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Small changes would improve experience for migrants navigating complex immigration system

Migrants face unnecessary barriers navigating the immigration system, said the Immigrant Council of Ireland today (07.04.17) as it launched its 2016 helpline statistics. Inconsistencies in processes and the lack of a fair and transparent appeals process are among the key challenges people faced, according to our data.

Brian Killoran, CEO of the Immigrant Council of Ireland, said, “In 2016 the Immigrant Council supported more than 4,600 migrants seeking support. The issues addressed were very broad-ranging. The top concerns related to citizenship queries, with hundreds of migrants facing challenges navigating the often complex system. Questions relating to family connections and reunification processes also generated a very high volume of queries, highlighting a very serious issue with our immigration system.

“There was a continued focus on particularly vulnerable situations: in particular domestic violence, trafficking and the residence status of young people. Cases like Charlotte, a victim of trafficking who lost years of her life trying to navigate a massively complex immigration system, even after escaping the horror of sexual exploitation. Or Anita, who became undocumented and whose life was put on hold simply because no one told her she had to register before she turned 18.”

Mr Killoran added, “During 2016 issues relating to migration dominated the headlines, a situation that will continue into 2017 and beyond. Ireland takes full advantage of globalisation when it comes to economic interests; it must step up to the responsibilities too. The EU remains a key migration destination and as a member state Ireland must take action to positively welcome migrants. While some positive steps are being taken, including the introduction of a single application process for asylum seekers, our experience shows more needs to be done.

“A few simple steps would make the world of difference – not just to deliver a smoother welcome for new arrivals, but also ensuring Irish society can enjoy the maximum benefits of migration.

“Firstly we need to recognise there are populations in severe need right now, including those fleeing war and violence, who need immediate assistance. We could and should provide the option of safe legal passage on compassionate grounds by extending the Humanitarian Access Programme to extreme cases.

“For those who have been in Ireland under certain residents permits, a clear system for progressing through the stages should be provided outlining (among other things) the length of time and type of residence required to meet the criteria and attain more secure permits. Lastly there must be a right to appeal citizenship and residence permit decisions. A clear structure for an appeal process is provided by most countries and Ireland is lagging behind by not having such a system in place.”

Case studies

Case study 1 CHARLOTTE*

Charlotte was trafficked from Nigeria to Spain and later to Ireland for the purpose of exploitation in prostitution. She had been promised work as a hairdresser in Europe. She was in forced prostitution for four years before she escaped in 2010, was driven to Dublin and applied for asylum. She provided statements to the Gardaí about her experiences of

being trafficked, which led to an arrest being made. When her application for asylum was refused, she brought judicial review proceedings challenging the decision. Court delays meant Charlotte was waiting for her case to be heard for a number of years. During this time, she was living in direct provision. Under Irish policy, Charlotte could not be formally identified as both a victim of trafficking *and* seek asylum. This is not in line with EU or international law, or practice in other countries. Charlotte instructed the Immigrant Council of Ireland to halt her High Court proceedings reviewing her asylum application and instead apply to be formally identified as a victim of trafficking. Ultimately this bid was successful and Charlotte was given permission to reside in Ireland.

Charlotte later applied for subsidiary protection for herself and her daughter, which was successful only on appeal. The Tribunal was reminded of the heinous reality of her experience - the fact she had been debt-bonded, that she was considered to still owe her traffickers money and that her trafficker had carried out attacks on her sons (who still live in Nigeria). The Tribunal concluded that there were substantial grounds for believing that she would face a real risk of serious harm in the form of re-trafficking or sexual abuse if returned to Nigeria.

This finally happened six long years since Charlotte first provided detailed statements to the Gardaí and applied for the protection of the Irish State. During that time, her children left behind in Nigeria grew from boys to young men, and she no longer has a right to family reunification with them. They can still apply, but their visa applications will be considered under the general criteria.

Case study 2 **ANITA***

Anita came to Ireland as a child with her parents. She did not know that she needed to register with Garda National Immigration Bureau when she turned 16. Believing such an obligation existed only from the age of 18, she attended with all relevant documentation as soon as she turned 18. She was told that she was two years late and would need to write to the Irish Naturalisation and Immigration Service. She did so, writing numerous letters to the relevant section, but received no reply. She could not afford legal advice. Her undocumented status meant that she faced difficulties pursuing her university course and in accessing housing support when her family became homeless.

The Immigrant Council got involved and when they wrote to the Department of Justice Anita was granted permission to reside in Ireland.

*Names have been changed

Information service – 2016 figures*		
Top 10 issues		
Citizenship	532	15.79%
Leave to Remain as family member of EEA/Swiss national	463	13.74%
Leave to Remain as family member of Irish national (excl parent)	393	11.67%
Renewal of status	331	9.82%
Family Reunification with spouse / partner	277	8.22%
Other	240	7.12%
Work permit	223	6.62%
Visit visa	217	6.44%
Leave to Remain as parent of Irish national	199	5.91%
Leave to Remain as on other grounds	183	5.43%
Total	3058	90.76%

*1 January-15 December 2016

ENDS

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Notes to Editors:

About the Immigrant Council of Ireland:

The Immigrant Council of Ireland is the leading voice in securing improved rights and protections which benefit Irish citizens, migrants and their families. Founded by Sr Stanislaus Kennedy in 2001, the Immigrant Council of Ireland uses its frontline services to meet the immediate needs and counter the challenges faced by immigrants in Ireland. The organisation uses this experience to put forward clear, evidence based proposals to change Irish law. For more information, please visit www.immigrantcouncil.ie.

Our helpline is supported by the Scheme to Support National Organisations 2016-2019



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