



# EUROPEAN MIGRATION NETWORK

## ANNUAL REPORT ON STATISTICS ON MIGRATION, ASYLUM AND RETURN: IRELAND 2005

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# 1. MIGRATION ISSUES

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## 1.1 Introduction

The current report provides analysis on statistics relating to migration and asylum in Ireland. The majority of the data have been supplied by Eurostat and where other sources have been used this is marked below the relevant table. Data is not available on all of the requested items. The main migration-related event of interest in 2005 was the creation of a new cross-departmental government body with responsibility for a range of immigration, asylum and visa issues which had previously been spread across a number of government departments: the Irish Naturalisation and Immigration Service (INIS). The consultation phase for new comprehensive Immigration and Residence legislation (Immigration and Legislation Bill, 2005) was launched with the publishing of a discussion document and request for submissions in April 2005, and a new Employment Permits Bill was published and sought to offer migrant workers increased protection and introduced a new employment permit scheme described as a 'Green Card' for certain highly-skilled workers. New citizenship legislation came into effect in January 2005, which saw a change in conditions under which the child of foreign national parents may acquire Irish citizenship. The government's National Action Plan Against Racism (NPAR) was launched in January 2005.

Regarding asylum the effects of substantial changes to the 1996 Refugee Act, introduced in September 2003, can continue to be seen in some of the 2005 data. Available data on population by citizenship, residence permits, apprehended non-Irish nationals and refused/returned immigrants by citizenship are limited.

The accession of ten new EU Member States in 2004 (and lack of restrictions on access to the labour market unlike most other EU-15 countries) continued to result in both very significant increases in immigration flows from those countries and decrease in work permit authorisations.

In terms of policy development the main issues were the enactment in law in January 2005 of the Irish Nationality and Citizenship Act, 2004 and the Employment Permits Bill, 2005. The consultation phase of the Immigration and Residence Bill was launched in mid-2005. The Government National Action Plan Against Racism (NPAR) was launched in January 2005.

Unfortunately, available data on residence permits is very limited so the analysis in that section is curtailed.

## 1.2 Analysis and Interpretation of the Migration Statistics

### 1.2.1 MIGRATION FLOWS

The legally resident population in Ireland has grown steadily in the period in question to reach just over 4.1 million in January 2005. This growth has been driven both by net immigration and natural increase. Immigration flows reached a high of 66,900 in the twelve months between April 2001 and April 2002. The period between 2001 and 2003 saw a decline in immigration to 50,100. This decline may have reflected tightening immigration policy and a decline in asylum applications (Quinn, 2006).<sup>1</sup>

**Table 1: Migration Flows 1999-2005**

	1999	2000	2001	2002	2003	2004	2005
Legally resident population (1 January)*	3,734,901	3,786,931	3,838,942	3,897,000	3,963,636	4,027,732	4,109,173
Recorded immigration	52,600	59,000	66,900	50,500	50,100	70,000	86,900
Recorded emigration	26,600	26,200	25,600	20,700	18,500	16,600	17,000

*Source:* Eurostat; Central Statistics Office (CSO).

\*Legally resident population (1 January): Special 1 January calculation by CSO.

Recorded immigration/emigration (April of reference year – April of subsequent year) *Population and Migration Estimates*, CSO.

Significant increases in immigration flows occurred in 2004: between April 2004 and April 2005 immigration reached 70,000, with a further increase of close to 25 per cent of recorded immigration for the April 2005 to April 2006 corresponding timeframe which was the highest figure recorded since the present series of annual migration estimates began in 1987 (CSO, 2006). This dramatic growth was largely a result of the accession of ten new EU Member States in May 2004 with almost half (43 per cent) of overall immigration comprising of nationals of the EU-10 accession states. 26 per cent of immigrants were from Poland while 7 per cent were from Lithuania.

**Table 2: Immigration Flow by Nationality, 2005**

	000s	%
Irish	19.7	23
UK	7.5	9
Rest of EU15	9.6	11
EU-10	37.8	43
USA	1.3	1
Rest of world	11.1	13
<b>Total</b>	<b>86.9</b>	<b>100</b>

*Source:* CSO, 2006.

More than half (54 per cent) of immigrants were in the 25-44 year age group, with a further 28 per cent aged between 15-24 years. Approximately 10 per cent were children under the age of 15 years. (CSO, 2006).

<sup>1</sup> Note that it is not possible to provide estimated migration flows for Ireland, which exclude flows of asylum applicants.

### 1.2.2 POPULATION BY CITIZENSHIP IN 2005

Population by citizenship data are available only from the Census. The last Census took place in 2002 and the next will take place in 2006. There is, therefore, no more detailed data available for 2005.

**Table 3: Population, 2005**

	2005
Total Population	4,109,173
Irish nationals	3,875,300
Non-Irish nationals	233,873

*Source:* Eurostat, CSO.

*Note:* The total population figure is a special total estimated population on 1 January in the reference year. Nationality data relate to April of the reference year.

### 1.2.3 RESIDENCE PERMITS: ANNUAL TOTAL POSITIVE DECISIONS IN 2005

Unfortunately data on positive decisions for residence permits are extremely limited for Ireland. Below are the figures for the number of employment permits (work permits, work visas plus work authorisations<sup>2</sup>) issued in the reference year. Renewals are included. Group work permits are excluded, therefore, one permit equals one person.

**Table 4: Employment Permits Issued 2002-2005**

	2002	2003	2004	2005
Employment Permits Issued	40,321	47,551	34,067	27,136

*Source:* Department of Enterprise, Trade and Employment.

The number of employment permits issued in 2005 was substantially lower than in 2004, and the lowest on record since 2000. As Quinn (2007a) and Table 14 of this document shows, workers from the EU-10 states and other Eastern European countries dominated work permit allocations between 2001 and 2004. The decline in the numbers of employment permits issued in 2004 and continuing in 2005 reflects the fact that EU-10 nationals ceased to require an employment permit to access the Irish labour market after acceding to the EU in May 2004. The vast majority of employment permits issued (70 per cent) continued to be work permit renewals.

<sup>2</sup> Work authorisations were issued to nationals of non visa-required countries while work visas were issued to nationals of visa-required countries.

### 1.3 Contextual Interpret- ations (Legal, Political and International Factors)

#### 1.3.1 MAIN TRENDS AND MOST IMPORTANT DEVELOPMENTS IN THE AREA OF MIGRATION POLICY SINCE THE PREVIOUS YEAR

##### 1.3.1.1 *Irish Naturalisation and Immigration Service (INIS)*

A new body was set up with responsibility for a range of immigration, asylum and visa issues which had previously been spread across the domain of a number of government departments: the Irish Naturalisation and Immigration Service (INIS). Established in order to provide a 'one-stop shop' in relation to asylum, immigration, citizenship and visas, the INIS is responsible for administering the functions of the Minister for Justice, Equality and Law Reform in relation to asylum, immigration (including visas) and citizenship matters and is structured around a number of key areas – asylum, visa, immigration and citizenship processing, asylum and immigration policy, repatriation, and reception and integration.

##### 1.3.1.2 *Employment Permits Bill 2005*

The most significant policy development in relation to managed migration in 2005 was the publication in June of that year of a new Employment Permits Bill 2005. The Bill sets out an enabling structure for a new employment permits scheme to be introduced in 2006. This scheme includes a 'Green Card' for highly skilled workers (see Department of Enterprise, Trade and Employment, June 2005). The Bill also seeks to afford greater protection to migrant workers and outlines provisions for employment permits to be granted to the employee rather than the employer, and it is proposed that the permit will also state certain rights and entitlements of the worker concerned. The Bill prohibits deductions for recruitment from employee wages; retention by the employer of the employee's personal documents such as a passport; provisions for higher skilled workers to be given permission to work for a minimum of two years and the flexibility to move between employers within their employment sector.

##### 1.3.1.3 *Immigration and Residence in Ireland: Outline Policy Proposals for an Immigration and Residence Bill*

The Government's discussion document concerning proposals for an Immigration and Residence Bill was launched in April 2005. Proposals centred around standardising single code statutory procedures for the application of stated policies to the various states of the immigration process including visas, entry to the State, protection, residence permits and the process of removal (where necessary). The Scheme set forth to introduce a single procedure wherein an applicant for protection would be required to set out all of the grounds on which they wish to remain in the state including refugee grounds, subsidiary protection grounds and/or allowed to remain in the State based on other discretionary grounds. An integrated process would also result in procedural changes to the asylum application process, with the current Refugee Appeals Tribunal to be replaced by a Protection Review Tribunal with expanded remit to consider both appeals against decisions not to grant refugee status and against decisions not to grant subsidiary protection as defined in the Council Directive 2004/83/EC on minimum standards for the qualification and status of third country nationals and stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted. (Department of Justice, Equality and Law Reform 2005).



#### *1.3.1.4 Irish Citizenship*

The issue of Irish citizenship continued to impact on immigration policy in Ireland during 2005 with the enactment of the Irish Nationality and Citizenship Act 2004 from 1 January 2005. As discussed in Quinn (2006), the passing of a referendum on the question of a Constitutional amendment resulted in a change to constitutional citizenship entitlement existing only for a child who has at least one parent who is, or who is entitled to be, an Irish citizen. The amendment also reinstated the power of the Oireachtas (parliament) to legislate on the acquisition of citizenship. The Nationality and Citizenship Act 2004, which commenced on January 1 2005, now sets out the conditions under which Irish citizenship may be granted to a child born in Ireland with foreign national parents. One of the parents must have been legally resident on the island of Ireland for three years during the four years immediately preceding the child's birth. Periods spent in the State pursuing education or awaiting determination of an asylum application do not qualify in this regard. On January 15 2005 the Government announced new procedures for the consideration of applications for leave to remain in the State from non-national parents of children born in the State before 1 January 2005. By the closing date of receipt of applications of the 31 March, 17,917 applications had been received. 16,693 applicants were given leave to remain for an initial period of two years, with reasons cited for refusal of applications including a lack of required identity documentation supplied.

#### *1.3.1.5 National Action Plan Against Racism (NPAR)*

The Government National Action Plan Against Racism (NPAR) was launched in January 2005 and followed a lengthy consultative process involving the government, ethnic minority group representatives, the social partners and the Traveller community amongst others. The NPAR is underpinned by the principles of protection, inclusion, provision, recognition and participation. Under each broad objective there is a number of expected outcomes listed and in January 2005 the Minister for Justice, Equality and Law Reform announced a grant scheme whereby organisations working towards the objectives of the NPAR could receive funding.

#### *1.3.1.6 Increase in Resettlement Quota*

In June 2005 the Government announced an increase in Ireland's resettlement quota from 10 cases (40 persons) to 200 persons per year. The Government Decision also provided for the establishment of an Inter-Departmental Working Group on Refugee Resettlement and Integration.

#### *1.3.1.7 Student Right to Work*

Since April 2005 non-EEA students with permission to remain in Ireland for the purposes of study cannot be given authorisation to work unless they are attending a full-time course of at least one year's duration leading to a qualification recognised by the Minister for Education and Science. In addition, since 1 January 2005 students who are not on full-time courses of at least a year leading to a recognised qualification will only be allowed to extend their study visas when the total period of permissions granted (and requested) is no longer than 18 months in total. If the student had permission to remain before 1 January 2005 this 18-month period is calculated from 1 January 2005. Those permitted access to employment may enter casual employment only which is defined as up to 20 hours part-time work per week or full-time during vacation periods. The entitlement to take up employment will cease upon the expiry of permission to remain as a student.

### **1.3.2 EXISTING CATEGORIES OF ADMISSION OR NON-ADMISSION IN 2005**

Categories of admission of non-EU nationals for which data are available for 2005 relate to employment, and include work permit holders and work visa/authorisation holders. Other categories of admission on which data are not freely available include: student migration, family reunification/formation; and self-employment.

On foot of the Immigration Act 2004, section 4, a non-Irish national may be refused admission to Ireland if he or she:

- Is not in a position to support himself or herself and any accompanying dependants;
- Is not in possession of a valid employment permit or relevant visa;
- Is not in possession of a passport or relevant identity document;
- Is the subject of a deportation/exclusion order or a determination by the Minister that it is conducive to the public good that he or she remain outside the State;
- Suffers from certain conditions/diseases/addictions;
- Has been convicted of an imprisonable offence;
- Is considered likely to abuse the Common Travel Area with the UK;
- Is considered a threat to national security;
- Believed to be seeking entry to the State for purposes other than those expressed to the Immigration Officer.

### **1.3.3 EUROPEAN/INTERNATIONAL FACTORS EXPLAINING CERTAIN CHANGES/CONTINUITY REGARDING MIGRATION IN 2005 COMPARED TO THE PREVIOUS YEAR**

The most significant migration-related effect in 2005 continued to be the accession of ten new EU Member States in May 2004. Ireland was one of just three countries, along with the UK and Sweden, to allow free access of EU-10 nationals to the national labour market. This meant that nationals of these countries<sup>3</sup> ceased to require work permits to access the Irish labour market on 1 May 2004. As in the UK, EU-10 nationals face restrictions on access to Ireland's social welfare system. The measures, which are contained in the Social Welfare Miscellaneous Provisions Act 2004, apply equally to all EU nationals and restrict access to social assistance and Child Benefit payments by introducing a 'Habitual Residence Condition' (HRC).<sup>4</sup> The basic requirement for a person to be deemed 'habitually resident' is to have been resident in Ireland or the UK for a continuous period of two years before making an application for social welfare.

<sup>3</sup> Excluding category of EU residents holding 'alien' passports and in certain cases continuing to require work permit authorisation in Ireland.

<sup>4</sup> See Quinn (2006) for full analysis.

## 2. ASYLUM ISSUES

Numbers of asylum applications rose slightly in 2005 from 2004, but still remained substantially less than previous years. The main policy developments that impacted on asylum issues in 2005 were that of the introduction (and implementation) of safe countries of origin and prioritisation directives.

### 2.1. Analysis and Interpretation of the Asylum Statistics

#### 2.1.1 TRENDS IN FIRST-TIME ASYLUM APPLICATIONS IN 2005 COMPARED TO THE PREVIOUS YEAR

**Table 5: First-Time Asylum Applications 1997-2005**

	1997	1998	1999	2000	2001	2002	2003	2004	2005
Number of first applications	3,880	4,626	7,724	10,938	10,325	11,598	7,483	4,265	4,304

*Source:* Eurostat; Office of the Refugee Applications Commissioner.

Table 5 shows that over the period 1997 to 2002 the number of people who sought asylum in Ireland under the 1951 Geneva Convention increased significantly to 11,598. After a record high of 11,598 in 2002, the number of first instance asylum applications fell by over 60 per cent (62.3 per cent) to 4,304 in 2005.

**Table 6: First Asylum Applications by Main Countries of Citizenship 2005**

	2005
Nigeria	1,272
Romania	382
Somalia	367
Sudan	203
Iran (Islamic Republic of)	202
Georgia	150
Afghanistan	142
Congo, the Democratic Republic of the	138
Moldova, Republic of	100
China (including Hong Kong)	96
Others	1,252
<b>Total</b>	<b>4,304</b>

*Source:* Eurostat, Office of the Refugee Applications Commissioner.

Table 6 shows the first asylum applications by main country of citizenship and reflects both a decrease in applications made by Nigerian nationals (data supplied in Quinn, 2007a) by 12 per cent from 2004 to 2005, with a marked increase of over 55 per cent in applications from Romanian nationals for the same time period. It has been speculated that the increase in Romanian

**Table 7: Asylum Applications by Unaccompanied Minors 2004-2005**

Age Group	2004	2005
<b>Total</b>	<b>124</b>	<b>96</b>
0-13 years	3	1
14 years		
15 years		
16 years		
17 years		
Age Unknown	121	95

Source: Eurostat.

asylum flows in 2005 was a direct result of prospective accession to the EU<sup>5</sup> with higher flows of movement of Romanian nationals throughout Europe in general, and with community perception of a de facto decrease in the effecting of deportations of Romanian nationals from Ireland. Interestingly, all countries listed in the data for main countries of citizenship per first asylum application in 2004 are present also in 2005 – with the exception of Croatia. In November 2004, the Minister designated Croatia and South Africa as safe countries of origin, with effect from 9th December 2004. Applicants for asylum from these countries must rebut the presumption that they are not in need of refugee protection and the Refugee Appeals Tribunal (RAT) makes decisions on the basis of papers alone rather than with an oral hearing. (Quinn, 2006) In addition, in January 2005 measures (based upon amendments to the 1996 Refugee Act contained in the 2003 Immigration Act) to speed up both the asylum and deportation process in respect of prioritised cases were announced with nationals of Nigeria, Romania, Bulgaria, Croatia and South Africa subject to accelerated processing arrangements since that date.

There was a decrease in asylum applications made by unaccompanied minors in 2005 (compared with 2004 data, the only year available). This decrease in actual numbers may be related to changed migratory flows, or may be a reflection of a change to administrative procedures concerning the automatic placement of unaccompanied minors within the asylum system as a means of regularising status.

### 2.1.2 FIRST AND FINAL POSITIVE DECISIONS IN 2005

**Table 8: Total Number of Asylum Decisions 2004-2005**

	2004	2005
<b>Total</b>	<b>6,898</b>	<b>5,242</b>
Positive decisions	430	455
Negative decisions	6,468	4,787
Other non-status decisions	-	-

Source: Eurostat; Office of the Refugee Applications Commissioner.

<sup>5</sup> The successful completion of Romanian accession negotiations with the European council took place in December 2004, with the signing of the Treaty of Accession to the EU in mid-2005 formalising Romania's prospective entry to the EU.

**Table 9: Total Number of Positive Decisions (First Instance) by Type and Country of Citizenship 2004-2005**

2005	Total	Geneva Conv. Stat. Granted	Humanitarian Status and all other types of subs. Protection
			Humanitarian Status and all other types of subs. Protection
Somalia	86	86	-
Sudan	77	77	-
Rwanda	21	21	-
Zimbabwe	19	19	-
Iran (Islamic Republic of)	19	19	-
Others	233	233	-
<b>Total</b>	<b>455</b>	<b>455</b>	<b>135*</b>
	<b>Total</b>	<b>Geneva Conv. Stat. Granted</b>	<b>Humanitarian Status and all other types of subs. Protection</b>
<b>Total</b>	<b>430</b>	<b>430</b>	<b>207*</b>

\* Number of persons granted Leave to Remain pursuant to Section 3(3)(a) of Immigration Act 1999. (Closest equivalent to subsidiary protection available prior to October 2006.)

Source: Eurostat; Office of the Refugee Applications Commissioner.

Relative to the total number of asylum decisions, there exists a decrease in overall decisions/asylum applications reached in 2005 with almost a quarter (24 per cent) decrease, although this may be attributable to lower asylum application figures in the same year. The number of positive determinations (at first instance) increased slightly by 2.4 per cent in 2005.

Unfortunately, there are limited data available for the citizenship of people accorded positive decisions and no data available for breakdown by citizenship of those accorded negative decisions. In the breakdown of type and citizenship of those granted positive decisions at first instance, Somalia, Sudan and Iran appear in both the top five countries for 2004 and 2005.

We can speculate that the higher proportion of positive determinations in 2005 is partly a result of changed migration flows, for example, lower numbers of Nigerian asylum applicants a group with low recognition rates (Department of Justice, Equality and Law Reform, June 2005). In addition, while there exists a substantial decrease in the actual number of decisions issued and classified as 'Humanitarian Status and all other types of subsidiary protection' (persons granted Leave to Remain pursuant to Section 3(3)(a) of Immigration Act 1999) from 207 in 2004 to 135 in 2005, taken in context of overall decisions processed to completion in the same year there is virtually no change.

### 2.1.3 CHANGES IN THE STATUSES REGULARLY GRANTED TO PARTICULAR CITIZENSHIP GROUPS

Somali nationals granted refugee status continued to increase with 86 in 2005 compared to 82 in 2004 and 24 in 2003. Other nationalities appearing in both 2004 and 2005 top five nationalities include Sudan (a substantial increase from 34 to 77 in 2004 and 2005 respectively) and Iran (a decrease of 1 from 20 to 19 in 2004 and 2005 respectively).

## 2.2 Contextual Interpretations (Legal, Political and International Factors)

### 2.2.1 NEW OR AMENDED LAWS EFFECTIVE IN 2005

There were very few legislative developments during 2005 in the area of asylum. Enactment of the Irish Nationality and Citizenship Act 2004 as discussed above came into effect from 1 January 2005 and are relevant here as it was believed that the asylum system was the route of entry to the State used by people who might later claim residency based on the parentage of an Irish born child.<sup>6</sup> The Government published a discussion document, *Immigration and Residence in Ireland – Outline Policy Proposals for an Immigration and Residence Bill* in April 2005.

### 2.2.2 PROCEDURAL CHANGES EFFECTIVE IN 2005

In relation to the processing of asylum applications the most important procedural change was the July 2005 High Court ruling that unsuccessful applicants for asylum who wish to bring appeals to the Refugee Appeals Tribunal (RAT) are entitled to have access to previous rulings. Prioritisation directives, which were introduced through amendments to the Refugee Act 1996 in September 2003, saw Croatia and South Africa designated as safe countries of origin with effect from 9 December 2004 and joining prior designated safe countries (Bulgaria, Romania and the EU-10 states) and countries subject to accelerated processing arrangements (including Nigeria).

The number of appeals received by the RAT decreased by 15 per cent between 2004 and 2005 (4,981 and 4,227 respectively), with the number of completed appeals also showing a decrease of 35 per cent year on year. There was a substantial increase of just over a third (34 per cent) of Dublin Convention/Dublin Convention cases referred for appeal from 2004 to 2005. Of 'live appeals on hand' 1,267 existed at year-end, a slight decrease of 3 per cent on 2004 (RAT Annual Report 2006).

### 2.2.3 EUROPEAN/INTERNATIONAL FACTORS EXPLAINING CERTAIN CHANGES REGARDING ASYLUM TRENDS IN 2005

This overall reduction in the number of asylum applications from a high of 2001/2002 to some extent reflects international trends: UNHCR (2006) data indicates that the number of asylum seekers lodging applications in industrial countries continued to fall sharply with the 25 countries of the European Union receiving 46 per cent fewer applications for asylum in 2005 than in 2001.

The number of people who sought asylum in Ireland under the 1951 Geneva Convention fell by 63 per cent between 2002 and 2005. As discussed above this decline partly reflects international trends: UNHCR (2006) data indicates that in 2005 asylum applications had reached their lowest level for 18 years across all the industrialised countries for which comparable UNHCR historical statistics are available, and reached the lowest level for 17 years in the 25 EU countries.

<sup>6</sup> Department of Justice, Equality and Law Reform, April 2004.

# 3. ILLEGAL ENTRY

Available data in this section are limited particularly that related to apprehended non-Irish nationals and refused/returned immigrants by citizenship. The Immigration Act, 2004 was enacted and contains provisions related to border controls although this legislation primarily restated existing provisions.

## 3.1 Analysis and Interpretation of Statistics

### 3.1.1 DEVELOPMENTS/TRENDS PERTAINING TO THE NUMBER OF REFUSED ALIENS IN 2005 IN COMPARISON TO THE PREVIOUS YEAR

**Table 10: Total Number of Refused Non-Irish Nationals During the Period 2001-2005**

	2001	2002	2003	2004	2005
Number of refused aliens	5,504	5,647	5,826	4,763	4,807

Source: Eurostat.

**Table 11: Refused non-Irish Nationals by Main Country of Citizenship, 2004-2005**

	2004		2005
Nigeria	497	Brazil	604
Brazil	490	Romania	548
Romania	306	Nigeria	464
Unknown	264	Unknown	388
Poland	245	China	330
South Africa	218	South Africa	253
China	216	Somalia	121
Lithuania	193	Malaysia	116
Pakistan	103	Moldova	112
Latvia	85	Pakistan	97
Others	2,146	Others	1,774
<b>Total</b>	<b>4,763</b>	<b>Total</b>	<b>4,807</b>

Source: Eurostat.

There was virtually no change in the number of refused non-Irish nationals between 2004 and 2005. However, particularly large decreases were seen among refusals of EU-10 Accession nationals (primarily Latvian, Lithuanian and Polish nationals<sup>7</sup>) reflecting the fact that EU-10 nationals gained freedom of movement within the EU in May 2004. The number of

<sup>7</sup> Present within the main countries of citizenship of those refused in 2004 (see Quinn, 2007b).

Brazilian nationals refused increased significantly between 2004 and 2005 by almost a quarter (23 per cent), as did refusals for Chinese nationals by 53 per cent. The number of Romanian and South African nationals refused also increased significantly at almost 80 per cent and 16 per cent respectively. Both countries were designated as safe countries of origin in 2004. Refusals for nationals from Nigeria and Pakistan decreased slightly (by 7 per cent and 6 per cent respectively).

### 3.1.2 DEVELOPMENTS/TRENDS PERTAINING TO THE NUMBER OF APPREHENDED ALIENS IN 2005 IN COMPARISON TO THE PREVIOUS YEAR

**Table 12: Apprehended Non-Irish Nationals 1997-2002**

	1997	1998	1999	2000	2001	2002
Number of apprehended aliens	6	24	24	25	52	115

No data are available on the number of apprehended non-Irish nationals for 2003, 2004 or 2005.

### 3.1.3 DEVELOPMENTS/TRENDS PERTAINING TO THE NUMBER OF ALIENS REMOVED IN 2005 COMPARED TO THE PREVIOUS YEAR

**Table 13: Removed Non-Irish Nationals 1999-2005**

	Deportation Orders Signed	Deportation Orders Effectuated*	% Effectuated
1999	102	6	6
2000	940	187	20
2001	2,025	365	18
2002	2,430	521	21
2003	2,411	591	25
2004	2,915	599	21
2005	1,899	396	21

Source: \*Eurostat; Quinn (2007b).

Table 13 shows the number of deported non-Irish nationals and the number of deportation orders signed. The number of deportation orders effected climbed steadily between 1999 and 2004 and broadly in line with the number of deportation orders signed although the percentage effected remains low. There was a substantial decrease (almost 35 per cent) in deportation orders signed in 2005 from 2004, with the percentage of orders effected remaining steady at 21 per cent.

Breakdown by citizenship of this data with respect to deportation orders signed in 2005 is available in Quinn (2007b) and sourced from the Irish Department of Justice, Equality and Law Reform (DJELR). Deportation orders signed in respect of Nigerian and Romanian nationals (main country of citizenship) accounts for almost three-quarters of all orders signed (73.2 per cent). Regarding countries to *where* deportation orders were effected in 2005, Nigeria and Romania continue to account for the two largest groupings and constitute 65 per cent of overall figures. China follows as the third most frequently occurring country of both nationality and destination.



Quinn (2007b) cites figures from the Reception and Integration Agency (RIA) of the DJELR of a total number of 1,104 persons transferred/returned during 2005 under categories of Dublin II transfer, deportation, IOM Assisted Non-EU Voluntary Return, and RIA Assisted EU Voluntary Return.

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## 3.2 Contextual Interpretations (Legal, Political and International Factors)

### 3.2.1 NEW OR AMENDED LAWS INFLUENCING IRREGULAR IMMIGRATION IN 2005

Please explain the most important changes in policies regarding refusal of entry or return from the previous year.

As discussed above, the enactment of the Immigration Act, 2004 arguably saw effects continue throughout 2005. However, this legislation largely restated existing provisions, such as grounds on which to refuse entry to the State, and did not have a huge impact on irregular migration. S.I.56 of 2005 – Immigration Act 2003 (Removal Places of Detention) Regulations 2005 sets out the prescribed places of detention for the purposes of removal from the State. The DJELR (2005) has indicated that forthcoming immigration and residence legislation will include a provision for the Minister to provide for different periods of exclusion of returnees depending on circumstances.

### 3.2.2 PROCEDURAL CHANGES INFLUENCING IRREGULAR IMMIGRATION IN 2005

Please describe modifications to the procedure in cases of identified illegal entry, illegal residence and return since the previous year. Include changes that are the result of both administrative and legal developments.

There were no significant procedural changes influencing irregular immigration during 2005. However, considerable debate continued during the period on the subject of judicial review of signed deportation orders. Quinn (2007b) in 'Return Migration: The Irish Case' details the rising cost of legal costs paid by the DJELR Repatriation Judicial Review Unit<sup>8</sup> and cites judicial hearings occurring during 2005 as costing €2.3 million.

### 3.2.3 EUROPEAN/INTERNATIONAL FACTORS EXPLAINING CERTAIN CHANGES/CONTINUITY REGARDING ILLEGAL ENTRY IN 2005

The accession of the EU-10 States in May 2004 had the effect of reducing illegal entry of nationals of those States to Ireland from mid-2004 onwards.

<sup>8</sup> "Where the courts rule in favour of the applicant and find that a deportation order is based upon an unsound decision, or if the Department chooses to settle matters in favour of the applicant, the applicant's costs are usually paid from the Minister's Vote", Quinn (2007b)

# 4. OTHER DATA AND INFORMATION AVAILABLE

## 4.1 Cross-Border Labour Employment

**Table 14: Work Permits Issued and Renewed by Nationality, 2001-2005**

Country, Region	2001		2002		2003		2004		2005	
	000s	%	000s	%	000s	%	000s	%	000s	%
USA, Canada	1,470	4.00	1,096	2.70	1,265	2.70	1,196	3.50	1,363	5.02
Australia	1,098	3.00	1,116	2.80	1,149	2.40	908	2.70	927	3.41
India	757	2.10	845	2.10	1,030	2.20	1,253	3.70	1,724	6.35
Japan	205	0.60	197	0.50	209	0.40	235	0.70	221	0.81
Pakistan	821	2.30	840	2.10	830	1.70	846	2.50	822	3.02
Philippines	2,472	6.80	3,255	8.10	4,042	8.50	4,301	12.60	4,172	15.37
South Africa	2,305	6.30	2,273	5.60	2,468	5.20	2,031	6.00	1,834	6.75
Other Countries	27,318	74.90	30,699	76.10	36,558	76.88	23,297	68.30	16,073	59.23
<b>Total</b>	<b>36,446</b>	<b>100.00</b>	<b>40,321</b>	<b>100.00</b>	<b>47,551</b>	<b>100.00</b>	<b>34,067</b>	<b>100.00</b>	<b>27,136</b>	<b>100.00</b>

**Table 15: Work Permits Issued and Renewed by Sector, 2001-2005**

Sector	2001		2002		2003		2004		2005	
	000s	%	000s	%	000s	%	000s	%	000s	%
Agriculture	5,714	8.60	6,248	15.50	7,242	15.20	3,721	10.90	2,139	7.88
Industry	3,119	75.80	3,094	7.70	3,376	7.10	2,174	6.40	1,680	6.19
Services	27,613	6.20	30,979	76.80	36,933	77.70	28,172	82.70	23,196	85.40
Medical, Nursing	2,252	25.00	2,883	7.20	2,709	5.70	2,469	7.20	2,683	9.88
Catering	9,129	1.30	10,306	25.60	11,548	24.30	8,306	24.40	6,976	25.70
Education	480	1.40	610	1.50	759	1.60	717	2.10	726	2.67
Domestic	521	3.10	788	2.00	944	2.00	772	2.30	684	2.52
Entertainment/Sport	1,142	38.70	1,027	2.50	1,172	2.50	1,191	3.50	1,175	4.33
Other Services	14,089	100.00	15,365	38.10	19,801	41.60	14,717	43.20	10,952	40.35
<b>Total</b>	<b>36,446</b>	<b>0.00</b>	<b>40,321</b>	<b>100.00</b>	<b>47,551</b>	<b>100.00</b>	<b>34,067</b>	<b>100.00</b>	<b>27,136<sup>9</sup></b>	<b>100.00</b>

As mentioned above, the most complete immigration-related administrative data available in Ireland relate to work permits. Work permit

<sup>9</sup> Including 121 work permits issued under the category of 'Exchange Agreements' in 2005.

data is presented above for the years 2001 – 2005 by main countries of nationality and by sector of permit issued. The number of work permits issued in 2005 was down by 20 per cent compared to 2004. Nationality breakdowns provided by the DETE for 2001 – 2004 (analysed in Quinn 2007b) shows that historically workers from the EU10 States and other Eastern European countries dominated work permit allocations from 2001 to 2004 inclusive – 54.9 per cent, 55.2 per cent, 55.9 per cent, 38.9 per cent. The proportion of work permits issued to EU10 nationals fell significantly after accession in May 2004 as Ireland did not impose restrictions regarding access to the labour market on accession country nationals. Table 14 shows that the vast majority of work permits are issued to workers in the services sector, particularly catering and other services.

## REFERENCES

- CSO, 2005. *Population and Migration Estimates, April 2005*. Dublin: Central Statistics Office. Available from: <http://www.cso.ie/>.
- CSO, 2006. *Population and Migration Estimates, April 2006*. Dublin: Central Statistics Office. Available from: <http://www.cso.ie/>.
- DEPARTMENT OF ENTERPRISE, TRADE AND EMPLOYMENT, June 2005. *Employment Permits Bill 2005*. Available at: <http://www.entemp.ie>
- DEPARTMENT OF JUSTICE, EQUALITY AND LAW REFORM January 2005. *Irish Nationality and Citizenship Act, 2004*. Available at <http://www.inis.gov.ie/en/INIS/Act2004.pdf/Files/Act2004.pdf>
- DEPARTMENT OF JUSTICE, EQUALITY AND LAW REFORM, 2005. S.I.56 of 2005 – Immigration Act 2003 (Removal Places of Detention) Regulations 2005. Available at [www.inis.gov.ie](http://www.inis.gov.ie)
- DEPARTMENT OF JUSTICE, EQUALITY AND LAW REFORM, April 2005. *Immigration and Residence in Ireland: Outline Policy Proposals for an Immigration and Residence Bill*. Available at [www.inis.gov.ie](http://www.inis.gov.ie)
- DEPARTMENT OF JUSTICE, EQUALITY AND LAW REFORM, April 2004, 'Information Note for all-party consultations', <http://www.inis.gov.ie/en/INIS/Pages/PB07000148>.
- DEPARTMENT OF JUSTICE, EQUALITY AND LAW REFORM, June 2005. "Statement by the Minister regarding the Real Facts about the Asylum and Deportation Systems". <http://www.inis.gov.ie/en/INIS/Pages/PR07000171>.
- QUINN, E. 2006. *Policy Analysis Report on Asylum and Migration: Ireland Mid-2004 to 2005*. European Migration Network. Dublin: ESRI. Available from: <http://www.esri.ie>.
- QUINN, E. 2007a. *Annual Report on Statistics on Migration, Asylum and Return: Ireland 2004*. European Migration Network. Dublin: ESRI. Available from: <http://www.esri.ie>.
- QUINN, E. 2007b. *Return Migration: The Irish Case*. European Migration Network. Dublin: ESRI. Available from: <http://www.esri.ie>.
- REFUGEE APPEALS TRIBUNAL, 2006. Annual Report 2005. Dublin: RAT.
- UNHCR, 2006. *Asylum Levels and Trends in Industrialized Countries, 2005*. Geneva: UNHCR. Available from: <http://www.unhcr.org/>.