

# Annual Report on Migration and Asylum 2022: Ireland

## Launch

### 05 December



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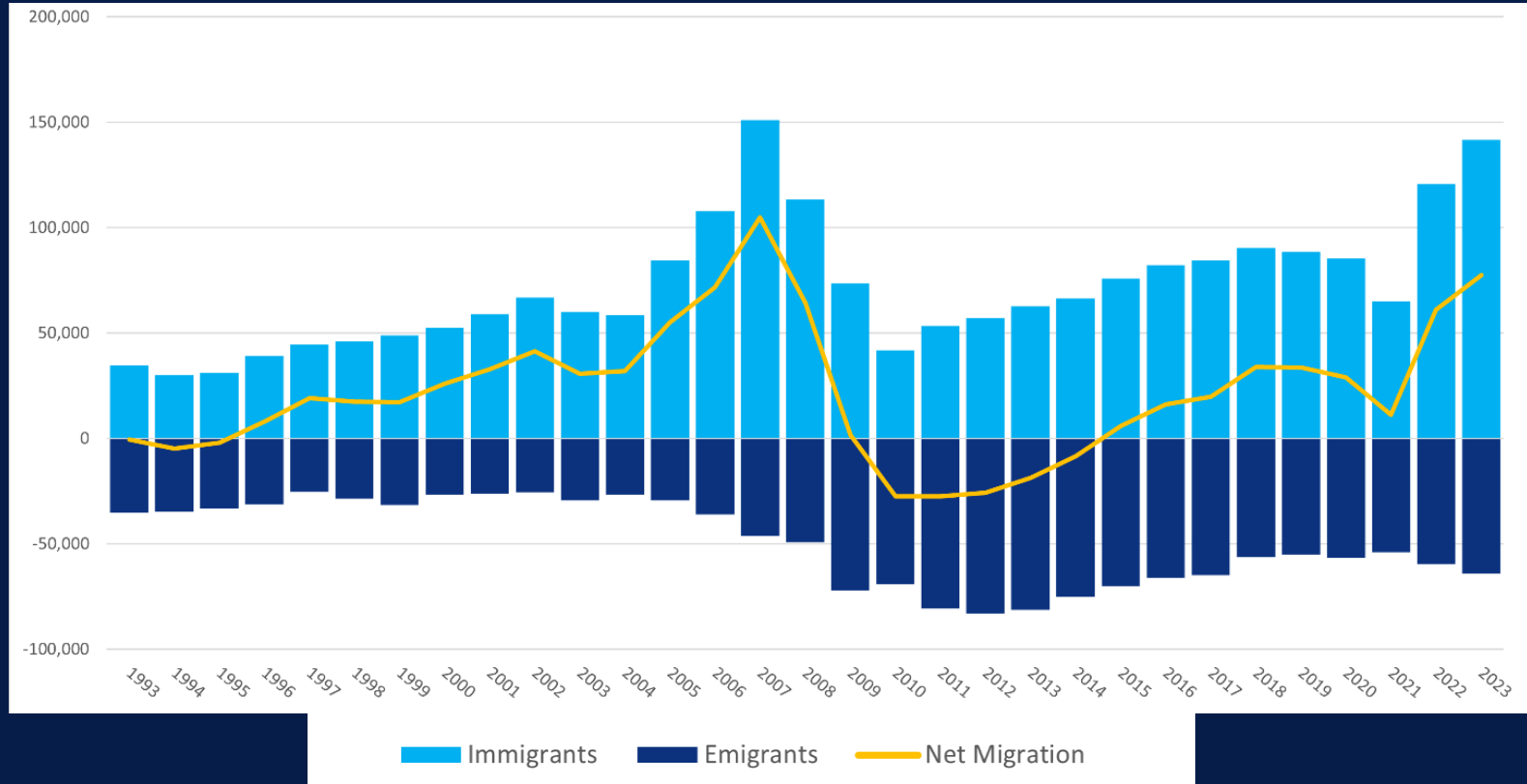


- 1. Statistics (10 minutes)**  
- Q&A
- 2. Developments (15 minutes)**  
- Q&A
- 3. Research (5 minutes)**
- 4. Case law (10 minutes)**  
- Q&A

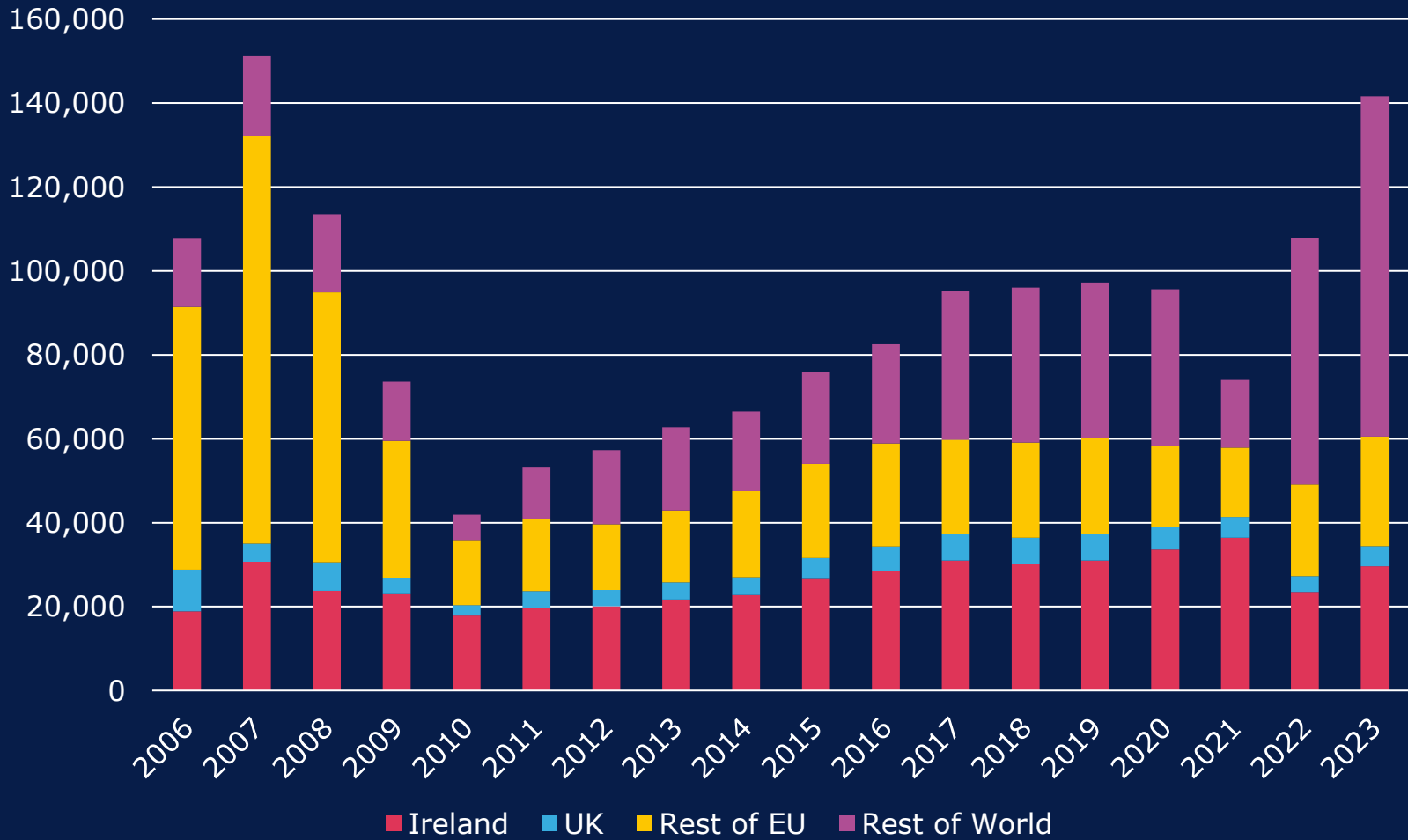
# Part 1

# Statistics

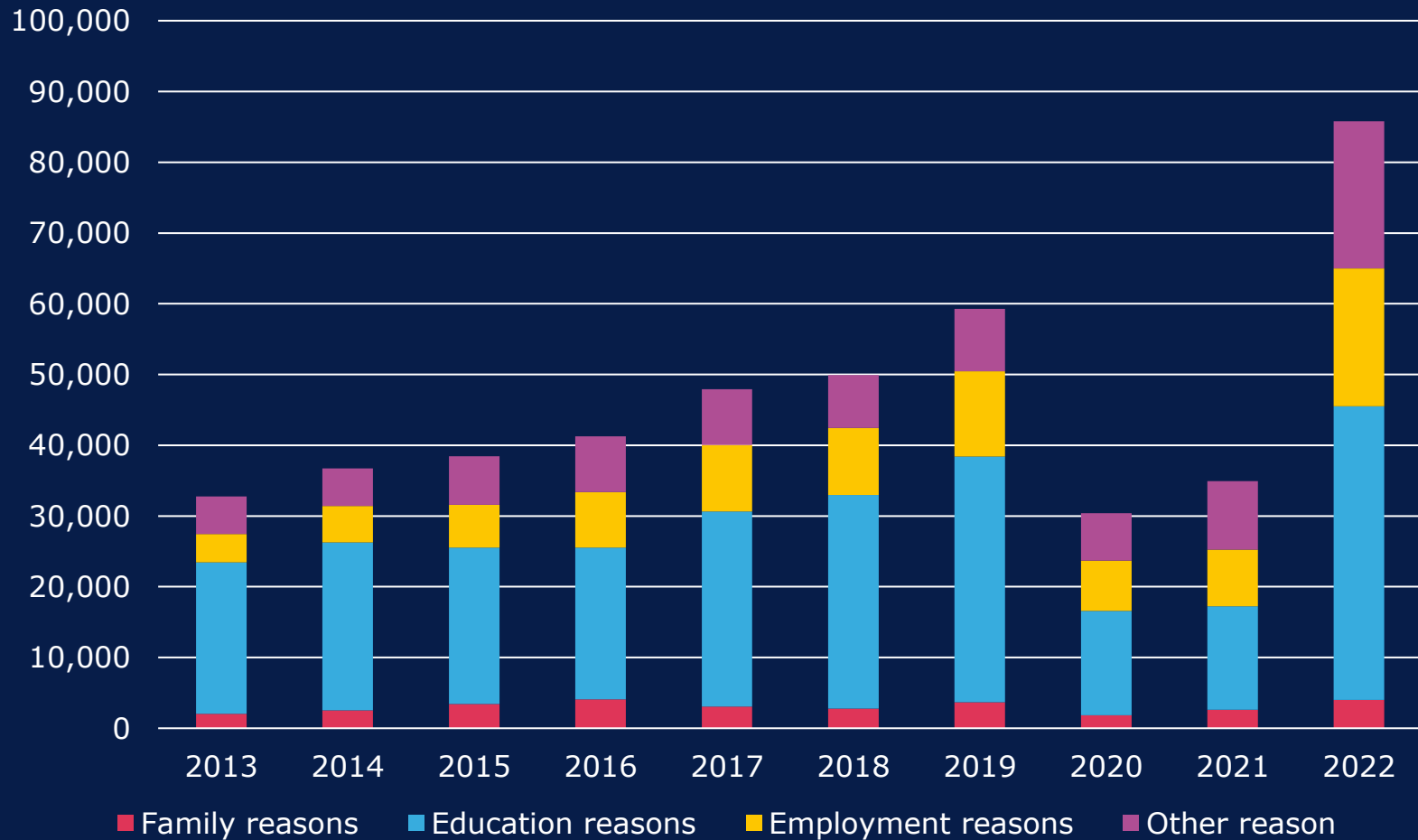
# Gross and net migration (including Irish nationals)



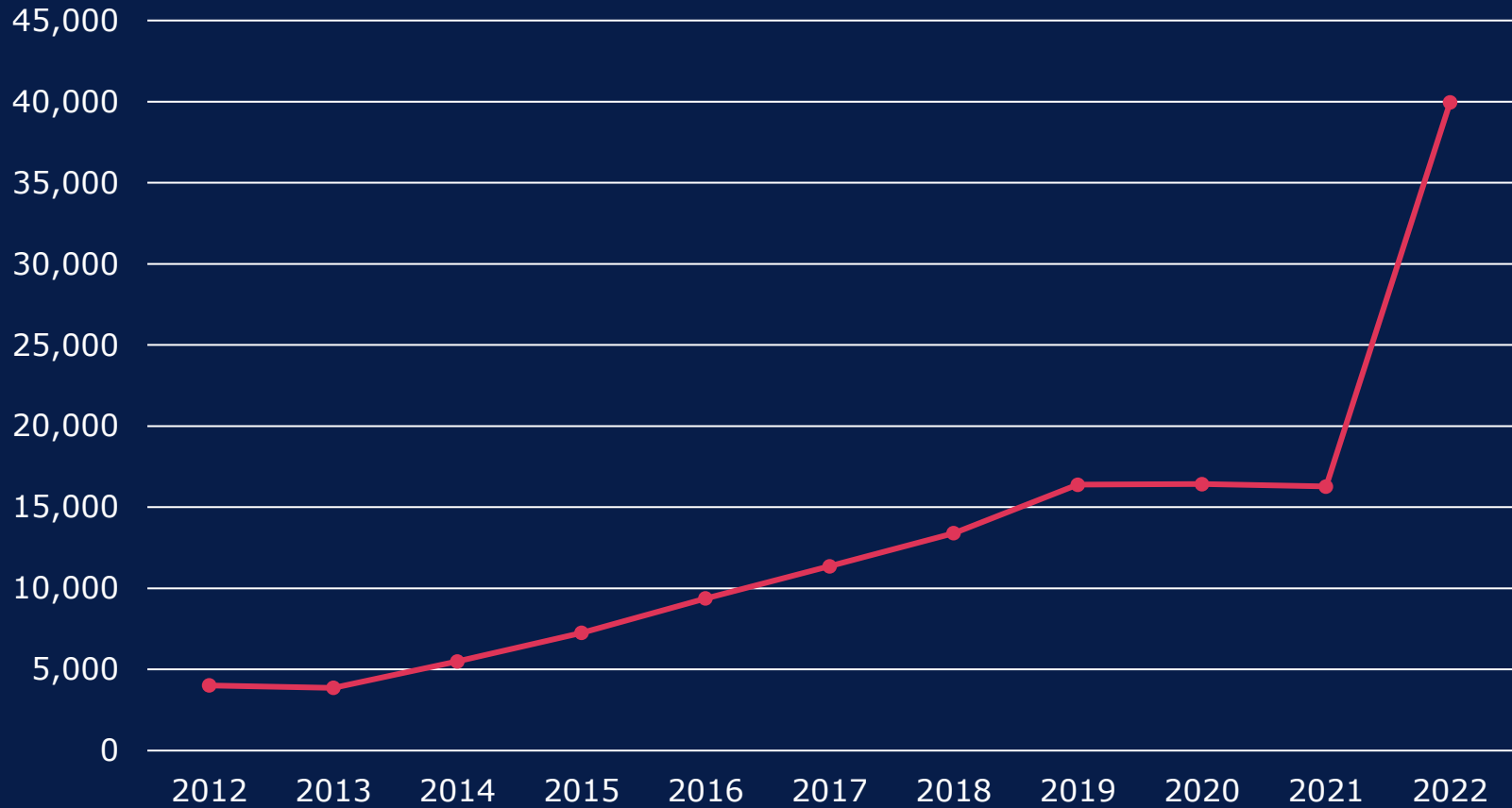
Source: CSO(2023) 'Population and Migration Estimates, April 2023'



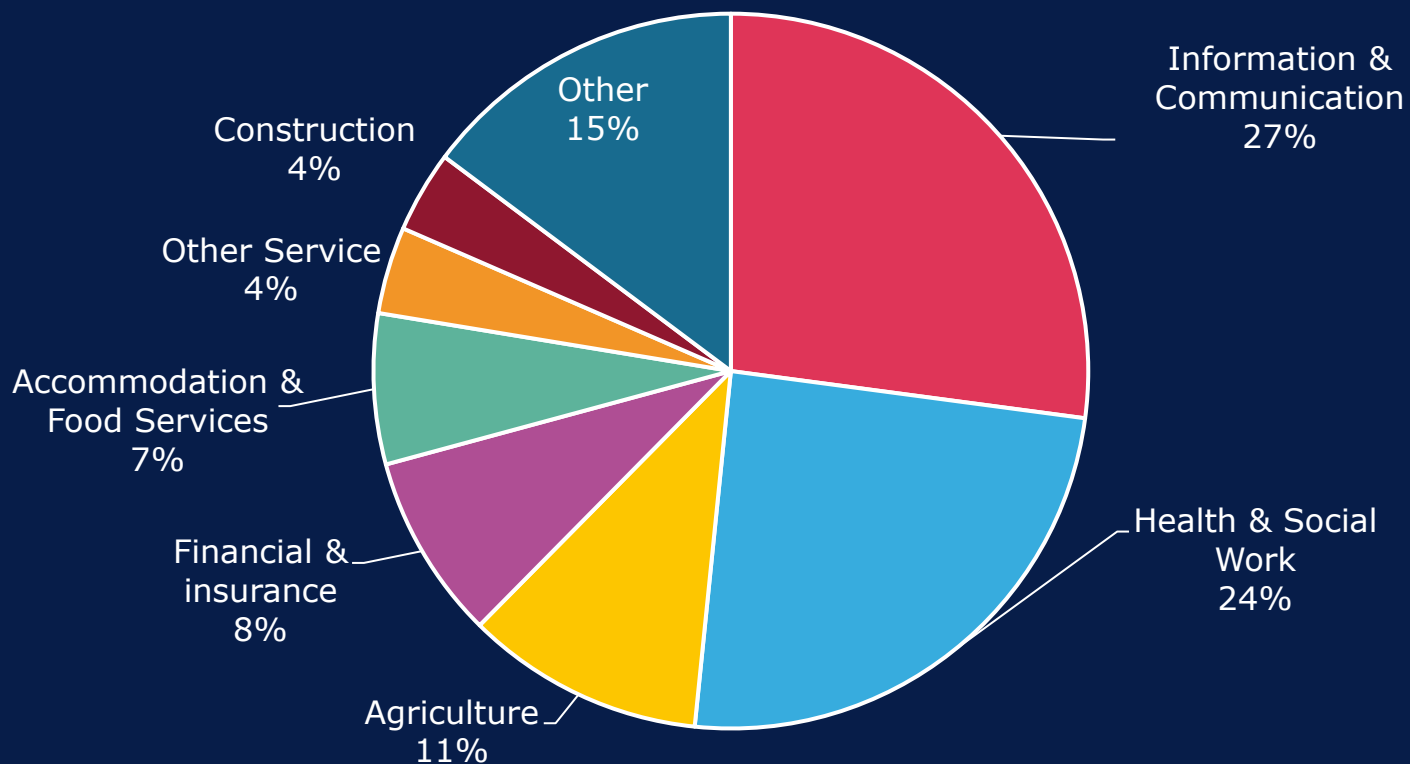
Source: CSO(2023) 'Population and Migration Estimates, April 2023'



Source: Eurostat (2023) 'First permits by reason, length of validity and citizenship',  
extracted 28 August 2023

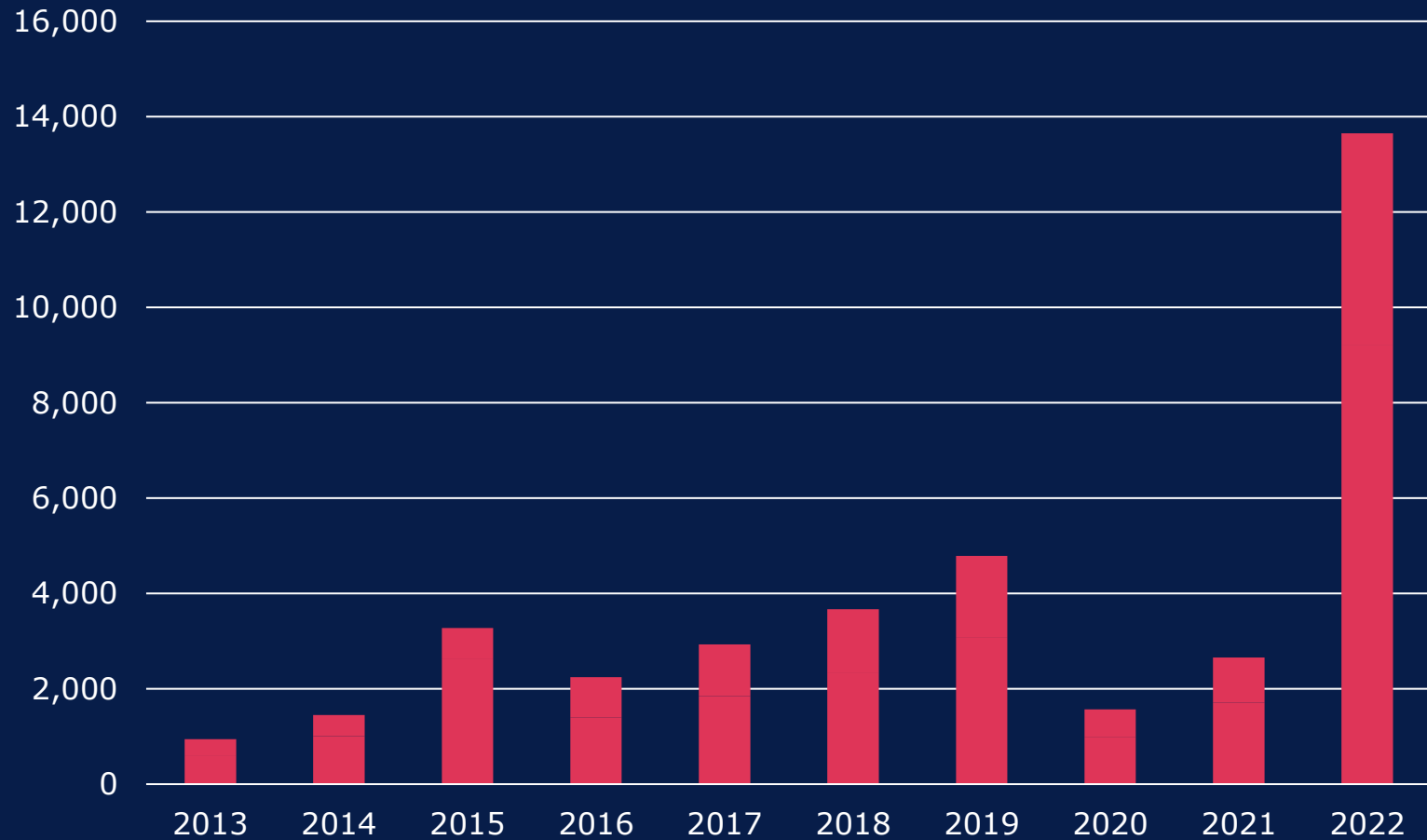


Source: Department of Enterprise, Trade and Employment (2023). 'Employment permit statistics 2022'

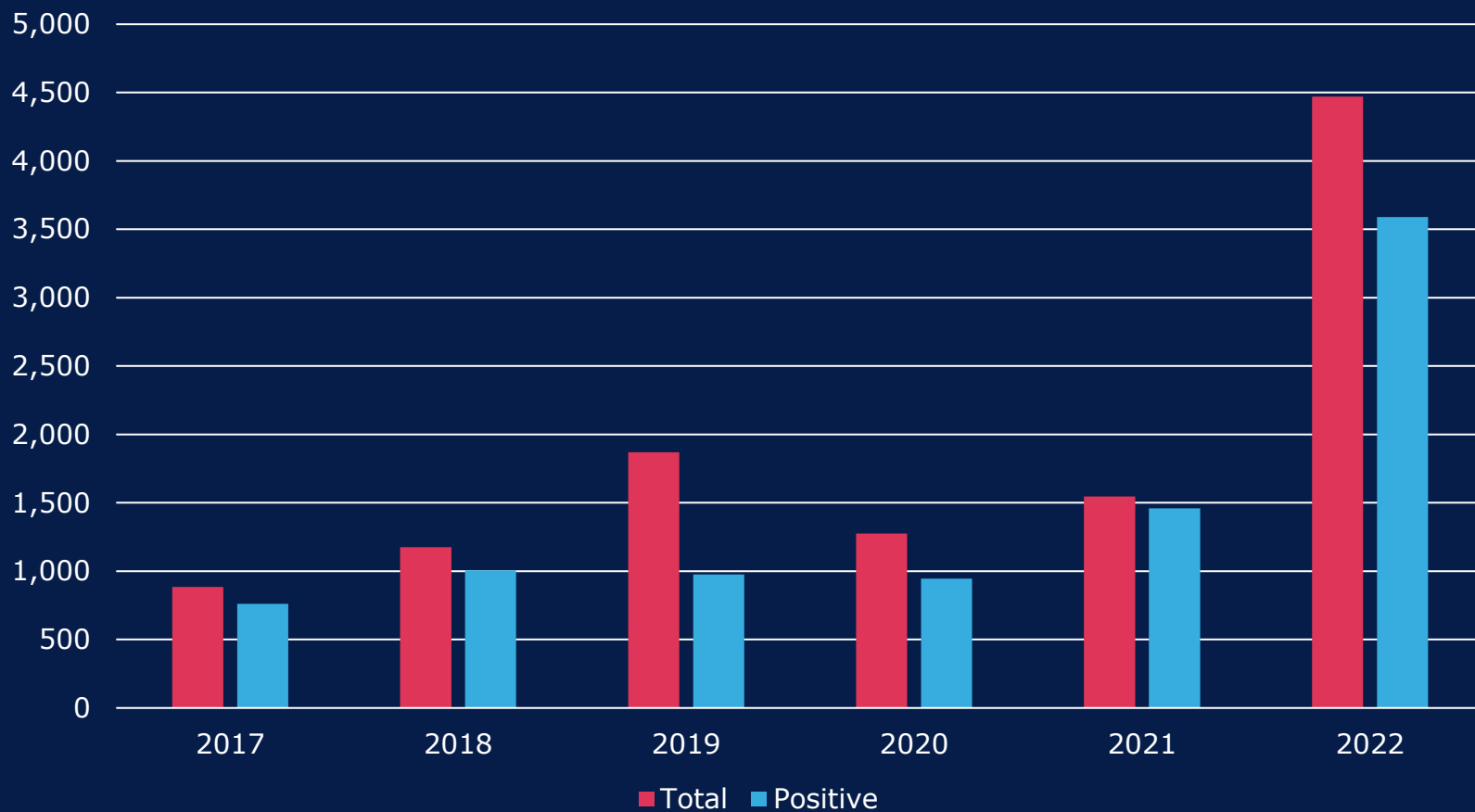


Source: Department of Enterprise, Trade and Employment (2023). 'Employment permit statistics 2022'

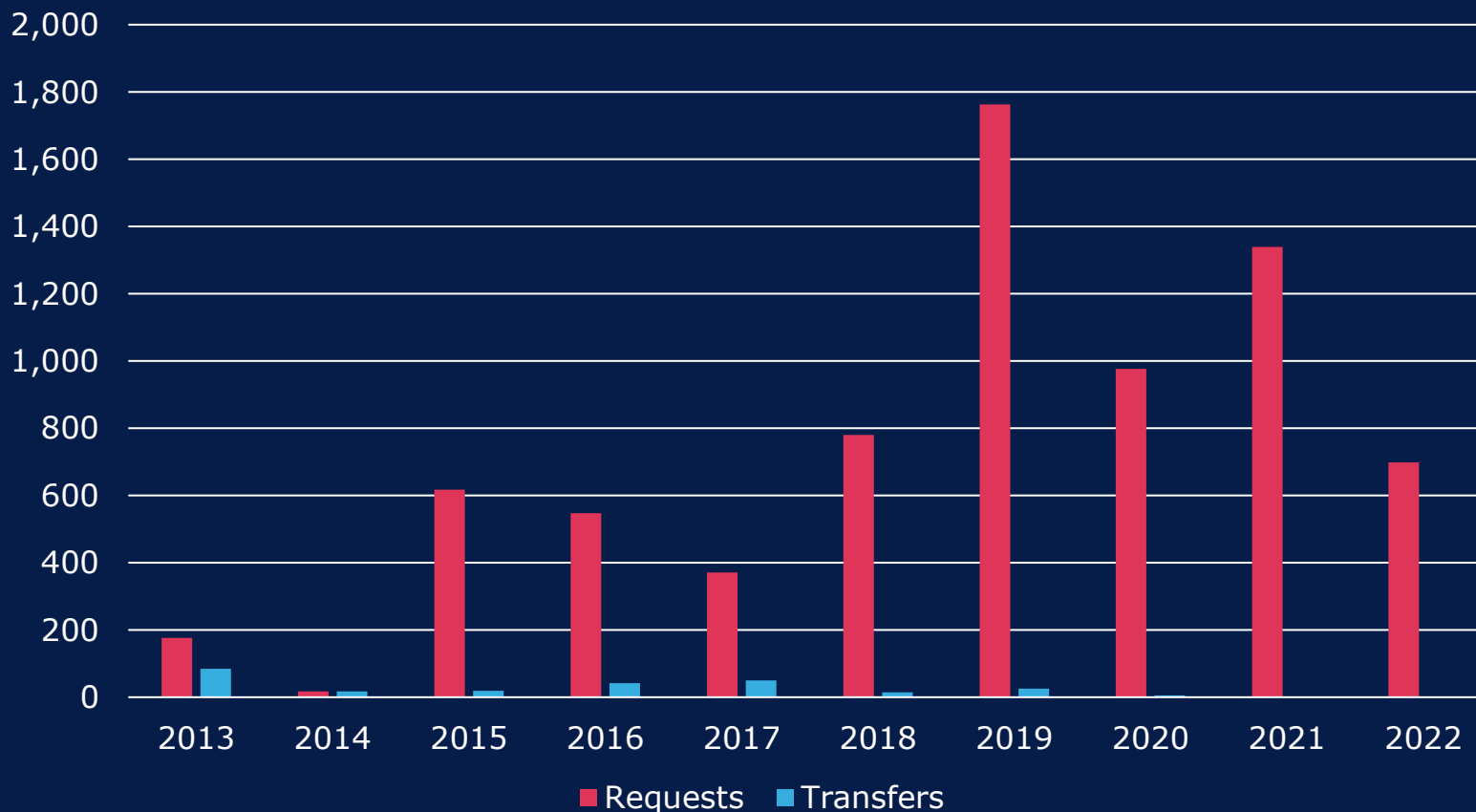




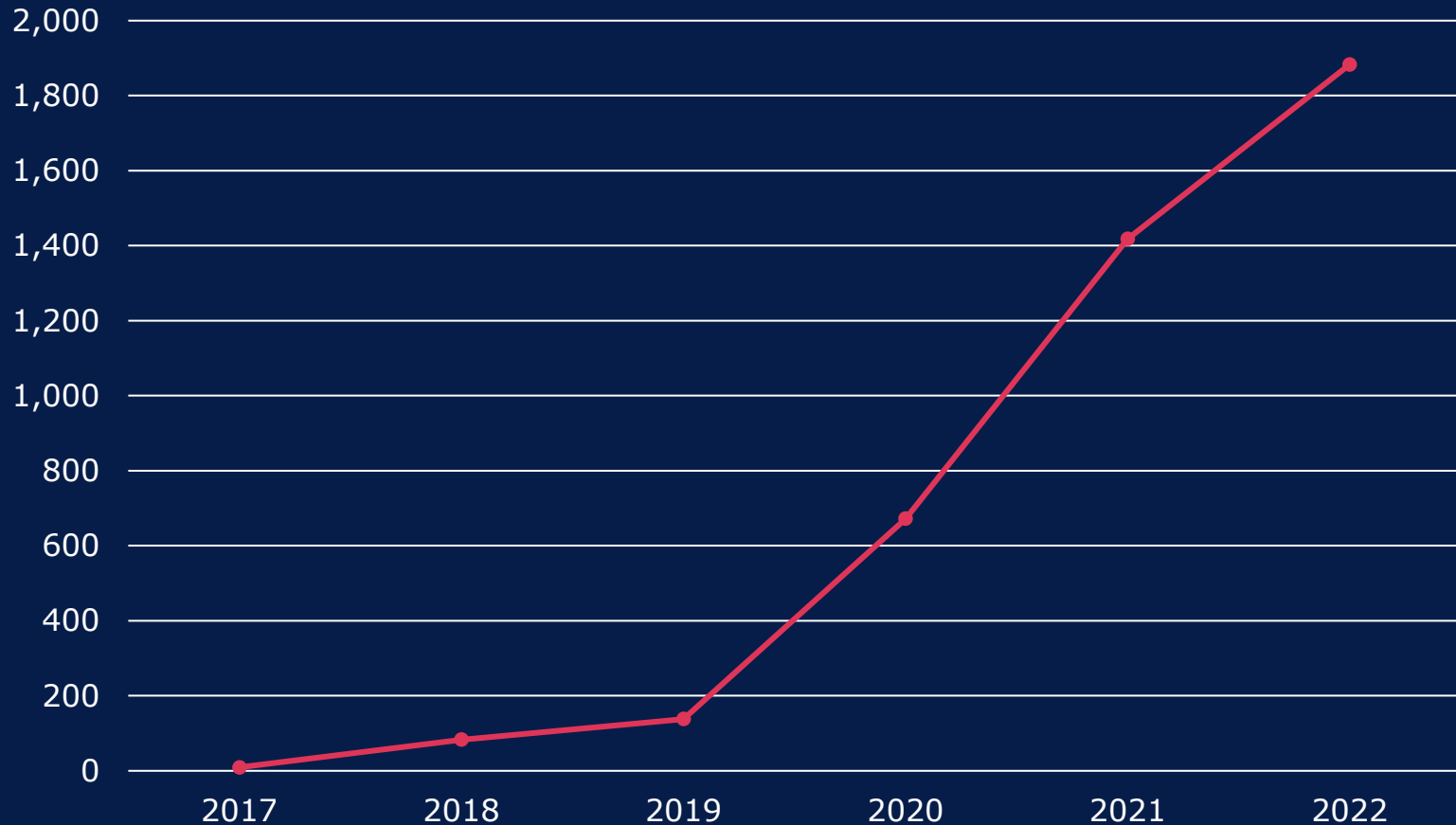
Source: Eurostat (2023) 'Asylum applicants by type of applicant, citizenship, age and sex - annual aggregated data', extracted 21 August 2023



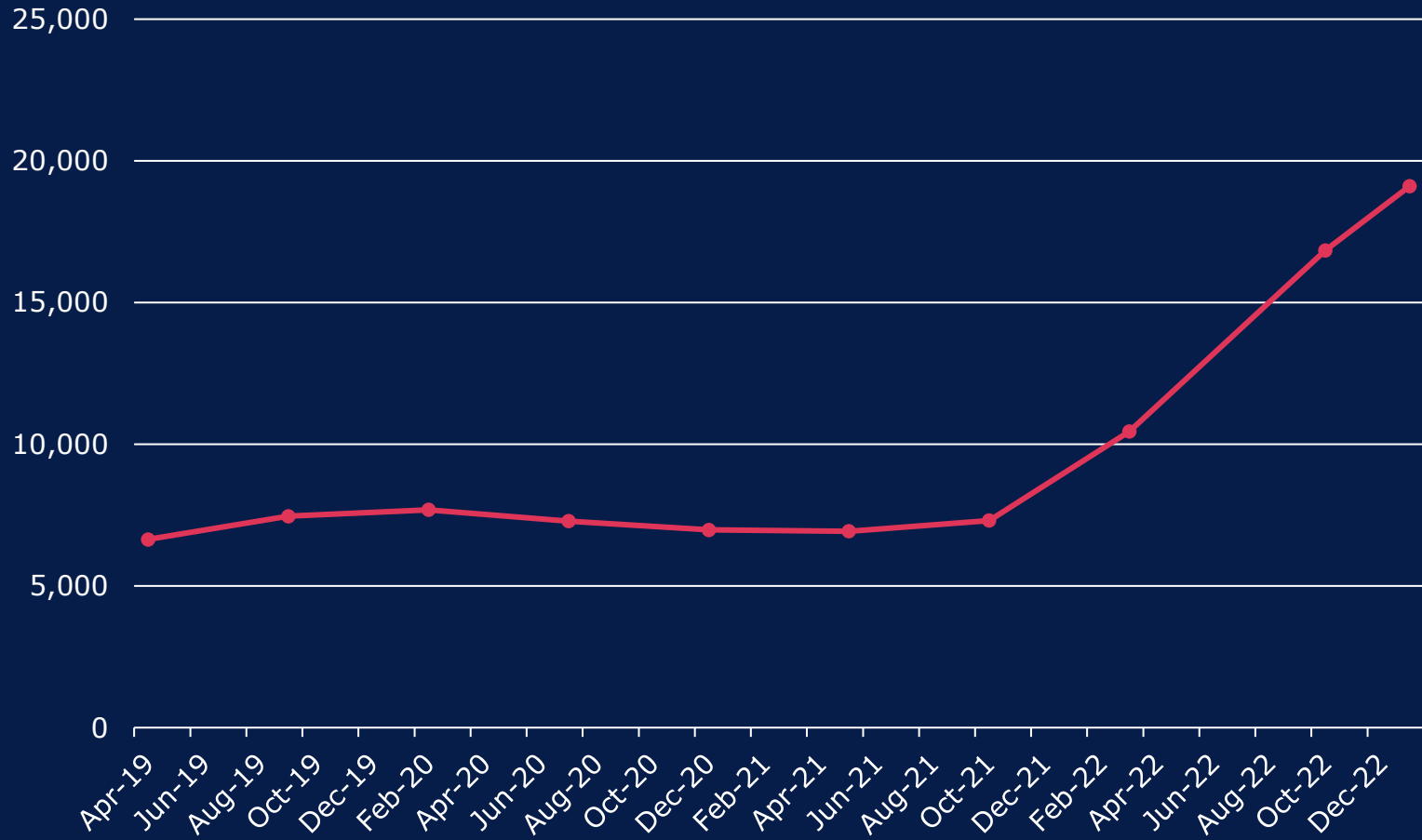
Source: Eurostat (2023) 'First instance decisions on applications by citizenship, age and sex - annual aggregated data', extracted 21 August 2023



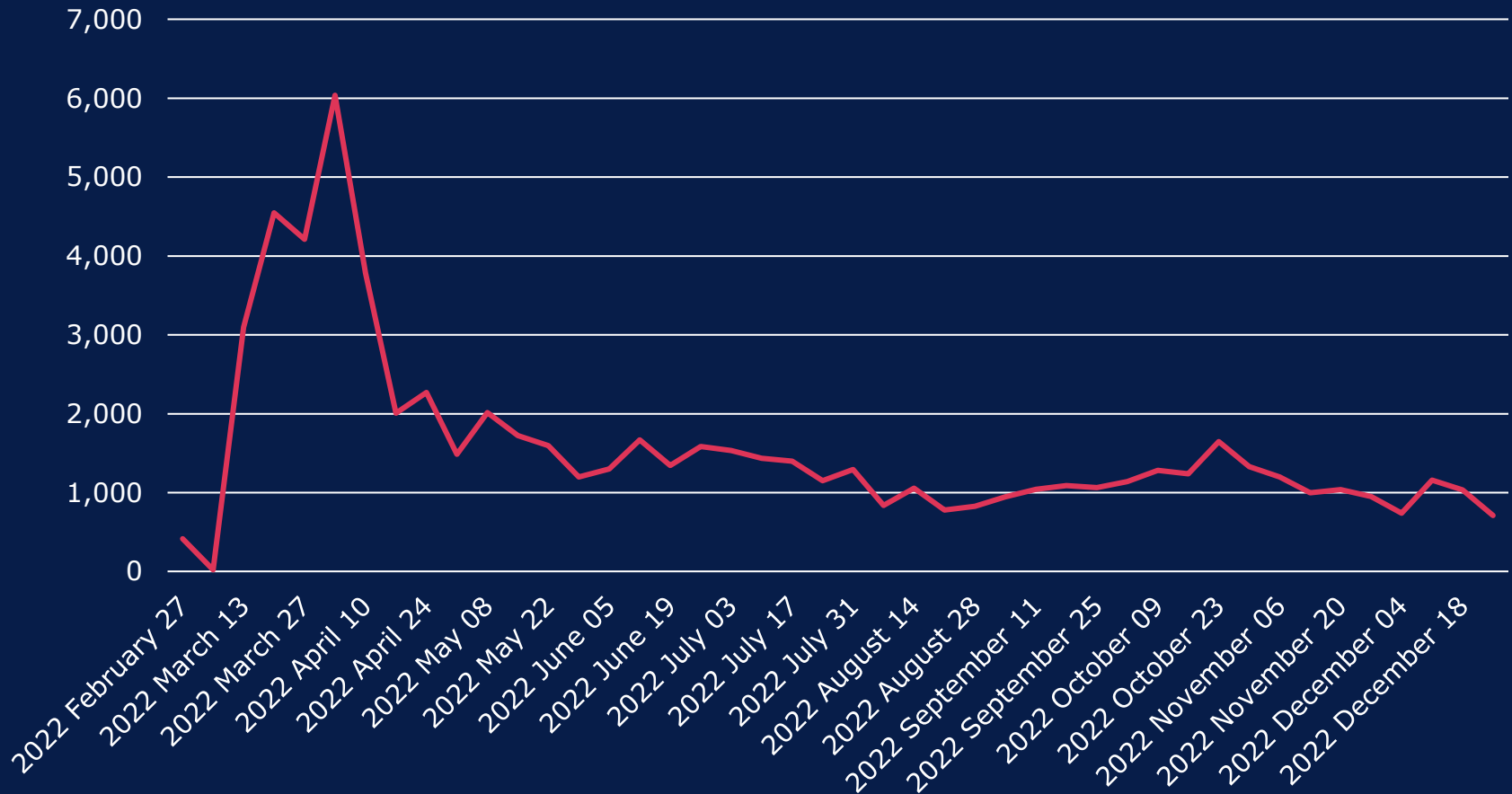
Source: Eurostat (2023) 'Outgoing 'Dublin' requests by submitting country (PARTNER), type of request, legal provision, sex and type of applicant', extracted 22 August 2023; Eurostat (2023) 'Outgoing 'Dublin' transfers by submitting country (PARTNER), legal provision, duration of transfer, sex and type of applicant', extracted 22 August 2023



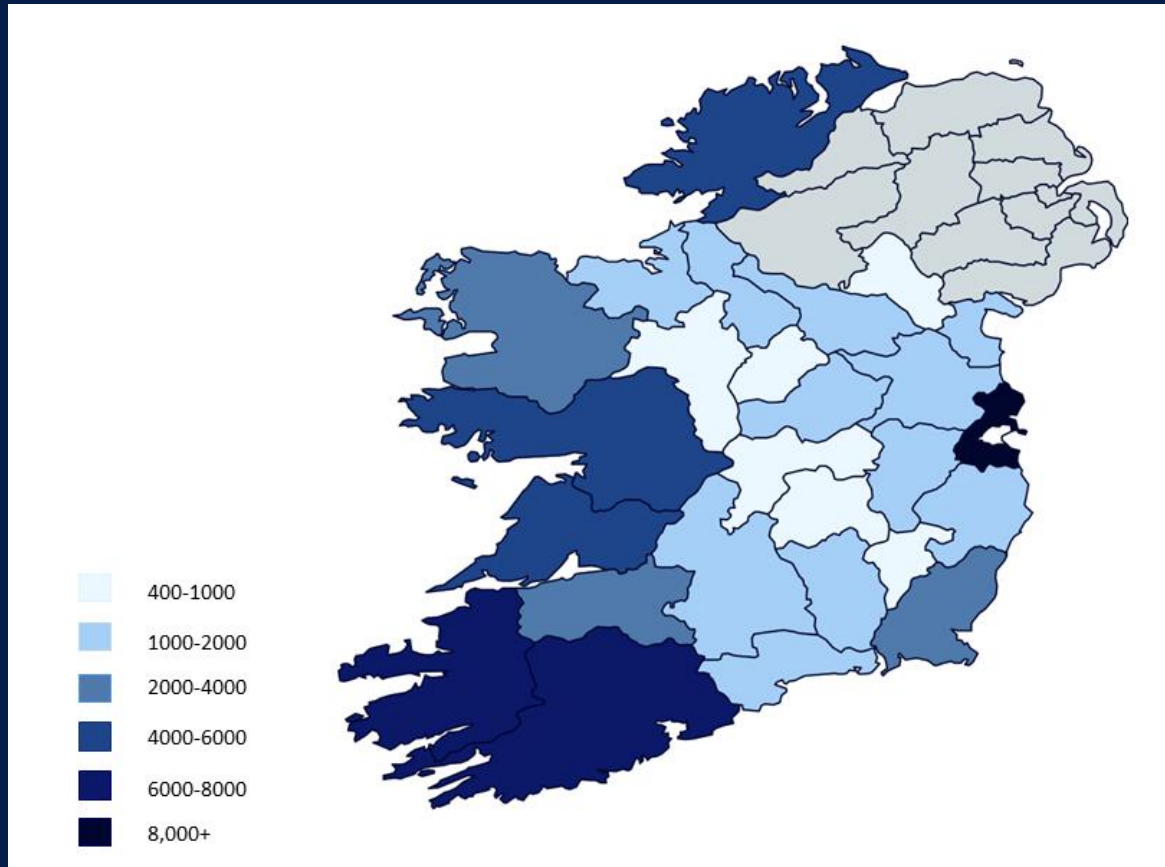
Source: E. Cunniffe et al. (2022) 'Explaining recent trends in international protection applications in Ireland' (ESRI); eu-LISA (2023) 'Eurodac 2022 Statistics' p.27



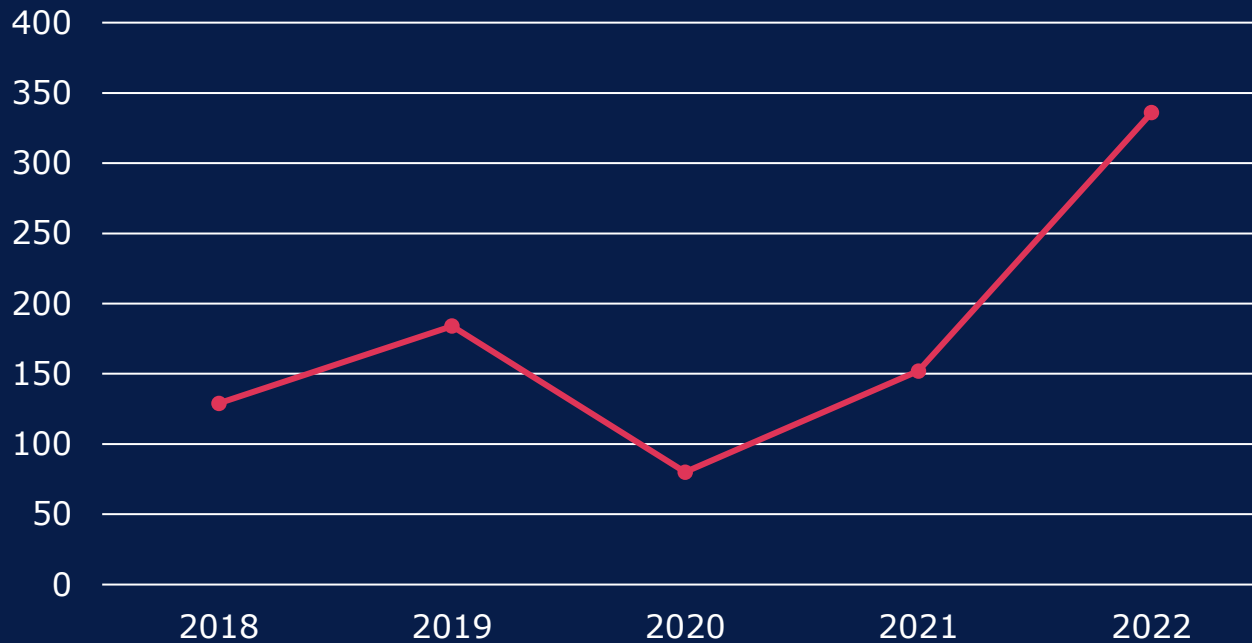
Source: DCEDIY (2023) 'DCEDIY IPAS – Weekly Stats 01/01/2023'



Source: Central Statistics Office (2022) 'Arrivals from Ukraine in Ireland Series 8' (UA07: PPSN allocations to arrivals from Ukraine (cumulative) by nationality and week)



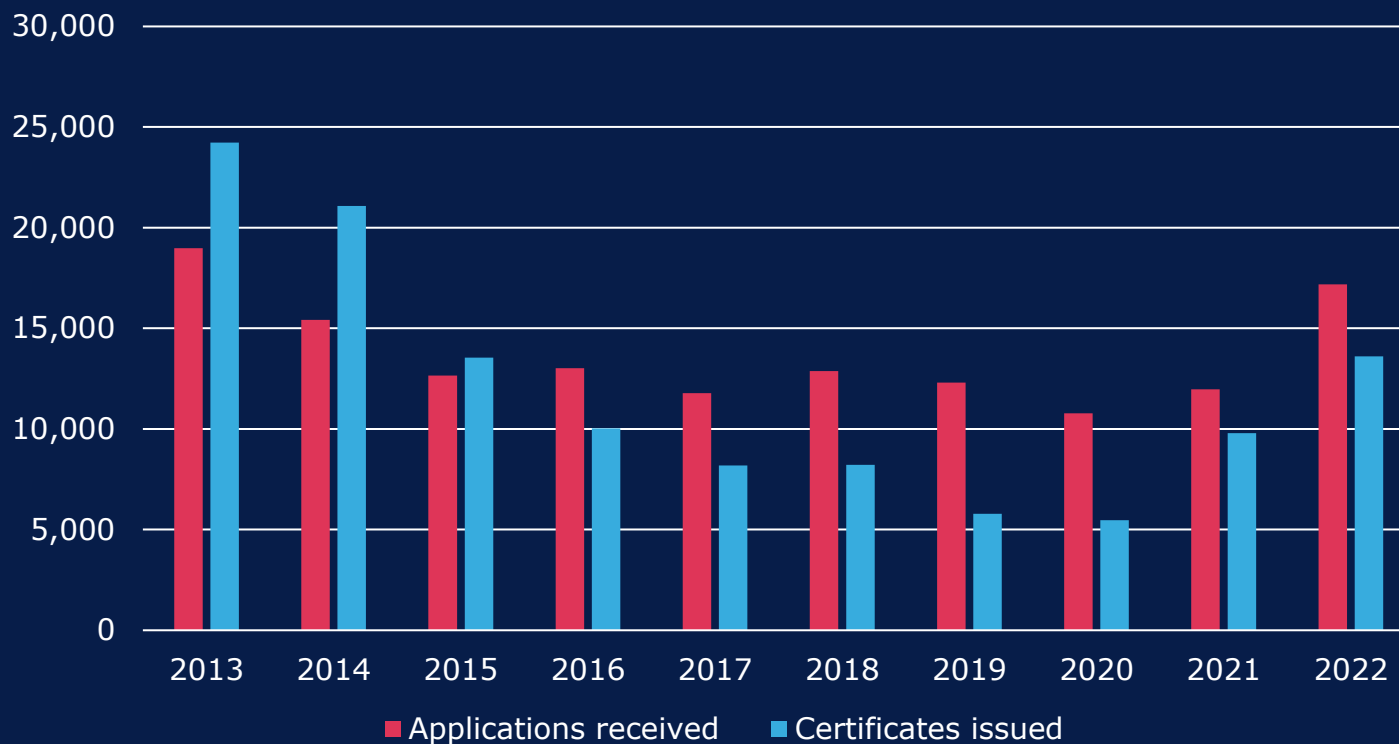
Source: Central Statistics Office (2023) 'UA34: Number and location (based on PPSN allocations data) of arrivals from Ukraine'



Sources: Annual Report on Migration and Asylum 2018, 2019 & 2021, Tusla Annual Reports 2020 & 2022

Note: for 2022, the figure used is the total unaccompanied minors referred to Tusla minus those from Ukraine, for comparability



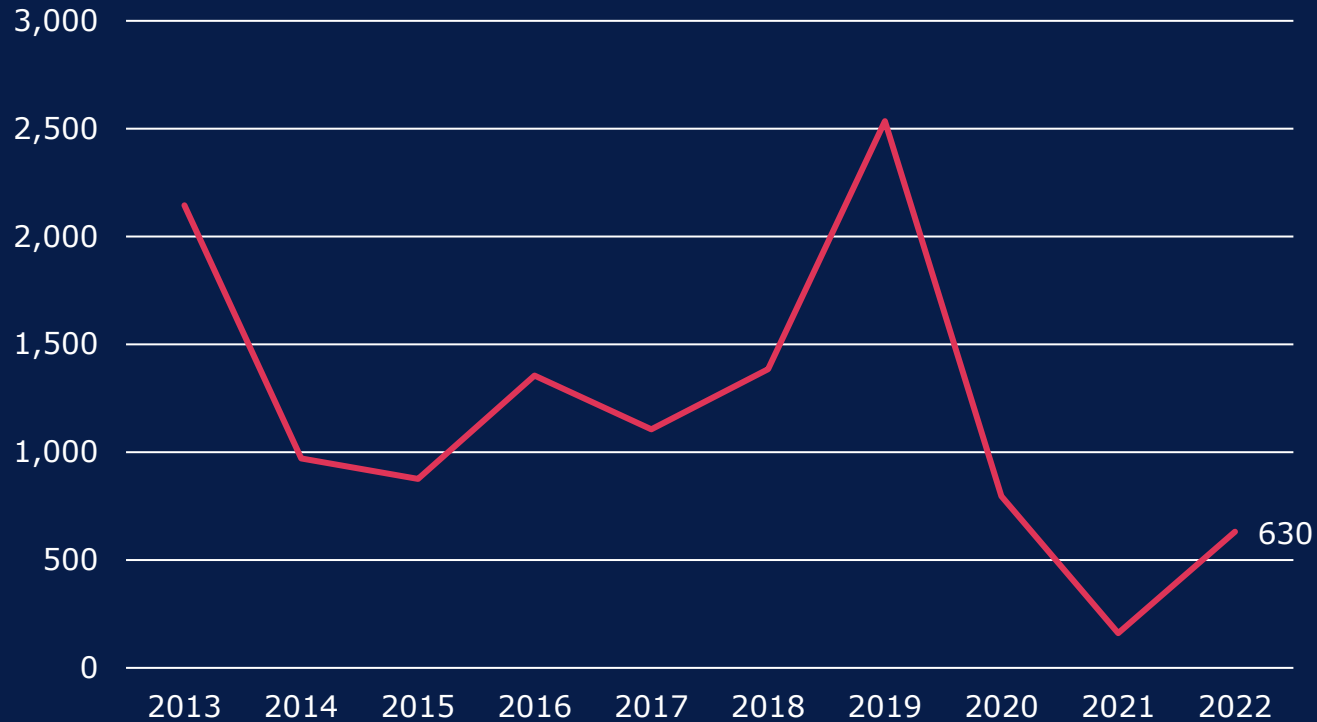


Source: Correspondence with Department of Justice, October 2023.

Domain	Irish-born	Foreign-born
<b>Employment</b> rate	71.6	76.4*
Share of 25–34 age group with <b>third-level education</b>	56	67*
Median annual net <b>income</b> (adjusted for household composition)	€25,107	€22,802*
At <b>risk of poverty</b> rate	11.6	16.8*
Proportion of households that are <b>property owners</b>	76.6	42.8*
Proportion of households spending more than 30 per cent of their income on <b>housing</b>	8.5	29.3*

Source: McGinnity, F. et al. (2023) 'Monitoring Report on Integration 2022' (ESRI)

## Deportation orders



Source: Eurostat (2023) 'Third country nationals ordered to leave – annual data (rounded)', extracted 15 August 2023

# Statistics Q&A

# Part 2

## Developments: Policy, law, practice

# Legal Migration

- **Employment Permits Bill 2022** progresses to committee stage with various issues raised
- Review of **Atypical Working Scheme**
- **Single application** procedure for employment permits and immigration permissions (agreed in principle)
- Changes to **occupation lists** in light of labour shortages

# International Protection (1)

- Pressure on **reception systems**
- Changes to **vulnerability assessment**
- **White paper** implementation
  - **Review**: originally due Q2 2023
  - Certain elements **progressed**
    - Acquisition of properties for vulnerable applicants
    - Advancing buying and construction of phase one properties
    - Integration workers in local authorities

## International Protection (2)

- **International Protection Office (IPO) November 8 changes:**
  - Questionnaire on the day of application, in English (cultural mediators)
  - Accelerated procedure for safe countries of origin – initial and appeal
  
- International protection strand of the **regularisation scheme**



# Temporary Protection (1)

- **Activation** of TPD March 2022
- **Visa requirements** for Ukrainian nationals lifted with effect from February 2022
- **Cabinet Committee** on Humanitarian Response to Ukraine – whole of government response. Covid-19 **Community Response Forums** repurposed
- ‘One-stop shop’ system for arrivals
- **Accommodation:**
  - Temporary accommodation measures initially
  - Register of pledges for private accommodation
  - Offer a Home programme
  - Accommodation Recognition Payment
  - Rent supplement
  - Refurbishment of existing properties
  - Rapid build homes
  - October changes: financial contribution, only one offer made

## Temporary Protection (2)

- **Social welfare:** Special arrangements to process applications for PPSNs and income supports
- **Healthcare:** Simplified application process development to provide automatic eligibility for medical card for BOTPs for first year
- **Education:** range of measures put in place e.g. REALT, National Student and Researcher helpdesk, tuition fee support, PLC bursary
- **Employment:** Direct access to employment market, measures for recognition of qualifications
- Significant **civil society** response and several funding schemes put in place

# Citizenship

- Proposed change to **naturalisation of minors** (passed committee stage in 2022): residence requirement of minors to 3 years for those born in the state (now passed)
- Proposed clarification on **continuous residence** (70 +30, now passed)
- Implementation of **scorecard** approach

# Integration

- Development of **National Action Plan Against Racism** (published 2023)
- **Hate crime** and hate speech draft legislation (second stage November 2022)
  - New incitement to violence or hatred offences
  - Offences aggravated by hatred
  - New offence: condoning, denying or grossly trivialising genocide, crimes against humanity and war crimes against persons on account of their protected characteristics
  - Strengthened freedom of speech protections
  - Demonstration test in addition to motivation test
  - New draft added descent and sex characteristics to protected characteristics
  - Significant criticism and discussions

# Trafficking

- Revised **National Referral Mechanism** – General Scheme published July 2022 (Bill published 2023)
  - Role for other state bodies and NGOs (previously An Garda Síochána)
  - Bill welcomed by stakeholders – concerns raised
- Development of new **national action plan on human trafficking**
- Publication of third **domestic, sexual and gender-based violence strategy**
- **Monitoring reports** (US State Department, GRETA, IHREC as National Rapporteur)

# Irregular migration, visas, borders and return

- Resumption of **deportation orders**
- Suspension of European Agreement on Abolition of **Visas for Refugees**
- **Regularisation scheme** for long term undocumented migrants opened
  - International protection strand

# Developments Q&A

# Part 3

# Research



# International Protection (1)

## ESRI: Explaining 2022 increase in international protection applications

- Seven potential explanations, combination responsible
- Post-COVID-19 catch up, conditions in countries of origin, UK policy changes, secondary movements, network effects, perceptions of Ireland

## Nasc: Implementation of the White Paper

- Freedom of Information requests and qualitative research
- Issues and recommendations in a range of areas, e.g. need for multi-year capital expenditure budgets for delivering on accommodation commitments, need for clear policy of dispersal, potential overreliance on AHBs, daily expense allowance not reviewed since 2019

## International Protection (2)

### Nasc: Community sponsorship

- Equality issues that can arise
- Concerns raised about disparities with mainstream resettlement programme, spatial inequalities in public services, need for oversight of community sponsorship groups and formal complaint mechanism for refugees

# Temporary Protection

## Ukraine Civil Society Forum: Briefing paper

- Recommendations regarding response
- Concerns: inconsistency with international protection applicants
- Recommendations: appointment of national refugee response lead, national coordination group, Director of Service for each county, plan with State's approach, mandating Housing Agency for medium and long-term accommodation, establishing refugee agency, resourcing welfare and integration

# Unaccompanied minors and other vulnerable groups

## ESRI: migrant-origin children's development

- Children with migrant background start school earlier, more likely to attend DEIS school
- Main factor in vocabulary scores: having two parents that are non-native English speakers - Lower reading scores at age 9
- Wellbeing doesn't differ, some migrant groups lower child self-concept scores

## Citizens Information: meeting the information needs of vulnerable migrants

- Assessed ability to meet needs of vulnerable migrant groups
- Recommended translation services, specialist one-to-one advice, enhancing information and support for people exiting direct provision, outreach to vulnerable migrants, training decision-makers and frontline staff
- Also recommendations re reducing vulnerability: regularisation, regulation of private rental housing, updating Migrant Integration strategy, streamlining registration process

# Integration

## **Immigrant Council of Ireland: indicators of local integration actions**

- Progress in programming and services, less in internal structures

## **Creighton et al.: Masked and unmasked attitudes towards migrants**

- Support for Black and Polish migrants overstated when asked directly. Attitudes to Muslims not sensitive to anonymity

## **EMN Ireland/ESRI: Integration of non-EU Migrant Women**

- Policies and practices in Ireland, 'double disadvantage'

## **ESRI: Housing and family among migrants in 2016 census**

- More likely to live in private rented housing, overcrowded accommodation, much less likely owner-occupied (variance across migrant groups)
- Overrepresented in homelessness figures
- Duration of residence plays a role

# Trafficking

## EMN Ireland/ESRI: Trafficking policy and practice in Ireland

- Policies and practices in Ireland around detection, governance structures, victim protection and supports
- Concerns raised about need for improved detection, challenges in identification procedures, lack of statutory footing of procedure, issues with protections including accommodation

# Irregular migration

## EMN Ireland/ESRI: Responses to irregularly staying migrants

- Overview of situation for irregularly staying migrants in Ireland, policy and major debates

# Part 4

## Case law



## 2022 Cases

### Immigration permissions/leave to land

- 25 Apr 2022 Rahman v Healy & Ors
- 12 May 2022 Akram v Minister for Justice and Equality

### International protection

- 13 May 2022 MY v IPAT
- 18 Jul 2022 A & B v IPAT
- 24 Nov 2022 ASA v IPAT

### Citizenship

- 02 Jun 2022 UM v Minister for Foreign Affairs
- 15 Nov 2022 AJA v Minister for Justice and Equality

### Family reunification

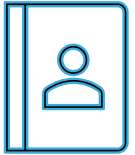
- 27 Jun 2022 SH and AH v Minister for Justice
- 22 Jul 2022 HA v Minister for Justice

### Deportation

- 24 Nov 2022 MK (Albania) v Minister for Justice and Equality

# *UM v the Minister for Foreign Affairs & anor*

## 02 June 2022 [2022] IESC 25



### Facts

- UM born in Galway in 2013. Father an Afghan national with refugee status (2006)
- Father informed of intention to revoke refugee status
- Application for passport for child refused as father's refugee status revoked
- Section 6, *Irish Nationality and Citizenship Act 1956*

### Decision

- A change in the circumstances does not mean that they were never a refugee
- Revocation could only take effect from the date of a formal decision to revoke and would be prospective.
- A residence status conferred by the State on a parent based on false or misleading information could, under the terms of the relevant legislation, be included for the calculation of the period required to confer an entitlement of citizenship to their child.

# *A & B v International Protection Appeals Tribunal & ors*

## *19 Jul 2022 [2022] IESC 206*



### **Facts**

- Mr A (Georgia) and Ms B (Brazil), applications for international protection rejected  
Orders made for deportation and not appeal within the time prescribed
- Applied to extend time for appeal of s. 39 recommendations, refused
- High Court: appellants no longer deemed ‘applicants’ which is required for an extension of time under 2017 regulations.

### **Decision**

- The IPAT applied definition of applicants under 2015 Act and provisions for appeal in a way that operated against the individuals and that was unlawful and incorrect.
- Created a bar that the individuals could not reach and had the effect of infringing their right to fair procedures.

# *MK (Albania) v Minister for Justice and Equality*

24 November 2022 [2022] IESC 48



## Facts

- MK arrives in Ireland as a UAM in 2016. Applies for IP in 2017.
- Application refused and leave to remain refused. Deportation order issued.
- Minister's deportation decision refers to the ***Razgar* test**.

## Decision

- Supreme Court unanimously agreed that the Minister erred in her approach to considering the applicant's Article 8 rights and in applying the *Razgar* test.
- European Court of Human Rights applies a low threshold for the engagement of Article 8 rights and did not require the establishment of "exceptional circumstances" to consider engaging such rights.
- Minister should have applied a proportionality test at the last stage of the *Razgar* test.

See also: *ASA v Minister for Justice and Equality*, 24 November 2022 [2022] IESC 49

# Research & case law

## Q&A

# Conclusions

## EMN Ireland Resources

- Caselaw and legislation database: <https://emn.ie/legal-resources/>
- EMN Publications database: <https://emn.ie/emn-publications/>
- Research library: <https://emn.ie/research-library/>