

## **92<sup>nd</sup> Session of the Council of the International Organisation for**

### **Migration**

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I would like, both personally and on behalf of Ireland to thank the IOM for their invitation to address this 92<sup>nd</sup> Council Session.

If I were talking to you even 10 years ago I would have very little to say on the issue of immigration simply because it was not a particularly significant issue for the country. Ireland has for most of its modern history been a country characterised by emigration, often in very substantial numbers. The constant emigration had social and economic consequences with depopulation of rural areas in particular and was to some degree self perpetuating as many of those who left were exactly the people that might have been able to help to turn things around. People left Ireland because economically there was nothing to keep them at home. For the same reason Ireland did not attract significant levels of inward migration.

It is only since the early - mid 1990s that economic conditions in Ireland have been sufficiently healthy to cause a reversal in the trend. For the last 10 years we have experienced net inward migration and an increasing population fuelled initially by Irish emigrants returning home but now predominantly by economic migrants. It is now estimated that the share of the population of Ireland made up of foreign nationals is 10% and rising. For some countries

that may not be a particularly large figure. However, what is I think striking is the fact that so much of this movement has happened in the last decade.

So, what has been the policy response to this phenomenon?

I think it is fair to say that initially Ireland was simply not prepared in terms of policy, for immigration on a significant scale. Similarly, the administration of immigration was dealt with by not much more than a handful of staff. In policy terms it simply wasn't a major issue. In fact it could be argued that we didn't really have an immigration policy. It could perhaps equally be argued that we didn't need one. We wanted tourists, we wanted people to invest in the country but movement of substantial numbers of people of people from overseas wasn't a significant concern. Non Irish people living in the country were predominantly those from within the EU and the UK in particular. Applications for entry to the country or residence were managed on an individual basis rather than in pursuit of an overarching policy. Apart from citizenship there was only one significant piece of legislation dealing with immigration and that was the Aliens Act of 1935.

Migration really only came to the fore in terms of public awareness and policy making in the 1990s and it was via claims for asylum rather than overt economic migration. In 1992 we had between 20 and 30 asylum cases. For 1996 the figure was close to 2000 and each of the years from 2000 to 2002 there were in excess of 10,000 applications per year. The speed of the change and the volume of persons coming to Ireland was such that the

policy and administrative response was understandably one of reacting to what was happening and attempting to put in place the legal and administrative framework to manage the issue. Substantial resources were deployed, new agencies set up accommodation sourced and several pieces of legislation were put in place.

It was undoubtedly the case that much of what we were seeing was economic migration in disguise. However it was really only from 2001 that a policy focus began to develop in relation to migration generally. That year the Department of Justice Equality and Law Reform began an initial consultation process with stakeholders on developing an immigration system suitable for the new environment in which Ireland found itself. There was an acceptance that we were new to this field and that we should draw on the experiences of countries that had been a lot longer in the business than ourselves. To assist in this process, the IOM was commissioned by the Department to carry out a study of the international experience and to make recommendations as to the advantages and disadvantages of the systems in place in countries. That was the start of a process that although it stalled for a time has gathered pace in 2005 and reached some important milestones in 2006. It is these developments on which I want to concentrate now. I want to talk briefly about three complementary initiatives that are underway.

The first is new immigration legislation. In 2005 a very comprehensive public consultation process was undertaken by the Department of Justice. The driver for this consultation process was a policy document outlining the

Government's proposals for addressing Ireland's immigration system in a comprehensive and holistic way. The document was entitled Immigration and Residence in Ireland. In addition to setting out the individual areas of the immigration to system from initial visa application to long term residence or removal the document also outlined the core principles underpinning an immigration policy. These were

- To maintain the safety and security of the state and its residents and to promote the common good
- To Manage migration in an orderly fashion to serve the economic and social needs of the state and its residents
- To protect human rights
- To protect and develop Ireland's International relations
- To ensure fair treatment of persons
- To achieve reasonable standards of transparency and
- To provide satisfactory standards of service

The document also set out the international context in which Ireland's policy sits, including the common travel area with the UK which has a significant bearing on our migration policy, arrangements arising from EU membership and the wider dimension under the auspices of the UN.

More than 120 organisations and individuals made submissions as part of this process reflecting I think a very wide range of concerns and interests in the

migration system. As you can imagine on an issue as complex as this and potentially as divisive, the range of opinion was broad. There a number were of public events at which officials of the Department explained the proposals and engaged with NGOs and other stakeholders.

On foot of this process the Department has now proceeded to draft new legislation. The scope of the legislation is in fact broader than we originally planned as we are taking the opportunity of streamlining the refugee applications process and introducing a single procedure for all protection claims.

The outline of the Immigration Residence and Protection Bill was published in September 2006 with a view to presentation to Parliament early in the new year. The new legislation will overhaul the State's immigration laws dating back to 1935 and will provide Government with tools to manage migration effectively. It will set out, in an integrated approach and in a single piece of legislation the entire process for foreign nationals coming to the State, staying here and, when necessary, being required to leave. The only element that is not covered is Citizenship where the 1956 Act still applies.

One of the challenges we are facing in rewriting our immigration laws is how to achieve the balance between transparency and clarity on the one hand and flexibility and ministerial discretion on the other. The way we are dealing with this is by providing a statutory framework for immigration within which the Government will from time to time make published statements of its

immigration policies as they apply to different categories of foreign nationals. These statements will direct officials in the way they are to manage the cases but retain the discretion of the Minister.

One of the main policy objectives to be realised in this legislation is to create for the first time a status of "long-term resident", with entitlements and access to State services that will approximate to those of Irish citizens. This enhanced status is aimed at encouraging people with sought-after qualifications, skills or entrepreneurial ability to consider Ireland as a destination for permanent migration for themselves and their families. The legislation provides for this status and a policy statement will set out in detail issues of eligibility and the entitlements that flow from that. Other statements will cover such issues as family reunification, visits for the purpose of study and other categories of application.

These statements will be drafted via a consultation process between the Government Departments and taking on board the concerns expressed through the consultation process. They will also be informed by feedback from our own staff who are dealing with the applicants on a day to day basis.

At the core of the new legislation is the concept of lawful residence: no foreign national will be lawfully resident in the State unless he or she has a valid current residence permit issued by or on behalf of the Minister for Justice.

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The second major development is in the area of the labour market. It is recognised that the labour market and the way it operates is not just the key driver for economic migration but also central to the success of that migration for Ireland, its migrants and its citizens. The employment permits system, which supports labour market policy, also has an important contribution to make in the protection of individual worker's rights and supporting employment standards. A new piece of legislation, the Employment Permits Act 2006 puts in place a statutory framework within which a responsive, managed and skills-based immigration policy can be implemented and introduces important new protections for migrant workers. This is another important piece of the jigsaw.

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The legislation will provide a new Green Card-type system for occupations where strategic skills shortages exist, which cannot be met from within the EU. Under this system, Green Cards will be issued for two years initially and will normally provide a pathway to long-term or permanent residency thereafter. It will apply to an extensive list of occupations in the upper annual salary range and to a more restricted list of occupations below that. As part of the new arrangements, a number of new important protections for migrant workers who are working in Ireland are being introduced.

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The third element I want to talk about is one where the IOM has been directly involved. The National Economic and Social Council is a highly influential Government think tank. Its function is to analyse and report to the Prime

Minister on strategic issues in the social and economic sphere. The Council is led by the office of the Prime Minister and contains representatives of trade unions, employers, farmers' organisations, NGOs, key government departments and independent experts.

The NESC this year published a study on Economic Migration in Ireland. In doing so it had first commissioned IOM to conduct a social and economic analysis on Managing Economic Migration in Ireland. The IOM study under the editorship of Dr Frank Laczko was carried out by a team of international experts. The NESC report then builds on the work done by IOM. Both reports were published simultaneously in September and launched by the Prime Minister.

The main findings of the research included

- That the impact of migration on Ireland has been largely beneficial with little sign to date that migration is lowering wage rates for Irish workers.
- That the migrants are primarily young single and well educated. They are likely to be located in major population centres – particularly Dublin
- There is a need for greater policy coherence between the various agencies inside and outside Government.
- The desirability of creating a permanent or long term migration channel particularly for skilled migrants
- The need for ongoing policy oriented research
- An active integration policy is key to successful migration management strategy



These recommendations have been accepted and some are reflected in the other developments to which I have referred.

The advantages for Ireland of collaboration with the IOM in research are considerable. IOM has the experience the worldwide presence and the access to expertise that adds considerable value to the research. Given the global nature of migration it is critical to be able to tap into what is happening elsewhere. The IOM does not need to borrow your watch to tell you the time. This is the second major national study in which IOM has been involved and we see this kind of engagement as having further potential into the future. This research and advisory role supplements the work on various projects that IOM is carrying out in the area of Assisted Voluntary Return and Reintegration and also the logistical support it gives to Ireland's participation in the UNHCR Refugee Resettlement Programme.

The Government sector in Ireland also has an excellent working relationship with the UNHCR which has had a presence in Ireland since the 1990s. UNHCR is specifically recognised in legislation and has been providing high quality training for staff involved in dealing with both first instance and appeals stages of the asylum determination process.

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This is a very broad subject and it is not possible to cover all of it but as I conclude I would like to refer briefly to one of the key challenges ahead and that is integration. In the same way as Ireland was new to immigration it is

new to integration. It is however acutely aware of the importance of the issue. Every society is different and there is no one size fits all solution for integrating new communities into established societies. Ireland has to find the approach best fitted to its circumstances drawing where necessary on the lessons of other societies. Integration however is not something that can be solely dictated by the Irish Government. While Government must provide leadership, structures and resources, integration is about people. It involves collaboration between all stakeholders in society and mutual understanding between citizens and newcomers. We have a lot of work ahead of us but we have made a start.

Thank you

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