

COUNTRY FACTSHEET: IRELAND 2013

EUROPEAN MIGRATION NETWORK

1. Introduction

This EMN Country Factsheet provides a factual overview of the main policy developments in migration and international protection in Ireland during 2013, including latest statistics.

2. Legal Migration and Mobility

2.1. PROMOTING LEGAL MIGRATION CHANNELS

During 2013 Ireland continued to participate in updates to the **EU Immigration Portal**.

2.2. ECONOMIC MIGRATION

The Department of Jobs, Enterprise and Innovation in 2013 drafted an amendment for the **Employment Permits (Amendment) Bill 2014**, to introduce a number of changes to the process whereby non-EEA nationals can access the Irish labour market. The Bill is expected to enter into force in 2014. The changes would also ease the access of highly skilled workers whose skills are in demand, in particular to attract ICT workers to Ireland.

In 2013 a number of changes were introduced to the employment permits regime in order to **facilitate access for highly qualified workers**, these included:

- ★ The opening of Green Card occupations to all sectors;
- ★ Simplifying the application process by way of an increase of the level of information provided and declarations rather than provision of documents;
- ★ A reduction in advertisement requirements for hiring third-country nationals;
- ★ ICT and Contract Service Provider Employment Permit holders are now allowed to apply for other employment permits; and
- ★ Restrictions were removed for applicants from within Ireland who have a valid legal resident status, Garda National Immigration Bureau number and are applying for an eligible occupation.

In May 2013 Ireland decided not to use its rights under the Treaty to restrict **access to Ireland's labour market for nationals of Croatia**, as labour migration

from Croatia was not expected to have a distortionary impact. Regarding policy developments applying to students and researchers, in 2013 Ireland continued to participate in the **Researchers Directive**. The Department for Education and Skills launched an **international scholarship** to strengthen links with 'emerging markets' as China, India, Brazil and the USA. The Minister for Jobs, Enterprise and Innovation also announced that it planned to double the **number of students from India** by the end of 2014, with the majority at the advanced post-graduate level.

2.3. FAMILY REUNIFICATION

In 2013 the **Department of Justice and Equality** published a **comprehensive family reunification policy document** with the aim of providing greater transparency in the decision making process as well as to provide information on the reasoning behind such policies¹. The document includes guidelines on important issues, such as: eligibility; dependency; the necessary financial resources to support a dependant; and any requirements that the person seeking entry must meet.

Following case law "*Hassan v. Minister for Justice [2013] IESC 8*" the national court ruled that in cases where the Minister for Justice is faced with an **application for family reunification** from a spouse which is based on a clear assertion of a marriage ceremony (e.g. religious ceremony) with legal effect in the applicant's country or origin but with a lack of any possibility to produce documentary evidence, the Minister of Justice will be required to make an assessment based on all the evidence and the circumstances to consider and assess the applicant's declaration that a marriage has taken place. Similarly, in the case "*Hamza v. Minister for Justice [2013] IESC 9*", the Supreme Court ruled that **proxy marriages**, which were valid according to the law of the locality in which it took place, **would be recognised as valid in Irish law** provided that the parties had the capacity to

¹ INIS (December 2013). 'Policy Document on Non-EEA Family Reunification', available at www.inis.gov.ie.

contract it at the time and unless some factor of public policy applied to prevent or to relieve the State from recognising it.

2.4. INTEGRATION

In 2013 several integration activities were continued with the support of EU funding, for example, six projects were selected under funding from the **European Refugee Fund (ERF)** and sixteen from the **European Integration Fund (EIF)** call for proposals in September 2013.

The **Office for the Promotion of Migrant Integration (OPMI)** and the **Office of the Department of Justice and Equality** established a new **NGO Forum**. The forum was established to address and discuss issues and developments with key NGOs working in the immigrant integration area. The forum is expected to be held regularly.

Regarding the fight against **discrimination**, the OPMI facilitated **information sessions** with NGOs on the recording of racist crimes. In addition, in 2013 **legislation was prepared** to merge the Equality Authority and Irish Human Rights Commission and **to establish a new Irish Human Rights and Equality Commission**. An awareness campaign to promote this new body, its services and an awareness of equality and human rights issues established in the legislation is planned for 2014.

In order to improve integration of immigrants into civic life, during 2013 information on **inclusion for voting** was prepared and made available in 17 languages to county and city councils.

2.5. MANAGING MIGRATION AND MOBILITY²

In November 2013 **Thailand** was added to the list of 17 other countries already covered under the **Short-Stay Visa Waiver Programme** that was initially launched in 2011.

In October 2013 it was announced that the **Department of Justice and Equality** was working with the **UK Home Office** to develop **reciprocal Common Travel Area visa** arrangements which was planned to commence in 2014. This would allow all tourists, business and other legitimate visitors to be able to travel to the Common Travel Area on either an Irish or UK visa and subsequently to travel freely between the two jurisdictions.

3. International Protection and Asylum

In July 2013 the **Irish Naturalisation and Immigration Service (INIS)**, following the Judgment of the High Court in the case of *M.M. v. the Minister for Justice, Equality and Law Reform*, announced that it was revising its **procedures for the determination of applications** for subsidiary protection. Subsequent

² "Managing migration and mobility" refers to the following themes: visa policy, Schengen governance and border monitoring.

legislation (*European Union (Subsidiary Protection) Regulations 2013 (S.I. No. 426 of 2013)*), entered into force in 14th November 2013.

One of the major changes was the inclusion of an oral interview for each applicant and the right to appeal a negative determination to the **Refugee Appeals Tribunal**. Under the Regulations, responsibility for the processing of applications for subsidiary protection transferred from the Minister for Justice and Equality to the Office of the Refugee Applications Commissioner. Appeals are dealt with by the Refugee Appeals Tribunal. Additional funding has been provided to the Refugee Legal Service to support the provision of legal advice to subsidiary protection applicants in advance of interview.

Regarding relocation activities, in 2013 Ireland **relocated three Somali families** from Malta as a gesture of **solidarity with the Maltese authorities** experiencing high pressure on their asylum system.

Ireland joined the UNHCR-led resettlement scheme in 1998 and some 76 persons were resettled during 2013.³

4. Unaccompanied Minors and other Vulnerable Groups

In 2013 Ireland continued to work on the establishment of a **National Office for Unaccompanied Minors** within the Office of the National Director for Children and Family Services, which was expected to become operational in January 2014. The Office is expected to develop national strategy, policy and practice regarding the social work services for UAMs, as well as to collect national data on minors.

Regarding other vulnerable groups, Ireland updated its **National Intercultural Health Strategy 2007-2012**. Overall, the strategy indicated that the **Health Service Executive** would be working on the development of an application to assist interpreters and other stakeholders who work in health settings with persons with/from diverse languages or cultural backgrounds.

5. Actions against Trafficking in Human Beings

In 2013 *An Garda Síochána* (Irish Police) identified trafficking in human beings as **one of the priorities in its Annual Policing Plan**. During 2013 several trainings and awareness raising activities were conducted to prevent and detect the human trafficking. For example, the Department of Justice of Northern Ireland and the Department of Justice and Equality of the Republic of Ireland hosted a **cross-border forum** for the purpose of **examining ways in which victims may be identified**.

³ www.integration.ie.

To address the risk of trafficking of **unaccompanied minors who arrive at ports of entry**, the Health Service Executive and the Human Trafficking Investigation and Coordination Unit are **developing a protocol** that covers such areas as co-operative interviewing, joint training and awareness raising and the sharing of information.

The **Anti-Human Trafficking Unit**, in partnership with the **NGO Ruhama**, obtained EU funding under the EU PROGRESS Grant Scheme related to **Violence Against Women** in the context of Human Trafficking. The purpose of the project, which will run over the next 2 years, is aimed at activities that promote zero tolerance of human trafficking as a form of violence against women. The project will work in particular on **awareness raising** activities and developing **training and support** to frontline actors.

6. External Dimension of EU Migration Policy

In May 2013 Ireland launched a new development policy **"One World One Future"** that commits **Irish Aid**, to continue to work with **African** and other **Diaspora organisations in Ireland**, to enable them to use their experience and skills to benefit their countries of origin and to promote increased awareness and public engagement through initiatives such as **Africa Day**.

Ireland contributed to the development of the **Foreign Affairs Council** (Development segment) Council Conclusions on **"Financing Poverty Eradication and Sustainable Development Beyond 2015"** adopted in December 2013. These conclusions recognise the **key importance of remittances** for many developing countries, and reaffirm the need to ensure faster, easier and cheaper remittance transfer, to maximise the development impact of migration and mobility, as well as the need to strengthen, extend and standardise the measurement of remittance flows.

7. Irregular Migration

During 2013 Ireland completed the necessary parliamentary procedures to opt-into **eleven EU readmission agreements** (Sri Lanka, Russia, Pakistan, Macao, Albania, Bosnia, Macedonia, Montenegro, Moldova, Serbia and Georgia). However none of agreements have entered into force yet.

Regarding the implementation of the **Council Directive 2004/82/EC** on the obligation of carriers to communicate passenger data via the EC Regulations 2011, in 2013 the Border Management Unit was working on **Advance Passenger Information** and was testing a prototype **Irish Borders Information System (IBIS)** to inform any decision to build a standing system to receive and process passenger data from airlines.

In May 2013 **automated border control gates** (e-gates) were introduced at **Terminal One of Dublin**

Airport for a six month trial period and approximately 115,000 passengers used the gates during this period. The gates are operated under the supervision of immigration officers deployed at the airport, as part of the civilianisation programme to transfer certain functions from *An Garda Siochana*.

In order to provide support to Member States experiencing disproportionate pressures at the border, in 2013 Ireland participated in nine **joint return operations** (five of those being organised by Frontex)⁴.

Following concern expressed by the Minister for Justice and Equality on the increased number of marriages of convenience, in 2013 news articles stated that a memo on the **Civil Registration (Amendment) Bill 2013** was approved by the Cabinet, providing for the drafting of a law to amend relevant 2004 legislation. The Bill aims to make marriages of convenience more difficult to undertake by providing registrars with a right to investigate suspected marriages, to refuse to issue a registration form and to notify immigration authorities.

8. Provision and Exchange of Information to support Policy Development

In 2013 Ireland continued its participation in the **European Migration Network** and the **European Asylum Support Office (EASO)**. In addition, during 2013, Ireland actively participated in the **Strategic Committee on Immigration, Frontiers and Asylum (SCIFA)**, the **High Level Working Group on Migration and Asylum** and in all European Council working parties with a migration or asylum remit. Ireland participates in the informal network of **EU National Rapporteurs and Equivalent Mechanisms** and **GENVAL**, which also features a trafficking dimension.

Interaction between Ireland and the UK continued during 2013, particularly with regard to maintenance of the **Common Travel Area (CTA)**.

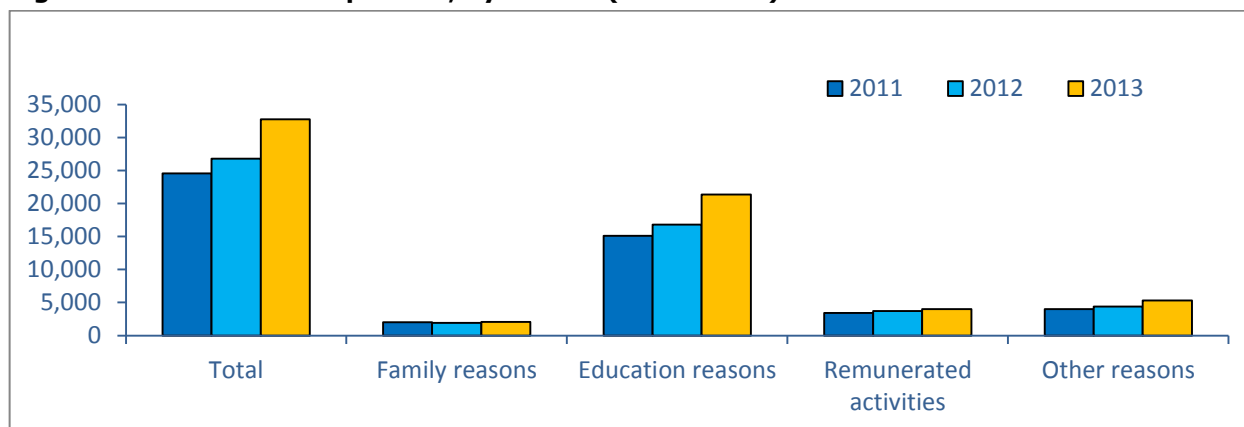
STATISTICAL ANNEX

The Statistical Annex provides an overview of the latest available statistics for Ireland on aspects of migration and asylum (2011-2013), including residence, asylum, unaccompanied minors, irregular migration, return and visas. Where statistics are not yet available, this is indicated in the Annex as "N/A".

⁴ Persons through the joint operations were returned to Nigeria, Pakistan, Ghana, Georgia, Albania and DR Congo.

Statistical Annex: Immigration and Asylum in Ireland (2011-2013)

Figure 1: First residence permits, by reason (2011-2013)



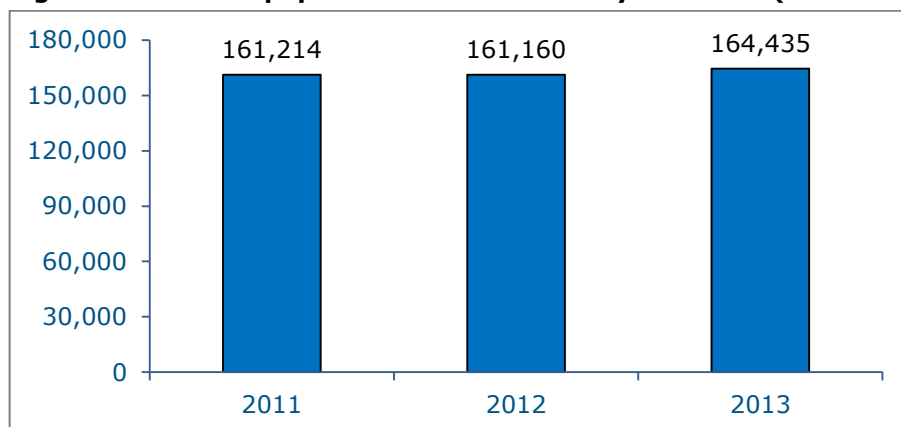
Source: Eurostat migration statistics (migr_resfirst), extracted 29 July 2014

Table 1: First residence permits: Top five third-country nationalities (2010-2013)

2011	2012	2013
1. Brazil – 5,151	1. Brazil – 5,712	1. Brazil – 7,263
2. USA – 3,984	2. USA – 4,206	2. USA – 4,177
3. China – 1,549	3. India – 1,872	3. India – 2,506
4. India – 1,380	4. China – 1,793	4. Venezuela – 2,034
5. Nigeria – 1,052	5. South Korea – 1,094	5. China – 1,813

Source: Eurostat migration statistics (migr_resfirst), extracted 29 July 2014

Figure 2: Resident population of third-country nationals (2011-2013)



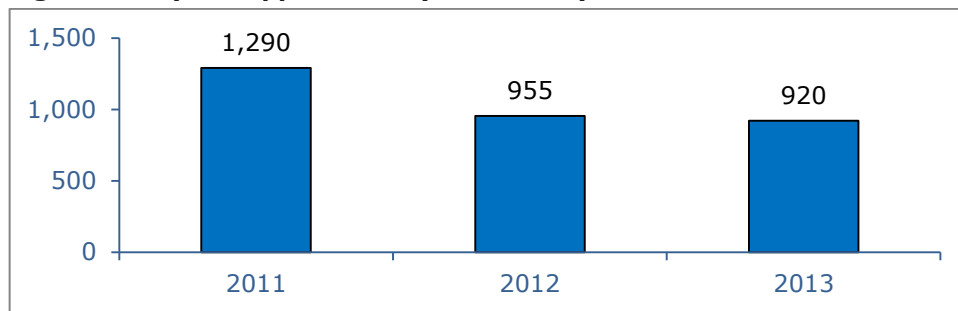
Source: Eurostat migration statistics (migr_pop1ctz), extracted 4 June 2014

Table 2: Resident population: Top five third-country nationalities (2011-2013)

2011	2012	2013
1. Nigeria – 17,740	1. Nigeria – 17,964	1. Nigeria – 18,552
2. India – 17,206	2. India – 17,200	2. India – 17,529
3. Philippines – 12,809	3. Philippines – 13,068	3. Philippines – 13,579
4. China – 11,222	4. USA – 11,246	4. USA – 11,632
5. USA – 11,114	5. China – 10,960	5. China – 10,936

Source: Eurostat migration statistics (migr_pop1ctz), extracted 4 June 2014

Figure 3: Asylum applications (2011-2013)



Source: Eurostat migration statistics (migr_asyappctza), extracted 4 June 2014

Table 3: Asylum applications: Top five third-country nationalities (2011-2013)

2011	2012	2013
1. Nigeria – 180	1. Nigeria – 160	1. Nigeria – 130
2. Pakistan – 175	2. Pakistan – 105	2. Pakistan – 95
3. China (including Hong Kong) – 140	3. D.R. Congo – 60	3. Zimbabwe – 70
4. D.R. Congo – 70	4. Zimbabwe – 50	4. Algeria – 60, D.R. Congo – 60
5. Zimbabwe, Afghanistan – 65	5. Albania – 45	5. Albania, Malawi – 45

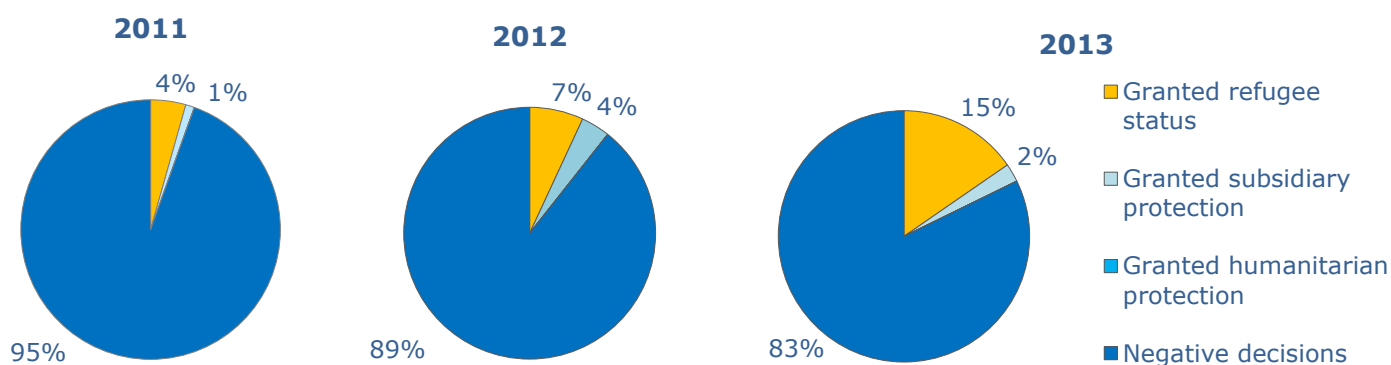
Source: Eurostat migration statistics (migr_asyappctza), extracted 4 June 2014

Table 4: Asylum applications - First instance decisions by outcome (2011-2013)

	Total decisions	Positive decisions	Of which:			Negative decisions
			Refugee status	Subsidiary protection	Humanitarian reasons	
2011	1,365	75	60	15	N/A	1,295
2012	940	100	65	35	N/A	840
2013	840	150	130	20	N/A	695

Source: Eurostat migration statistics (migr_asydcfstz), extracted 4 June 2014

Figures 4-6: Asylum applications - First instance decisions by outcome (2011-2013)



Source: Eurostat migration statistics (migr_asydcfstz), extracted 4 June 2014

Table 5: Third-country nationals relocated and resettled (2011-2013)

	2011	2012	2013
Third-country nationals relocated	10	10	10
Third-country nationals resettled	45	50	85

Source: Eurostat migration statistics (migr_asyresa), extracted 6 June 2014 and Commission Staff Working Document -Accompanying the 5th Annual Report on Immigration and Asylum 2013

Table 6: Unaccompanied minors (2011-2013)

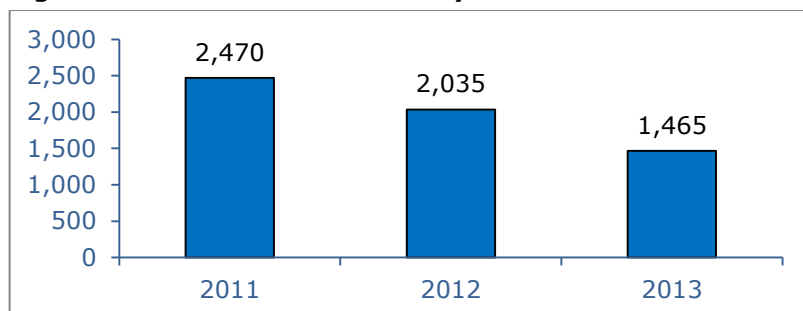
	2011	2012	2013
Unaccompanied minors (total)	N/A	N/A	N/A
Unaccompanied minor asylum applicants	25	25	20

Source: EMN report "A Descriptive Analysis of the Impacts of the Stockholm Programme 2010-2013"

Table 7: Number of third-country nationals refused entry at external borders (2011-2013)

	2011	2012	2013
Third-country nationals refused entry at external borders	2,545	2,205	1,935

Source: Eurostat migration statistics (migr_eirfs), extracted 4 June 2014

Figure 7: Number of third-country nationals found to be illegally present (2011-2013)

Source: Eurostat migration statistics (migr_eipre), extracted 4 June 2014

Table 8: Third-country nationals returned (2011-2013)

	Third-country nationals ordered to leave	Returned as part of forced return measures	Returned voluntarily	Returned through an Assisted Voluntary Return Programme
2011	1,805	280 ⁵	475	402 ⁶
2012	2,065	302 ⁷	449 ⁸	359
2013	2,145	N/A	N/A	340

Source: Eurostat migration statistics (migr_eiord), extracted 4 June 2014 and Commission Staff Working Document - Accompanying the 5th Annual Report on Immigration and Asylum 2013

Table 9: Number of visas issued by type (2011-2012)

	2011	2012	2013
Total visas	N/A	132,425	N/A
Schengen visa (short-stay visas)	N/A	N/A	N/A
National visa*	132,410	132,425	N/A

Source: Commission Staff Working Documents on the Annual Report on Immigration and Asylum and * National Contributions to EMN Annual Policy Report (Annex)

⁵ The number refers to deportation orders under Section 3 of Immigration Act 1999 only.

⁶ In addition, 73 people benefited from administrative assistance from the Irish Naturalisation and Immigration Service (INIS).

⁷ The number refers to deportation orders under Section 3 of Immigration Act 1999 only.

⁸ From that number a total of 359 were returned through voluntary return and reintegration assistance from the International Organization for Migration (IOM) office in Dublin and 90 benefited from administrative assistance from the Irish Naturalisation and Immigration Service (INIS).