme for Vulnerable Irregular Nigerian Nationals (in conjunction with IOM Netherlands) until May 2008.

²² Joyce, C. (2009) *Annual Policy Report on Migration and Asylum 2008: Ireland*. Dublin: ESRI, European Migration Network

²³ *The Irish Times* (17 November 2008). ‘Thousands of asylum applications withdrawn’.

Deportation

There were 161 deportations to non-EU countries during 2008, with 271 transfers under the *Dublin Regulation*.²⁴ In response to a Parliamentary Question in November 2008 on changes arising after the enactment of the *Immigration Act, 2003*, the Minister for Justice, Equality and Law Reform stated that between 2003 and 2008 some 8,486 deportation orders were issued and 2,118 implemented. The largest number of deportations occurred in the first two years of the new rules with 591 deported in 2003 and 599 the following year.²⁵

²⁴ Department of Justice, Equality and Law Reform (February 2009). 'Minister Dermot Ahern Announces End of Year Asylum Statistics'. Press Release; *The Irish Times* (6 January 2009). 'Applications for asylum continue to fall as departures of illegals rise 23%'.
²⁵ *The Irish Times* (17 November 2008) 'Thousands of asylum applications withdrawn'.

V. The Labour Market

Labour Market Trends

Recession

After a period of exceptional and sustained growth from 1994 through the early years of this decade, the Irish economy went into crisis in 2008. The crisis was precipitated by the global financial crisis, but this led rapidly to a bursting of the property bubble, which in turn bankrupted the main Irish banks and generated a fiscal crisis of the state, whose revenues had become overly dependent upon taxes on property transactions.

Gross National Product (GNP) contracted by 2.7% in 2008 and is expected to fall by 8.7 per cent in 2009.²⁶ As a consequence of this severe contraction, total employment fell by 1.5% in 2008 and is expected to decline by about 8% in 2009. Employment losses have been concentrated in construction and related sectors, but are nevertheless widespread across the private sector. Unemployment increased from less than 5% at the beginning of 2008 to 12.5% in autumn 2009. It also is expected to increase further.

The recession and financial crisis have not only taken a very heavy toll on the Irish economy, they have also led to a very rapid deterioration in the public finances. Lower economic activity and employment, combined with over-reliance on property-related taxes, which were used to fund rapid increases in expenditure, have led to a dramatic shortfall of government revenue over expenditure. The General Government Balance fell to -7.3% of Gross Domestic Product (GDP) in 2008, and even following a series of emergency budgets, is expected to be close to - 13% of GDP in 2009 and 2010. The long-run implications for the economy and the public finances of government actions to resolve the banking crisis through the National Management Asset Management Agency (NAMA) remain uncertain. In response to the severe fiscal crisis, government has introduced a series of expenditure cuts as well as tax increases and a levy on public sector incomes. Further extensive austerity measures are expected in the budget for 2010.

²⁶ Barrett, A., Kearney, I., and Goggin, J., (2009) *Quarterly Economic Commentary, Autumn 2009*. Dublin: ESRI.

In this context, immigration declined from a high of 110,000 in the twelve months to April 2007, to 57,300 in the twelve months to April 2009, while emigration increased to 65,100 in the year to April 2009. As a result Ireland registered net outward migration, of 7,800 in the 12 months to April 2009, for the first year since 1995. The inflow from workers from the new EU Member States has fallen considerably over the past year.

Table 21. Annual Estimates of Total Numbers at Work, Unemployed and Net Migration, 1983-2009

<i>Year</i>	<i>At Work</i>	<i>Unemployed</i>	<i>Labour Force</i>	<i>Unemployment Rate</i>	<i>Net External Migration</i>
	<i>1,000s</i>			<i>%</i>	<i>1,000s</i>
1983	1,144	181	1,325	13.6	-14
1984	1,122	204	1,326	15.4	-9
1985	1,099	222	1,321	16.8	-20
1986	1,095	226	1,321	17.1	-28
1987	1,108	225	1333	16.9	-23
1988	1,111	217	1,328	16.4	-42
1989	1,111	197	1,308	15.1	-44
1990	1,158	172	1,332	12.9	-23
1991	1,156	198	1,354	14.7	-2
1992	1,165	207	1,372	15.1	7
1993	1,183	220	1,403	15.7	0
1994	1,221	211	1,432	14.7	-5
1995	1,282	177	1,459	12.2	-2
1996	1,329	179	1508	11.9	8
1997	1,380	159	1,539	10.3	19
1998	1,506	128	1,633	7.82	17
1999	1,606	101	1,707	5.92	17
2000	1,684	80	1,764	4.51	26
2001	1,738	69	1,807	3.84	33
2002	1,769	82	1,851	4.45	41
2003	1,800	87	1,887	4.60	31
2004	1,852	88	1,940	4.53	32
2005	1,945	96	2,040	4.70	55
2006	2,035	98	2,133	4.59	72
2007	2,114	103	2,217	4.65	67
2008	2,113	127	2,240	5.66	39
2009	1,939	265	2,203	12.01	-8

Notes: (a) The data from 1983 to 1987 are taken from earlier editions of this report.
(b) The Labour Force data are defined according to ILO concepts.
(c) Labour Force data refer to April, immigration data to the year ending April.

Sources:

- (a) CSO *Labour Force Survey* (various releases)
- (b) CSO *Quarterly National Household Survey* (various releases)
- (c) CSO *Population and Migration Estimates* (various years)
- (d) Employment and Unemployment, 1998-2009: CSO, 2008, *Quarterly National Household Survey: Revised Series Calendar Quarters* http://www.cso.ie/qnhs/calendar_quarters_qnhs.htm

Table 20 shows annual figures for employment, unemployment and net external migration over an extended period from 1983 to 2009. The time series suggests a strong association between Irish migration patterns and economic conditions, particularly in the labour market. For example, the global downturn that occurred in the early 1980s had a particularly severe impact on the Irish economy, resulting in the country languishing in recession until well into the second half of the decade.²⁷ By 1986 the unemployment rate had reached over 17 per cent. This created a sharp divergence in labour market conditions between Ireland and other countries, particularly the UK, which led to a sharp rise in emigration. The net outflows were substantial at the end of the decade - almost 45,000 in 1988/89, or 13.0 per thousand of the population.

This position stabilised in the early 1990s. Unemployment decreased and the net migratory balance hovered close to zero. The emigration option was less attractive because of less favourable labour market conditions abroad. As a result, the pressure of labour force expansion caused unemployment in Ireland to rise. This position was compounded by a sizeable return flow of former emigrants. Even though employment did not actually decline in Ireland during this period, by April 1993 the unemployment rate had increased again to nearly 16 per cent compared with 13 per cent in 1990.

The economic circumstances in Ireland in the period 1995-2000 improved. GNP growth averaged almost 9 per cent and, as Table 20 shows, the estimated increase in total employment in the same period totalled 389,000, or over 5 per cent on an annual average basis. Even though the labour force continued to expand throughout this period, this occurred at a much slower pace, and by April 2000 the unemployment rate had fallen to 4.3 per cent. This unprecedented employment growth eventually gave rise to significant labour shortages across many areas of economic activity, both skilled and unskilled. One consequence of this was a rapid increase in the influx of foreign workers. As the population figures have already indicated, these came not only from the EU15 (the citizens of which enjoy freedom of movement within Member States under EU law) but also from a wide range of other countries, mainly under the terms of the existing work permit system. After 2004 there was a very substantial influx of nationals of the New Member States (NMS) of the EU. The rapid boom in the Irish economy ended around the turn of the century, although

²⁷ Earlier SOPEMI reports contain more detailed descriptions of these events.

growth rates of around 5% per annum, well in excess of the EU average, were achieved in most years between 2000-2006. The pace of employment expansion fluctuated between 3 and 5% between 2000 and 2006 and fell to less than 3% in 2007. During this period most of the employment creation was in construction and the public sector, not sustainable in the long run. There was also strong employment growth in the services sector, particularly in the financial and other business services sector.

The Irish economy moved into recession in the first half of 2008.²⁸ The slowdown was initially apparent in the construction sector, which had expanded disproportionately in recent years: in 2007 over 20% of male workers were in the construction sector. The international credit crisis undermined house prices, which had inflated very rapidly in recent years. Government revenues have been sharply reduced by rapid decline in stamp duty taxes on the sale of houses, as well as declining income tax revenue with falling employment, leading to a fiscal crisis of the state. The recession has led to a dramatic and very rapid deterioration in labour market conditions. Total employment fell by 1.5% in 2008 and is expected to decline by about 8% in 2009. Employment losses have been concentrated in construction and related sectors, but are nevertheless widespread across the private sector. Unemployment increased from less than 5% at the beginning of 2008 to 12.5% in autumn 2009. In response to this emigration has increased, immigration declined, and Ireland returned to net emigration in 2009 for the first time since the mid-1990s.

Table 22: Employment and Unemployment by Nationality 2005-2008

	2004 q4	2006 q2	2007 q4	2009 q2	2004-2008	2008-2009
Employment	1,000's				% change	
Irish nationals ¹	1,735.1	1,787.1	1,793.0	1,663.9	3.3	-7.2
Non-Irish nationals	164.4	289.7	345.8	274.6	110.3	-20.6
<i>of which:</i>						
<i>United Kingdom</i>	43.6	50.2	54.5	49.6	25.0	-9.0
<i>EU15 excl. Irl. & UK</i>	27.3	32.4	34.8	34.1	27.5	-2.0
<i>Accession states EU15 to EU25</i>	40.9	131.2	172.2	123.7	321.0	-28.2
<i>Other</i>	52.6	76.0	84.4	67.2	60.5	-20.4
Total persons	1,899.5	2,076.9	2,138.8	1,938.5	12.6	-9.4
% Non-Irish National	8.7	13.9	16.2	14.2		

Source: CSO, *Quarterly National Household Survey*, various years

²⁸ ESRI, *Quarterly Economic Commentary*, Summer 2008

Table 23: Unemployment, Numbers and Rates, by Nationality, 2007 and 2009

	2007 q4		2009 q2	
	<i>I,000s</i>	<i>% Rate</i>	<i>I,000's</i>	<i>% Rate</i>
Irish nationals	80.3	4.3	213.8	11.4
Non-Irish nationals	20.7	5.6	50.8	15.6
<i>of which:</i>				
<i>United Kingdom</i>	4.4	7.5	7.2	12.7
<i>EU15 excl. Irl. & UK</i>	1.2	3.3	2.6	7.1
<i>Accession states EU15 to EU25</i>	10.0	5.5	29.0	19.0
<i>Other</i>	5.2	5.8	12.1	15.3
Total persons	101.0	4.5	264.6	12.0

Source: CSO, *Quarterly National Household Survey*, various years

Table 22 shows trends in employment by nationality between Quarter 4, 2004 and Quarter 2, 2009. The number of non-nationals in employment increased from 194,000 in 2005 to 346,000 at the end of 2007, at the peak of employment and immigration. This represented a very rapid increase, from less than 9% to 16% of total employment, between 2004 and 2007. Over the 4 year period the number of non-nationals in employment more than doubled. The growth in nationals of the New Member States (NMS) was particularly strong: 321%. Thereafter, however, immigrants began to lose their place in the Irish labour market. Total employment fell by 9% between the end of 2008 and the second quarter of 2009. Employment among Irish nationals fell by 7%; among non-Irish nationals employment fell by almost 21%. In 2007, non-nationals accounted for over 16% of total employment; by the 2nd quarter of 2009 this share had fallen to 14%. Citizens of the NMS experienced the sharpest drop in employment: they lost 50,000 jobs, 28% of the number employed in 2009.

The national unemployment rate increased from 4.5% of the labour force at the end of 2007 to 12% in the 2nd quarter of 2009. The rate among non-Irish nationals was higher, and increased from 5.6% to 15.6%. In the 2nd quarter of 2009, citizens of the new EU member states showed the highest unemployment rate: 19%.

Table 24: Employment by Nationality and ILO Economic Status, 2007 and 2009

	ILO Economic Status				Total
	In employment	Unemployed	In labour force	Not economically active	
	1000's	1000's	1000's	1000's	1000's
Q2 2009					
Irish nationals ¹					3,079.
	1,663.9	213.8	1,877.7	1,201.3	0
Non-Irish nationals	274.6	50.8	325.4	119.5	444.8
<i>of which:</i>					
<i>United Kingdom</i>	49.6	7.2	56.8	37.0	93.8
<i>EU15 excl. Irl. & UK</i>	34.1	2.6	36.7	9.0	45.7
<i>Accession states</i>					
<i>EU15 to EU27</i>	123.7	29.0	152.6	30.0	182.6
<i>Other</i>	67.2	12.1	79.2	43.5	122.7
Total persons	1,938.5	264.6	2,203.1	1,320.8	8
Q4 2007					
Irish nationals ¹					3,027.
	1,793.0	80.3	1,873.2	1,153.7	0
Non-Irish nationals	345.8	20.7	366.5	118.8	485.3
<i>of which:</i>					
<i>United Kingdom</i>	54.5	4.4	58.9	37.1	95.9
<i>EU15 excl. Irl. & UK</i>	34.8	1.2	36.0	10.6	46.6
<i>Accession states</i>					
<i>EU15 to EU27</i>	172.2	10.0	182.1	28.8	210.9
<i>Other</i>	84.4	5.2	89.6	42.3	131.9
Total persons	2,138.8	101.0	2,239.8	1,272.5	3
Change, 2007-2009					
Irish nationals ¹	-129.1	133.5	4.5	47.6	52.0
Non-Irish nationals	-71.2	30.1	-41.1	0.7	-40.5
<i>of which:</i>	0.0	0.0	0.0	0.0	0.0
<i>United Kingdom</i>	-4.9	2.8	-2.1	-0.1	-2.1
<i>EU15 excl. Irl. & UK</i>	-0.7	1.4	0.7	-1.6	-0.9
<i>Accession states</i>					
<i>EU15 to EU27</i>	-48.5	19.0	-29.5	1.2	-28.3
<i>Other</i>	-17.2	6.9	-10.4	1.2	-9.2
Total persons	-200.3	163.6	-36.7	48.3	11.5

Source: CSO, *Quarterly National Household Survey*, various years

The impact of the recession is more apparent in Table 24, which shows the most recent results of the *Quarterly National Household Survey (QNHS)*, relating to the 3rd Quarter of 2008. Total employment fell by 200,000 over the period: 129,000 among Irish nationals and 71,000 among non-nationals, including almost 49,000 citizens of new EU Member States. Unemployment increased by 163,000 overall, by 135,000 among Irish nationals and 130,000 among non-Irish nationals. This meant that

unemployment represented 11% of the labour force overall in the 2nd quarter of 2009, 11% among Irish nationals and 15.6% among non-nationals. UK nationals showed unemployment rates of about 13%, those from the New Member States (NMS) about 19%, and nationals of non-EEA countries, 15%. Unemployment was lowest, at 7% among nationals of the old 15 EU Member States

Overall, the slowdown in immigration and increased emigration has led to a decline in the population of non-Irish nations of about 40,000, suggesting that this, at least as yet, has not been as pronounced as the decline in employment. At present the information on migration patterns of emigrants in Ireland is limited, although population decline in Table 24 is consistent with the increase in emigration among non-Irish nationals reported in Table 19 above.

Immigrants in the Labour Market

Table 23 shows the distribution of those at work by occupation and country of birth in 2007. By this analysis immigrants represent almost 19% of total employment. Overall, immigrants are less likely to be managers and administrators than natives, but roughly equally likely to be professionals, associate professionals or technical workers. Immigrants were more likely than natives to be engaged personal and protective services and in the residual “Other” and not stated category.

Table 25: Occupation of Those at Work by Country of Birth, 2006

	Irish	EU14	EU15-27	Other	All Non-Irish	All
	%					
Managers and administrators	16.7	15.7	3.0	9.7	9.5	15.4
Professional	11.8	15.1	2.7	13.3	10.1	11.4
Associate professional and technical	8.7	12.5	1.8	15.1	9.3	8.8
Clerical and secretarial	12.9	11.5	6.5	7.4	8.6	12.1
Craft and related	14.2	12.5	20.7	9.9	14.8	14.3
Personal and protective service	10.7	12.2	13.5	17.9	14.1	11.3
Sales	8.6	8.5	9.4	8.6	8.9	8.7
Plant and machine operatives	8.1	5.7	15.9	5.3	9.3	8.3
Other (includes not stated)	8.4	6.4	26.4	12.8	15.4	9.7
Total	100.0	100.0	100.0	100.0	100.0	100.0
N	1,708.7	148.8	143.0	101.1	392.9	2,101.6
Share	81.3	7.1	6.8	4.8	18.7	100.0

Source: QNHS, 2007, Q2

The occupational distribution of immigrants from the old EU member states is roughly similar to that of Irish nationals, although there is a greater proportion of professionals among the former. However, the distribution of immigrants from the New Member States is quite different, with a much greater concentration at the lower end of the occupational structure. Thus, for example, 16% of immigrants from the New Member States are plant and machine operatives (about twice the proportion among natives) and 26% are in the “other” category, compared to 8% of natives. Note that this does not necessarily reflect the educational attainment of immigrants from the NMS, as they tend to work below their level of qualification in the Irish labour market.²⁹ The “other” migrant category includes all migrants born in non-EU countries. This is quite a diverse group: it includes disproportionate shares of professional and associate professional and technical workers at the top of the occupational structure, but also includes a concentration of workers on personal and protective services and in the “other” unclassified category.

Table 26: Employment Distribution by Sector and Nationality, Q2, 2009

	Irish	All Non-Irish	<i>Of which</i>			
			UK	EU15*	EU16-27	Other
%						
Agriculture, forestry and fishing	6.0	2.1	--	--	3.5	--
Industry	14.3	16.8	13.8	11.8	22.8	12.3
Construction	12.4	16.8	13.6	3.5	26.8	9.8
Wholesale and retail trade; repair of motor vehicles and motorcycles	14.1	12.7	14.4	8.3	13.3	12.7
Transportation and storage	4.6	3.4	4.9	3.8	3.5	2.1
Accommodation and food service activities	4.6	14.2	4.9	17.3	15.2	17.5
Information and communication	3.2	2.9	4.9	7.3	0.9	2.9
Financial, insurance and real estate activities	4.9	3.1	6.5	7.3	--	3.0
Professional, scientific and technical activities	5.1	4.5	7.3	9.6	2.6	3.4
Administrative and support service activities	3.2	5.3	3.6	8.3	4.7	5.8
Public administration and defence; compulsory social security	5.7	0.6	2.4	--	--	--
Education	6.7	2.9	5.9	5.1	0.9	3.4
Human health and social work activities	10.2	9.3	10.3	7.3	1.9	19.8
Other NACE activities	4.9	5.2	5.7	7.7	3.7	6.2
Total	100.0	100.0	100.0	100.0	100.0	100.0
Total Number (1,000's)	1798.4	273.5	49.4	31.3	112.4	80.4

Source: CSO, QNHS, Q2, 2009.

²⁹ Barrett, A., and McCarthy, Y., (2007) “The Earnings of Immigrants in Ireland: Results from the 2005 EU Survey of Income and Living Conditions”. *Quarterly Economic Commentary, Winter 2007*

Table 26 provides a breakdown of the migrant workforce by broad NACE sector in the 2nd quarter of 2009. Immigrants are distributed widely across the economy. Industry and construction account for the largest shares of immigrants, although they are not particularly disproportionately located in those sectors as both account for large shares of Irish nationals also. The *Construction* sector experienced the largest increase in the number of migrant workers up to 2007, and subsequently for a large share of job losses. This sector currently employs almost 17% of non-Irish nationals in the workforce, and almost 27% of nationals of the NMS, compared to 12% of Irish nationals. *Other Production Industries* account for the largest share of non-Irish nationals in the workforce: over 17 %.

Comparing the breakdown by sector with that of the native Irish workforce, migrant workers are significantly over-represented in the *Hotels and Restaurant* sector. In 2009, over 14% of migrant workers were employed in this sector. This compares with less than 5% of the Irish national workforce. This sector has the highest proportion of migrant workers: one out of four workers in the sector is not an Irish national. By contrast, non-Irish nationals are markedly under-represented in *Public Administration and Defence*, where less than 1% of Non-Irish nationals are employed, compared to almost 6% of Irish nationals. Non-Irish nationals are also under-represented in the *Education* sector.

Non-EU workers are significantly over represented in the *Health* and *Hotels and restaurant* sectors. These sectors account for almost 40% of workers from outside the EU.

Comparisons of the educational attainment and occupations of immigrants in the labour force suggest that there is a mismatch between the educational attainment of immigrants and their occupations. For example, Barrett and Duffy (2008) show that immigrants to Ireland tend to be more highly educated than the native population, although the educational profile of immigrants from the EU's new members states is closer to that of the Irish nationals in the labour force.³⁰ They also find that, using data from the Quarterly National Household Survey from 2005, immigrants are significantly less likely to be in higher level occupations, even when account is taken

³⁰ Alan Barrett and David Duffy, 2008 "Are Ireland's Immigrants Integrating into its Labour Market?," *International Migration Review*, VOI 9., No. 5.

of age, gender, education and experience. The largest occupational gaps were found in respect of nationals of the EU's new member states. While a part of the disadvantage experienced by immigrants may be due to their recent arrival and a consequent lack of location-specific human capital, this would be expected to decline over time, as immigrants become assimilated in the local labour market. Barrett and Duffy used data on date of arrival to investigate this but found little evidence that the immigrant occupational disadvantage declines over time, particularly in respect of EU10 immigrants.

Barrett and McCarthy³¹ show that immigrants earn 15% less, on average, than comparable native employees. The wage gap increases to 20% in respect of immigrants from non-English speaking countries, and to 32% among those from the new EU Member States. Immigrant women suffer a double disadvantage, with earnings 14% less than those of comparable native females. Analysis of a much larger national data set, the *National Employment Survey*, from 2006, by Barrett, McGuinness and O'Brien, found an average wage penalty of 9% among all immigrants, rising to 18% among EU10 immigrants. They also found that the difference is higher at the upper ends of the skills and earnings distributions.³² Barrett also shows that the aggregate impact of immigration of about 180,000 to Ireland was to increase GNP by almost 6% in 2008, to increase GNP per worker by 1.7%, employment by 4.4% and to reduce average wages by 7.8%, the latter due to the impact of increased labour supply.³³

Quinn and O'Connell³⁴, used data from the QNHS to show that the percentage of EU workers in Ireland has increased markedly post enlargement in skilled and other occupational categories. The percentage of non-EU workers employed in skilled and other occupations fell in the period between 2003 and 2005. Non-EU nationals have more or less maintained their representation among highly skilled workers. The

³¹ Barrett, A., and McCarthy, Y (2007) "The Earnings of Immigrants in Ireland: Results from the 2005 EU Survey of Income and Living Conditions". *Quarterly Economic Commentary*, Winter.

³² Alan Barrett, Seamus McGuinness and Martin O'Brien, 2008, "The Immigrant Earnings Disadvantage Across the Earnings and Skills Distributions: The Case of Immigrants from the EU's New Member States in Ireland." ESRI Working Paper 236. Dublin: ESRI

³³ Alan Barrett, 2009, "EU Enlargement and Ireland's Labour Market." IZA Discussion Paper No. 4260. Bonn: IZA.

³⁴ Quinn, E., and O'Connell, P., (2007), "Conditions of Entry and Residence of Third Country Highly-Skilled Workers in Ireland 2006". European Migration Network. Dublin: ESRI. www.esri.ie

suggestion is that EU10 nationals are taking up positions in skilled and other occupational categories rather than highly skilled occupations.

McGinnity and O'Connell³⁵ analyse a special sub-set of QNHS data devoted to discrimination to examine labour market disparities experienced by immigrants and ethnic minorities. First, in relation to access to employment, they find a much higher risk of unemployment for Blacks, and a higher risk for other immigrants from non-English-speaking countries - Whites, Asians and Others - compared to White Irish, but detected no difference between migrants from English-speaking countries and White Irish in the risk of unemployment. However, they also found that non-Irish nationals are three times more likely to report having experienced discrimination while looking for work than Irish nationals, even after controlling for differences in gender, age and education between the groups. Blacks and the small group of non-English speaking non-White immigrants are particularly likely to report experiencing discrimination while looking for work.

Second, in terms of discrimination in the workplace, i.e. among those who do have jobs, two strong conclusions emerged. Immigrants from English-speaking countries (most of them from the UK) do not differ from White Irish in terms of access to senior positions, in wages (where data permitted that analysis) and in subjective experience of discrimination in the workplace. Among those from non-English speaking countries, they find no substantial differences between ethnic groups. In particular there were no discernable differences between Blacks, Asians and Whites from non-English speaking countries in terms of promotion or work harassment.

Russell et al. (2008) found that just over 12 per cent of Irish adults felt that they had been discriminated against in the preceding two years on grounds such as family status, gender, age and race.³⁶ Rates of reported discrimination rose to 31 per cent among those of Black, Asian or Other ethnicity and 24 per cent among non-Irish nationals. The results show that the highest rates of reported discrimination occur while looking for work (5.8 per cent) and in the workplace (4.8 per cent). The survey

³⁵ McGinnity, F., and O'Connell P., (2008) *Immigrants at Work: Ethnicity and Nationality in the Irish Labour Market*. Dublin: ESRI and The Equality Authority.

showed that non-Irish nationals are more than twice as likely as Irish respondents to report discrimination in the work place. Non-Irish national respondents were also more than two times more likely to report discrimination when looking for work than Irish nationals. When other variables are controlled in regression models, these differences are maintained. The fact that non-Irish nationals experience more discrimination than Irish nationals is not accounted for by socio-demographic or job characteristics.

³⁶ Russell, H., Quinn, E., King O’Riain, R. and McGinnity, F. (2008) *The Experience of Discrimination in Ireland: Analysis of the QNHS Equality Module*. Dublin: Equality Authority and ESRI. Available at www.esri.ie.

VI. Recent Policy Measures on Migration and Asylum in Ireland

Legislative Background

The basic legislation governing the entry and residence of non-nationals in the State is the *Aliens Act 1935* and the *Aliens Order 1946* as amended, together with the regulations implementing the *EU Rights of Residence Directives* which came into effect after Ireland joined the European Union in 1973. Even though the 1935 Aliens Act has been amplified from time to time through the introduction of Statutory Orders made under that Act by the Minister for Justice, Equality and Law Reform, it remained until relatively recently the only substantive piece of legislation relating to right of entry and residence for non-nationals. The general perception was that there was little need to introduce changes in view of the small number of immigrants and foreign residents involved. However, the rapid increase in the rate of immigration of non-Irish nationals and the large influx of asylum seekers since the mid-1990s created an entirely new situation. Arising from this, in 2008 the Government published comprehensive new immigration, residence and protection legislation to consolidate and expand existing immigration and asylum legislation.

In addition to the fundamental question of revising basic legislation, the Irish Government has introduced a series of legislative measures designed to deal with specific issues which arose as a result of rapidly changing circumstances. The fundamental and specific legislation that has been introduced includes:

- The Refugee Act 1996
- The Immigration Act 1999
- The Illegal Immigrants (Trafficking) Act 2000
- The Immigration Act 2003
- The Employment Permits Act 2003
- The European Convention on Human Rights Act 2003
- The Social Welfare (Miscellaneous Provisions) Act 2004
- Irish Nationality and Citizenship Act 2004
- The Immigration Act 2003
- The Employment Permits Act 2006
- The *Criminal Law (Human Trafficking) Act 2008*

The *1996 Refugee Act* codified in law the provisions for dealing with applications for asylum.³⁷ It also provides the legal basis for the Office of the Refugee Applications Commissioner (ORAC) and the Refugee Appeals Tribunal (RAT). These agencies, while independent, operate under the aegis of the Department of Justice Equality and Law Reform, which has primary responsibility for immigration policy. The *1999 Immigration Act* re-instituted the process of deportation on a legal footing (after a successful court challenge). The *2000 Illegal Immigrants (Trafficking) Act*, as the title indicates, deals with trafficking of immigrants, while the *Immigration Act 2003* introduces carrier liability for transporting undocumented immigrants and contains a substantial number of amendments to the *1996 Refugee Act*. The *2003 Employment Permits Act* provides a separate and more comprehensive codification in law covering issues related to work permits and working visas. The *European Convention on Human Rights Act 2003* makes the European Convention part of Irish law. The *Social Welfare (Miscellaneous Provisions) Act 2004* introduces a Habitual Residency Condition (HRC) test for receipt of social assistance and Child Benefit. The *Immigration Act 2004* makes provision for the appointment of immigration officers and specifies criteria for permission to land. Details of the *1996 Refugee Act* and of the legislative measures dealing with immigration and work permits introduced up to 2007 have already been given in earlier SOPEMI Reports.

The Employment Permits Act 2006

The Employment Permits Act 2006 was implemented in January 2007 and contains a reformed system introduced with three elements:

1. A type of “Green Card” for any position with an annual salary of €60,000 or more in any sector, or for a restricted list of occupations, where skill shortages have been identified, with an annual salary range from €30,000 to €9,999.
2. A re-established Intra-Company transfer scheme for temporary trans-national management transfers.
3. A Work Permit scheme for a very restricted list of occupations up to €30,000, where the shortage is one of labour rather than skills. Work permits applications will not be considered for a list of specified occupations, mainly low-skilled elementary and traditional manual craft occupations listed as ineligible for work permits.

³⁷ Seeking asylum in this context is defined as in the *1951 UN Convention on Refugees*.

The application for a Green Card does not entail a requirement for a labour market test. The card is issued first for 2 years, and will normally lead to granting of long-term residence, and holders are entitled to be accompanied by spouses and families. Work permits can be granted for two years initially and subsequently extended for three years. Either employers or employees may apply for employment permits and, in an important new development, the Green Card or work permit is granted to the employee, rather than the employer, with the intention of reducing the potential for employee exploitation.

In April 2007 the *Third Level Graduate Scheme* was implemented providing that non-EEA students who have graduated on or after 1 January 2007 with a degree from an Irish third-level educational institution may be permitted to remain in Ireland for 6 months. The scheme allows them to find employment and apply for a work permit or Green Card permit. During this 6-month period they may work full time.

The reformed system is part of the general policy of meeting most labour needs from within the enlarged EU while allowing for high-skilled emigration from the rest of the world. Generally it is anticipated that only the very highly qualified or highly specific personnel will come to Ireland as employment permit holders in the future.

VII. Other Migration Policy Developments in 2008

Immigration, Residence and Protection Bill, 2008

The *Immigration, Residence and Protection Bill* was published in 2007 but fell with the General Election and change of government in June 2007. In January 2008 the Government published the *Immigration, Residence and Protection Bill, 2008*, an amended version of the draft *Immigration, Residence and Protection Bill, 2007* which fell with the change of government after the general election of 2007. Like its previous incarnation, the 2008 Bill seeks to codify, integrate and update various pieces of previous legislative measures and would set forth a legislative framework for the management of inward migration to Ireland.³⁸

³⁸ Joyce, C. (2009) *Annual Policy Report on Migration and Asylum 2008: Ireland*. Dublin: ESRI, European Migration Network

Set forth in the 2008 Bill are provisions to restate and modify certain aspects of the law relating to the entry into, presence in and removal from the state of certain foreign nationals and others, including foreign nationals in need of protection from the risk of serious harm or persecution elsewhere.

The Bill proposes the first statutory basis for the issuing and revoking of visa applications and a new system comprising different residence permits allocated according to which category a foreign national falls into. It also outlines provisions for a category of long-term residency for an initial period of five years under which foreign nationals would broadly be entitled to the same rights of travel, work and medical care and social welfare services as Irish citizens. Regarding protection applications, the Bill proposes to repeal the European Communities (Eligibility for Protection) Regulations, 2006. All functions currently being carried out by the Office of the Refugee Applications Commissioner with regard to protection, including subsidiary protection, would be carried out by the Minister for Justice, Equality and Law Reform. Proposed changes include a shift to a single protection determination procedure where all protection claims, including claims for both asylum and subsidiary protection, would be examined under a single procedure and at first instance. A significant change from previous legislation contained in the Bill is that it allows for the summary removal of a foreign national without notice.

Regarding the detention and removal of foreign nationals, a significant change from previous legislation contained in the Bill is that it allows for the summary removal of a foreign national without notice. Foreign nationals may be detained pending removal, and those under 18 years of age could be detained if they do not comply with a condition imposed by an immigration officer or member of An Garda Síochána. Regarding judicial review, the Bill proposes that the validity of any act, decision or determination under the proposed act shall not be questioned otherwise than by way of judicial review.³⁹

³⁹ Judicial review is the only mechanism for challenging/reviewing an immigration-related decision. Unlike protection decisions, the proposed legislation does not provide for an independent appeal in immigration related applications.

Regarding protection applications, the Bill proposes to repeal the *European Communities (Eligibility for Protection) Regulations, 2006*. Under the Bill all functions currently being carried out by the Office of the Refugee Applications Commissioner (ORAC) with regard to protection, including subsidiary protection, would be carried out by the Minister for Justice, Equality and Law Reform. The Bill proposes a reformed system for processing applications for protection, and proposes to repeal, inter alia, the *Refugee Act 1996*, the *Immigration Acts 1999, 2003, and 2004*, and section 5 of the *Illegal Immigrants (Trafficking) Act 2000*. Proposed changes include a shift to a single protection determination procedure where all protection claims, including claims for both asylum and subsidiary protection, would be examined under a single procedure and at first instance. A Protection Review Tribunal is proposed under the Bill and would effectively replace the Refugee Appeals Tribunal.

The Criminal Law (Human Trafficking) Act, 2008

The *Criminal Law (Human Trafficking) Act, 2008* was enacted in June 2008 and sought to give effect to, amongst other measures, the *Council Framework Decision of 2002 on Combating Trafficking in Human Beings*; the *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*; and the *Council of Europe Convention on Action against Trafficking in Human Beings*.

The Act creates separate offences of trafficking in children for the purpose of labour exploitation or the removal of their organs, trafficking in children for the purpose of their sexual exploitation and trafficking in adults for the purposes of their sexual or labour exploitation or the removal of their organs. It also makes it an offence to sell or offer for sale or to purchase or offer to purchase any person, adult or child, for any purpose. Of note was the inclusion of a provision under which it becomes an offence to solicit or importune a trafficked person for the purpose of prostitution⁴⁰ The Act does not include a non-punishment provision as required by Article 26 of the *Council of Europe Convention on Action against Trafficking in Human Beings*.

⁴⁰ Department of Justice, Equality and Law Reform (May 2008) 'Ahern announces enactment of the Criminal Law (Human Trafficking) Act 2008'. Press Release. Available at [http://www.justice.ie/en/JELR/Pages/Ahern%20announces%20enactment%20of%20the%20Criminal%20Law%20\(Human%20Trafficking\)%20Act%202008](http://www.justice.ie/en/JELR/Pages/Ahern%20announces%20enactment%20of%20the%20Criminal%20Law%20(Human%20Trafficking)%20Act%202008)

The Employment Compliance Bill, 2008

The *Employment Compliance Bill, 2008* was published by the Government in March 2008 and contained measures to strengthen the ability of the State to secure improved compliance with employment legislation. It also contained measures to establish the National Employment Rights Authority (NERA) and the position of Director of the NERA on a statutory footing. The Bill was intended to increase penalties for certain offences under employment legislation and certain other enactments (in most cases up to €5,000 and/or 12 months' imprisonment for summary offences and €50,000 and/or 3 years' imprisonment for indictable offences); and to further amend employment legislation (and certain other enactments) and to provide for related matters, including underpayment of staff.

Immigration Act 2004 (Registration Certificate Fee) Regulations 2008

S.I. No. 336 of 2008, the Immigration Act 2004 (Registration Certificate Fee) Regulations 2008 came into operation on 23 August 2008. The S.I. made provisions for changes to the fee prescribed for registration certificates for non-EEA nationals in Ireland under section 19 (1)(b) of the *Immigration Act, 2004*.

All legally resident non-EEA nationals who have entered the State with the intention of residing in Ireland for a period of more than three months must register with their local immigration registration officer. An immigration certificate of registration (GNIB Registration Card) is issued by the Garda National Immigration Bureau to a non-EEA national who so registers on payment of an appropriate fee.

Long-Term Residence Criteria

Eligibility criteria for a category of Long-Term Residence were placed on the Department of Justice, Equality and Law Reform website during 2008. Persons who have completed 5 years (60 months) legal residence in the State on the basis of work permit conditions (i.e. 60 months of a Stamp 1 endorsement in their passport) may apply to the General Immigration Division of the Department. If applications are successful, an individual will be granted a residence permit with an exemption from employment permit and business permission requirements for a period of five years. Periods of residence in the State for the purpose of study; as a temporary registered

doctor, intra-company transfer or holiday working visa do not count for this purpose.⁴¹ Long-term residence permits are granted at the absolute discretion of the Minister for Justice, Equality and Law Reform. It is currently taking over two years for an application for a long-term residence permit to be processed. During 2008 some 4,073 applications for Long-Term Residency were received, with 1,779 cases granted.

Policy Regarding Undocumented Workers

In May 2008 in a Dail debate on the *Immigration, Residence and Protection Bill 2008* at Committee Stage,⁴² the Minister for Justice, Equality and Law Reform stated his intention to draft and publish an administrative scheme relating to foreign nationals who were holders of work permits but have become undocumented and, thereby, are unlawfully in the State. In addition it was noted that ‘Such arrangements must and will be made prior to the commencement of the legislation’ and that ‘it is important that this specific group has an assurance from the Minister prior to the commencement of the legislation that he will address its members’ cases in a humanitarian way.’ That same month, the Department of Enterprise, Trade and Employment published a policy regarding a decision to ‘look favourably’ on applications made by foreign nationals who are current employment permit holders and who have been made redundant within the previous three months.⁴³ In addition, the Department of Enterprise, Trade and Employment also agreed to change published regulations on the right of work permit holders to change employers, with certain limitations. Work permit holders may now change employers, after a minimum of one year with the same employer, provided that their new employment is within the same economic sector which they are currently employed in or within another eligible sector. Importantly, in both cases there no longer exists a labour market test requirement.

⁴¹ Department of Justice, Equality and Law Reform (2008) Permission to Remain for Non-E.E.A. Nationals. Available at <http://www.inis.gov.ie/en/INIS/Pages/WP07000168>.

⁴² Dail Debates (1 May 2008) Available at <http://debates.oireachtas.ie/DDebate.aspx?F=JUS20080501.XML&Ex=All&Page=2>

Children of Students

The Department of Justice, Equality and Law Reform indicated that from July 2008 children of international students will generally not be permitted to access State-funded education, with this to be interpreted as the student being in breach of the requirement of their residence permit to be self-sufficient. In rules published by the Department of Justice, Equality and Law Reform in mid-2008, first-time students from outside the European Economic Area (EEA) who begin a third-level course in Ireland in 2008 will be denied registration clearance by immigration authorities unless they can confirm they are not accompanied by children “nor do they intend to have their children join them later on”. If they are unable to do so, they will not be registered unless the placement of the child in education has been approved in writing either by the Department of Justice, Equality and Law Reform or by the Department of Education. In cases where the child has been attending a State school in Ireland for at least some of the last school year, the child will be allowed remain in education until the completion of the parent's course.⁴⁴

Significant Case Law: The Metock Case

Irish legislation transposing *Directive 2004/38/EC*⁴⁵ provided that a national of a third-country who is a family member of a Union citizen may reside with or join that citizen in Ireland only if he is already lawfully resident in another Member State. During 2008, several cases concerning third-country national spouses of an EU citizen residing in Ireland were taken to the European Court of Justice (ECJ), headed by the *Metock* case.⁴⁶ The ECJ found that the Government should not prevent third-country spouses of EU citizens from living in Ireland, with the ruling providing residency rights to significant numbers of non-EU national spouses who have been served with “intent to deport” notices by the Department of Justice, Equality and Law Reform beginning in 2007. It also forced the Government to amend a 2006 Regulation

43 Department of Enterprise, Trade and Employment (May 2009) Policy for persons on valid Employment Permits who have been made redundant. Latest version available at <http://www.entemp.ie/labour/workpermits/redundant.htm>

⁴⁴ Irish Naturalisation and Immigration Service (July 2008) ‘Children of Non-EEA Students attending State Schools’. Available at <http://www.inis.gov.ie/en/INIS/Pages/WP08000025>.

⁴⁵ *Directive 2004/38/EC on the right of citizens of the European Union and their family members to move and reside freely within the territory of the EU.*

⁴⁶ *Case C-127/08-Metock and Ors v Minister for Justice, Equality and Law Reform*, Unreported, European Court of Justice, 25/07/2008; Unreported, High Court, Finlay Geoghegan J., 14/03/2008.

stipulating that third-country non-EU nationals married to EU citizens must have resided in another Member State before moving to Ireland.

In July 2008 the Minister for Justice, Equality and Law Reform published the *European Communities (Free Movement of Persons) (Amendment) Regulations 2008 (S.I. No. 310 of 2008)* amending the 2006 Regulations. The 2008 Regulations remove from the 2006 Regulations the requirement that a non-EU family member must have been lawfully resident in another EU Member State prior to applying for a residence permit in Ireland, and thus brings Irish legislation into line with the ECJ's ruling in *Metock*.

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