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International Migration in Ireland, 2015

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International Migration in Ireland, 2015¹

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Introduction

This working paper is the Irish report to the OECD Expert Group on Migration¹. As such, the focus of the report is largely shaped by the reporting requirements for the preparation of the annual OECD *International Migration Outlook*. The purpose of the paper is to outline major developments and trends in migration and integration data and policy. The principal reference year is 2014, although information relating to early-2015 is included where available and relevant.

The Executive Summary provides an overview of the main findings of the report. Section 2 discusses the main developments in migration and integration policy in Ireland in 2014, including topics related to migration in the public debate. Section 3 discusses the statistics on inward and outward migration movements. Section 4 examines trends in the population. Migration and the labour market are discussed in Section 5.

1. Executive Summary

The population of Ireland continued to increase during 2014, to an estimated 4,635,000 in April 2014. In the twelve months to April 2015, the outflow of 80,900 was offset by an estimated inflow of 69,300, resulting in net outward migration of 11,600.

These migration trends reflect the economic recovery that has been under way since 2012. The Irish economy moved into recession in the first half of 2008, leading to a dramatic deterioration in labour market conditions, with shrinking employment and soaring unemployment. In response to this, emigration increased, immigration declined, and Ireland returned to net emigration in 2009-10 for the first time since the mid-1990s. The recovery was slow to start but rapid growth in Gross Domestic Product, of over 5% per annum, is estimated for 2014 and 2015. With renewed demand in the labour market, employment grew by 5% between the end of 2012 and the end of 2014, and the unemployment rate fell to less than 10%. This has led to an increase in inward migration and a reduction in out-migration in the 12 months to 2015 compared with

¹ Formerly known as the OECD Continuous Reporting System on Migration (the SOPEMI Expert Group)

the previous year, with the result that net migration fell from -21,400 in 2013-14 to -11,600 in 2014-15.

Immigration from most countries declined during the recession. In the recovery, immigration from outside the EU has grown: immigrants from the Rest of the World numbered over 30,000, or 44% of total immigration in 2014-15. Given that the non-EU immigrants would have needed employment permits to work in Ireland, their increased shares in total immigration may relate to high skilled migration to fill skills shortages in the Irish labour market. A total of 1,448 people entered Ireland as asylum seekers during 2014, an increase of over 50% on the previous year.

In the midst of the economic crisis, between 2010 and 2013, more than half of all emigrants were Irish nationals. However, emigration of Irish nationals has slowed somewhat, to 43,600 in 2014-15, accounting for less than 44% of all emigrants in that year. Other than Irish, the largest emigrating nationalities are from outside the EU and from the old pre-enlargement EU countries: 15,600 citizens of the older pre-enlargement EU Member States (excluding Ireland and the UK) emigrated in 2014-15. This represents over 40% of the estimate of their population as of April 2014, and there has been a steady decline in this nationality group since the Great Recession. Emigration of nationals from countries outside the EU increased to over 14,000 in 2013-14. Nationals of the New EU Member States emigrated in large numbers in the first two years of the recession, but emigration has slowed very considerably in more recent years: 8,500 nationals of the EU NMS emigrated in the year to 2015, the smallest number in many years.

In the labour market, economic growth has led to some recovery in employment, which grew by 6% among non-Irish nationals and by 4.7% among Irish natives between end-2012 and end-2014. The rate of growth in 2012-14 was greatest (19%) among those from outside the EU, reflecting demand for skills in short supply. Employment of nationals of the older EU countries (other than UK) contracted by almost 30%. At the end of 2014 the unemployment rate was 9.6% among Irish natives and 11.5% among non-Irish nationals.

Two particularly relevant pieces of legislation were enacted during 2014; the *Employment Permits (Amendment) Act 2014* and the *Civil Registration (Amendment) Act 2014*. The *Employment Permits (Amendment) Act 2014* introduces a number of reforms to the employment permits system in line with the Government's *Action Plan for Jobs* and *ICT Skills Action Plan* and makes provisions for nine new categories of employment permits (operational since October 2014).

The *Civil Registration (Amendment) Act 2014* was enacted in December 2014 and amends the *Civil Registration Act 2004*. It defines marriage and civil partnerships of convenience, and outlines procedures and guidelines for registrars in determining such an opinion. It includes the grounds upon which a registrar may refer a proposed marriage for review to the Superintendent Registrar and the Act is intended to combat sham marriages.

Ireland ratified the *International Labour Organisation (ILO) Convention on Decent Work for Domestic Workers* during 2014.

During 2014, in light of the CJEU's ruling in the case of *H. N. v The Minister for Justice, Equality and Law Reform, Ireland and the Attorney General*,² arrangements were made to enable new applicants for refugee status and persons with live refugee applications also to make an application for subsidiary protection to the Office of the Refugee Applications Commissioner (ORAC). The *European Union (Subsidiary Protection)(Amendment) Regulations 2015* (S.I. No. 137 of 2015), to give effect to these arrangements, came into effect on 20 April 2015.

The *General Scheme of the International Protection Bill* was published in March 2015.

An Atypical Working Scheme came into force in September 2013, on a pilot basis. Following a review of the Scheme in 2014, a decision was taken to continue with the pilot.

Regarding the Start-up Entrepreneur Programme (STEP), the Minister for Justice and Equality announced changes in March 2014 following a review of the Programme. The

² C-604/12 *H.N. v Minister for Justice, Equality and Law Reform, Ireland, Attorney General*, delivered on 8 May 2014 (Fourth Chamber). An appeal is currently before Ireland's Supreme Court.

main changes related to a reduction in the required minimum investment from €75,000 to €50,000.³ During 2014, changes to the Immigrant Investor Programme (IIP) related to the availability of a 'discount for education' expenses. During the application process, investors may discount their approved investment with eligible education expenses that they commit to incur with the first five years after their permission has been granted. The proposed education expenses must be in an Irish higher education institution for either the investor themselves or a family member. The maximum discount allowable is €50,000 and retrospective education expenses cannot be included.

There was an 8% year-on-year increase in the number of persons given permission to be in Ireland for the purposes of being a student for the January-November period from 2013 (45,800) to 2014 (49,500). A Task Force on Students Affected by the Closure of Private Colleges was set up in May 2014, with a report produced in September 2014. A policy statement detailing *Regulatory Reform of the International Education Sector and the Student Immigration Regime* was published jointly by the Departments of Education and Justice and Equality in September 2014. Three pillars of reform were proposed in the Regulatory Reform: a new list of eligible programmes, an enhanced inspection and compliance regime, changes to the operation of the student work concession.

The issue of Direct Provision for applicants of (international) protection continued to attract much public debate. The *CA v. Minister for Justice*⁴ case saw the rejection of an attempt by applicants to impugn the legality of the direct provision system. In October 2014, an Independent Working Group to examine improvements to the protection process and system of direct provision, including supports to applicants was set up. As part of its remit, it was to recommend to Government what improvements should be made to existing processes to improve arrangements for processing of applications, as well as to improve the quality of life of applicants during this time.

A Cross Departmental Group on Integration was reconstituted during 2014 to review activities taken across Departments and agencies in the area, with a view to producing an updated 'overall integration strategy'.

³ In cases whereby more than one principal is involved in establishing a business, the minimum investment for the second and subsequent investors will be €30,000 per principal.

⁴ *CA v. Minister for Justice* [2014] IEHC 532.

A pilot project to ‘civilianise’ certain border control functions at Dublin Airport took place during 2013; this was mainstreamed during 2014/2015. A major programme to civilianise immigration functions previously carried out by gardaí (police) was announced in September 2014, with 125 gardaí released for other core policing duties. It was announced that 80 civilian staff are to be deployed at Dublin Airport at border control booths on a 24/7 basis.

A British-Irish Visa Scheme was launched by the Irish Minister for Justice and Equality and the UK Home Secretary in October 2014, with a new agreement signed at the same time regarding the sharing of immigration data between both countries. The Scheme will allow nationals requiring a short-stay visa to travel freely within the Common Travel Area (between Ireland and the UK) on a single visa issued by either country. China and India were the first countries to benefit from the Scheme (2014, and early 2015 respectively), and the stated aim is to extend to a ‘rollout’ to all countries by the end of 2015 (subject to review).

2. Major Developments in Migration and Integration Policy

Government and Departmental Strategy Documents

The Statement of Government Priorities 2014-16, launched in July 2014, gave a number of commitments in the migration area. These included addressing the current Direct Provision system for the accommodation of asylum seekers to ‘make it more respectful to the applicant and less costly to the taxpayer’. The statement also committed to legislating for a single application procedure via a Protection Bill. Work is to continue on an Immigration Bill. A commitment was also made to establish an independent Working Group to make recommendations on improvements within the protection process, subsequently established in October 2014 and reporting in mid-2015.⁵

⁵ An Independent Working Group to report to Government on recommended improvements to the protection process, including direct provision and supports to asylum seekers was established in October 2014. The Group reported to Government in mid-2015. Government of Ireland (11 July 2014). *Statement of Government Priorities 2014-2016*. Available at www.merrionstreet.ie.

The Programme for Government: Annual Report 2015 noted a number of activities in the area including the creation of the new Irish Human Rights and Equality Commission on 1 November 2014 and the establishment of an Independent Working Group to make recommendations on the protection process in Ireland. It was noted that a new International Education Strategy 2016-2020 was under review and, it was noted, is expected towards the end of 2015. The Programme for Government: Annual Report 2015 highlighted that there had been a 36% growth in the number of full-time non-EEA students in Irish institutions since the International Education Strategy had been published.⁶

Legislation

Employment Permits (Amendment) Act 2014

Employment permits in Ireland have been governed by the *Employment Permits Acts 2003* and *2006*. The *Employment Permits (Amendment) Act 2014*⁷, which came into effect in October 2014, was enacted to introduce reforms to the employment permits system in line with the Government's *Action Plan for Jobs* and *ICT Skills Action Plan* with the aim of making Ireland a top global location for ICT skills. It is designed to codify the law in this area to make the system more transparent and obligations clearer to businesses.⁸

⁶ Government of Ireland (March 2015). *Programme for Government: Annual Report 2015*. Available at www.taoiseach.gov.ie.

⁷ Available at <http://www.oireachtas.ie/documents/bills28/acts/2014/a2614d.pdf>.

⁸ Department of Jobs, Enterprise and Innovation (2014). 'New law to reform Work Permit system as part of plan to make Ireland the Internet capital of Europe – Minister Bruton'. Available at <http://www.djei.ie/press/2014/20140423a.htm>

Figure 1: Nine types of employment permits provided for under the *Employment Permits (Amendment) Act 2014*

Type of Employment Permit (EP)	Objective	Eligible Occupations and Conditions, including minimum remuneration	Features
1. Critical Skills Employment Permit	<ul style="list-style-type: none"> Designed to attract highly skilled people into the labour market with the aim of encouraging them to take up permanent residence in the State Replaces the Green Card employment permit 	<ul style="list-style-type: none"> Eligible occupations are deemed to be critically important to the Irish economy, are highly demanded and highly skilled, and in significant shortage of supply. Annual Remuneration €30,000 and over: Restricted number of strategically important occupations contained in the Highly Skilled Eligible Occupations List only. A relevant degree qualification or higher is required in this salary range Annual Remuneration €60,000 and over: All occupations open except those on the Ineligible Categories of Employment for Employment Permits List or which are contrary to the public interest. A person who does not have a degree qualification or higher must have the necessary level of experience. The job offer must be of at least 2 years duration 	<ul style="list-style-type: none"> Labour Market Needs Test not required Immediate family reunification. Resident family members are eligible to seek employment Issued for 2 years Permit holder may reside and work without an employment permit upon completion of the initial Critical Skills Employment Permit
2. Intra-Company Transfer Employment Permit	<ul style="list-style-type: none"> Designed to facilitate the transfer of senior management, key personnel or trainees from an overseas branch of a multinational corporation to its Irish branch. Particular reference is made to 'initial establishment of a foreign direct investment company' and their role in contributing to job growth ambitions.⁹ 	<ul style="list-style-type: none"> Not available for positions which are listed on the Ineligible Categories of Employment for Employment Permits List Cannot be used to permanently substitute the filling of a vacancy which otherwise would have resulted in a job opportunity for the labour market Annual remuneration €40,000 and over for senior management and key personnel and €30,000 or over for trainees; and must be employed with the foreign employer for at least 6 months before the transfer 	<ul style="list-style-type: none"> Labour Market Needs Test not required No Family Reunification Employee remains on an employment contract outside the State Issued for an initial period of 2 years and may be extended for a further 3 years; training permits are issued for 12 months and are not renewable Trainees may apply for a Critical Skills EP or a General EP while on this EP

⁹ See <http://www.djei.ie/labour/workpermits/intracompanytransferep.htm>.

<p>3. Dependant/ Partner/ Spousal Employment Permit</p>	<ul style="list-style-type: none"> • Designed to support the attractiveness of Ireland as a location of employment for potential and current Critical Skills EP holders and Researchers • Replaces the previous Dependant/ Partner/ Spousal EP 	<ul style="list-style-type: none"> • Eligible dependant unmarried children, recognised partners, civil partners and spouses who have been admitted as family members of Critical Skills EP holders or Researchers • Can apply for a permit in respect of all occupations other than in a domestic setting with the exception of certain carers • Remuneration may be less than €30,000 p.a. but not less than the hourly National Minimum Wage rate • May work for a minimum of 10 hours per week • The application is free of charge 	<ul style="list-style-type: none"> • Labour Market Needs Test not required • No Family Reunification • Duration of this EP is dependent on that of the primary permit holder or researcher
<p>4.General Employment Permit</p>	<ul style="list-style-type: none"> • Designed to attract non-EEA nationals for occupations which are experiencing a labour or skills shortage • Replaces the Work Permit 	<ul style="list-style-type: none"> • Considered for all occupations except those on the Ineligible Categories of Employment for Employment Permits List or which are contrary to the public interest. • Employee must have required qualifications/experience for the role • Annual remuneration €30,000 and over. Remuneration lower than €30,000 may be considered in respect of: • Non-EEA students who have graduated in the last 12 months from an Irish third level institution and have been offered a graduate position from the HSOL • Non-EEA students who have graduated in the last 12 months from an overseas third level institution and have been offered a graduate position as an ICT professional from the HSOL • Certain roles in Specialist, Technical or Sales Support with support from the Enterprise Development Agencies 	<ul style="list-style-type: none"> • Labour Market Needs Test is required (certain exceptions apply) • No Family Reunification • Issued for a maximum of 2 years in the first instance and may be renewed upon application for a further 3 years

<p>5. Contract for Services Employment Permit</p>	<ul style="list-style-type: none"> • Designed for situations where a foreign undertaking (Contractor) has won a contract to provide services to an Irish entity on a contract for services basis and to facilitate the transfer of non-EEA employees to work on the Irish contract in the State • Previously under the Work Permit Scheme 	<ul style="list-style-type: none"> • The contract must be a one to one contract with an Irish entity • Limited to positions required for the service of the contract and cannot be considered for any applications listed on the Ineligible Categories of Employment for Employment Permits List or which are contrary to the public interest • Minimum annual salary €40,000 • The employee must be working for a minimum period of six months with the Contractor prior to transfer • The foreign Contractor must be registered with the Revenue Commissioners as an employer and/or registered with Companies Registration Office • The 50/50 rule applies for new and renewal applications and can be satisfied by either the Contractor or the Irish Entity 	<ul style="list-style-type: none"> • Labour Market Needs Test is required (certain exceptions apply) • No Family Reunification • Issued for a maximum of 2 years in the first instance and may be renewed upon application for a further 3 years
<p>6. Reactivation Employment Permit</p>	<ul style="list-style-type: none"> • Designed for situations where a non-EEA national who entered the State on a valid EP but who fell out of the system through no fault of their own or who has been badly treated or exploited in the workplace, to work legally again • Replaces a class of Work Permit EP dealing with applications routed through the Migrant Rights Centre of Ireland 	<ul style="list-style-type: none"> • Either the non-EEA national or the employer can apply for this permit, with the permit issued to the individual • All occupations are permitted, including certain carers in the home, and excluding all other occupations in a domestic setting • The employee must possess relevant qualifications and/or experience • Remuneration must be equal to the National Minimum Wage or higher • The employee must have previously held an EP • The 50/50 rule applies for new and renewal applications • The Minister of Justice will, except in very exceptional circumstances, consider the issue of one new Reactivation Employment Permit for an applicant under the scheme.¹⁰ • An application must first be made to the Irish Naturalisation and Immigration Service (INIS), for permission to remain in Ireland for the purpose of making an application under the Scheme. 	<ul style="list-style-type: none"> • Labour Market Needs Test not required • No Family Reunification • Issued for a maximum of 2 years in the first instance and may be renewed upon application for a further 3 years

¹⁰ See <http://www.djei.ie/labour/workpermits/reactivationep.htm>.

7.Internship Employment Permit	<ul style="list-style-type: none"> • Designed to facilitate the employment of non-EEA nationals in the State who are full-time students, enrolled in third-level institution outside the State, for the purpose of gaining work experience • Previously under the Work Permit Scheme 	<ul style="list-style-type: none"> • Remuneration must be National Minimum Wage or higher • The internship must be in respect of one of the employments on the HSOL • The course of study must be wholly or substantially concerned with the skills shortages identified on the HSOL • Must be a requirement for the completion of the course of study to obtain experience • Must have a job offer from an employer in Ireland • At the end of the internship must leave the State • The 50/50 rule applies 	<ul style="list-style-type: none"> • Labour Market Needs Test not required • No Family Reunification • May apply for a Critical Skills EP or a General EP during the duration of the permit • Issued for a maximum of 12 months and are not renewable
8.Sports and Cultural Employment Permit	<ul style="list-style-type: none"> • Designed to facilitate the employment in the State of non-EEA nationals with the relevant qualifications, skills, experience or knowledge for the development, operation and capacity of sporting and cultural activities • Previously under the Work Permit Scheme 	<ul style="list-style-type: none"> • Either the employee or employer can apply, with the permit issued to the applicant • Remuneration must be National Minimum Wage or higher • Employee must have the relevant qualifications, skills, knowledge or experience • All occupations apply other than those listed on the ineligible categories of employment for an EP • The 50/50 rule applies for new and renewal applications 	<ul style="list-style-type: none"> • Labour Market Needs Test not required • No Family Reunification • Can be issued seasonally or for up to 2 years • May be renewed for up to 3 years; seasonal employment is not renewable
9.Exchange Agreements Employment Permit	<ul style="list-style-type: none"> • Designed to facilitate the employment in the State of non-EEA nationals pursuant to prescribed agreements or other international agreements to which the State is a party, e.g. the Fullbright Programme for Researchers and Academics • Previously under the Work Permit Scheme 	<ul style="list-style-type: none"> • Employee must be employed, salaried and paid directly by the employer in the State • Remuneration must be National Minimum Wage or higher • The 50/50 rule applies • Applications can only be accepted which fall under the prescribed exchange agreements 	<ul style="list-style-type: none"> • Labour Market Needs Test not required • No Family Reunification • Issued for a maximum of 12 months and is not renewable • May apply for a Critical Skills EP or a General EP during the duration of the permit

Source: Derived from Gusciute, Quinn and Barrett (forthcoming, 2015). *Determining labour shortages and the need for labour migration from third countries in Ireland*. Available at www.esri.ie and www.emn.ie. Supplementing information added from www.djei.ie.

Marriages of Convenience

Following much public debate and discussion on the topic in previous years, the *Civil Registration (Amendment) Act 2014* was enacted in December 2014 and amends the *Civil Registration Act 2004* on this topic. Marriage and civil partnerships of convenience are defined, with procedures and guidelines for registrars in determining such an opinion also outlined in the Act.¹¹ The grounds upon which a registrar may refer a proposed marriage for review to the Superintendent Registrar includes such considerations as whether the intended couple speak a common language, the length of time a couple have known each other prior to notifying the registrar of their intention to marry, the number and frequency of their meetings prior to notifying the registrar of their intention to marry, how well each party is familiar with their partner's personal details, the extent to which the parties intend to continue existing mutual emotional and financial support, the immigration status of any foreign national party to the intended marriage and any other information providing reasonable grounds for considering the marriage to be a marriage of convenience. Marriages and civil partnerships which took place in an embassy in Ireland were not carried out in accordance with Irish marriage or civil partnership law. As such, these marriages and civil partnerships are not valid in Ireland. On a once-off basis, there are procedures contained within the Act which will validate those marriages and civil partnerships which have already taken place in Ireland and which are still in existence should those couples wish to have their marriages or civil partnerships recognised in Ireland. Apart from Section 19(2) of the Act, which relates to the validation of marriages solemnised in an embassy or a diplomatic mission in the State before the coming into effect of the amendments to the Act of 2004 wrought by Sections 19(1), and 26(2) thereof, which makes similar provision in respect of civil partnerships which took place between the 1 January 2011 and the day before the coming into effect of the amendments effected by Section 26(1), the other provisions of the Act have yet to be commenced and are scheduled for commencement in 2015.

¹¹ See <http://www.oireachtas.ie/documents/bills28/acts/2014/a3414.pdf>

Social Welfare and Pensions Act 2014

Under the 2014 Act, Section 246 of the *Social Welfare Consolidation Act 2005* was amended to provide that an applicant within the meaning of the *EU (Subsidiary Protection) Regulations 2013*, or any other person awaiting a grant of permission to reside in the State under Regulations 23, 25 or 26 of those Regulations, will not be regarded as being 'habitually resident' in the State for the purpose of the Act of 2005. The 2014 Act also effects an amendment of Section 246 of the Act of 2005 so that the same applies to (i) persons whose applications for subsidiary protection under Regulation 4 or 16 of the *EC (Eligibility for Protection) Regulations 2006* have been refused, or whose permissions under same have been revoked, (ii) persons whose applications under Regulation 3 of the Regulations of 2013 for subsidiary protection have been refused, or whose subsidiary protection status has been revoked under the Regulations, or (iii) persons whose applications under Regulations 25 or 26 of the Regulations of 2013 have been refused, or whose permission under same has been revoked. The Act also amends Section 246(8) of the 2005 Act to provide that where a person is granted permission to reside in the State under Regulations 23, 25 or 26 of the Regulations of 2013, he or she shall not be regarded as having been habitually resident in the State for any period before the date on which the declaration referred to was given or the permission referred to was granted. Regulation 23 refers to permission granted to a successful applicant, and Regulations 25 and 26 relate to family members of that person.

Changes to Subsidiary Protection Procedures

The *European Union (Subsidiary Protection) Regulations 2013 (S.I. No.426 of 2013)* came into force on the 14 November 2013 in order to address issues related to undetermined applications for subsidiary protection and subsequent to the judgment of the High Court in *M.M. v. Minister for Justice*.¹² Pending consideration of the Judgment, some 3,800 subsidiary protection claims were put on hold during the intervening period.¹³ Under the 2013 Regulations, subsidiary protection applications are now dealt with in a similar

¹² High Court in *M.M. v. Minister for Justice* (Unreported, High Court, 23 January, 2013).

¹³ Irish Naturalisation and Immigration Service (13 November 2013). 'Minister Shatter announces that processing of applications for Subsidiary Protection cases to recommence immediately'. *Press Release*. Available at www.inis.gov.ie.

procedural manner to the determination of refugee applications. In particular, applicants for subsidiary protection now have permission to remain in the State for the duration of their application. Under the Regulations, responsibility for the processing of applications for subsidiary protection, both new cases and those on hand, transferred from the Minister for Justice and Equality to the Office of the Refugee Applications Commissioner. The Commissioner has responsibility for the investigation of a subsidiary protection application (Regulation 5), and an appeal against a negative recommendation may be made to the Refugee Appeals Tribunal (Regulation 7) within 15 working days of an applicant being sent notification of the Commissioner's recommendation. Provision for an oral hearing is provided for, and the burden of proof is similar to the refugee determination process.

During 2014, in light of the CJEU's ruling in the case of *H. N. v. The Minister for Justice, Equality and Law Reform, Ireland and the Attorney General*,¹⁴ arrangements were made by the State as of 8 October 2014 to enable new applicants for refugee status and persons with live refugee applications also to make an application for subsidiary protection to the Office of the Refugee Applications Commissioner (ORAC).¹⁵ Such applications will not be investigated until a final decision has issued with respect to refugee status. Under the ruling of the CJEU, a person who makes a new application for refugee status may also make an application for subsidiary protection at the same time to ORAC. The *European Union (Subsidiary Protection)(Amendment) Regulations 2015* (S.I. No. 137 of 2015), which will give legislative effect to these arrangements, came into effect on 20 April 2015.

On 19 March 2014, the Refugee Applications Commissioner announced that he was to accord 'priority to certain classes of applications for subsidiary protection under the *European Union (Subsidiary Protection) Regulations 2013*. Priority was to be accorded to a number of classes of applications under two processing streams which will run concurrently:

¹⁴ C-604/12 *H.N. v Minister for Justice, Equality and Law Reform, Ireland, Attorney General*, delivered on 8 May 2014 (Fourth Chamber). An appeal is currently before Ireland's Supreme Court.

¹⁵[http://www.orac.ie/website/orac/oracwebsite.nsf/page/AJNR-9PPBG593188-en/\\$File/SP%20Notice%2008%20Oct%2014%20final%20version.pdf](http://www.orac.ie/website/orac/oracwebsite.nsf/page/AJNR-9PPBG593188-en/$File/SP%20Notice%2008%20Oct%2014%20final%20version.pdf)

- In stream one, applications will be prioritised for interview scheduling mainly on the basis of oldest applications first.
- In stream two, the following classes of cases will be prioritised for interview scheduling, also mainly on the basis of oldest cases first:
 - Unaccompanied minors in the care of the Health Services Executive (HSE)
 - Applicants who applied as unaccompanied minors, but who have now aged out
 - Applicants over 70 years of age, who are not part of a family group
 - Applications which include a Medico-Legal report indicating likely well-foundedness
 - Applications relating to the following countries on the basis of country of origin information, protection determination rates in EU member states and UNHCR position papers indicating the likely well-foundedness of applications from such countries: Afghanistan; Chad; Eritrea; Iraq; Mali; Somalia; South Sudan; Sudan; Syria.

The *Immigration Act 2004 (Visas) (Amendment) Order 2014* (S.I. No. 195 of 2014) removed Venezuela from the list of countries whose citizens are exempt from the requirement to hold a valid Irish visa when landing in the State.

Immigration, Residence and Protection Bill

The Immigration Residence and Protection Bill, introduced in 2007, has gone through several revisions since it was first published. Most recently the Government has decided to split the Bill into separate Protection and Immigration and Residence Bills, with the Protection Bill to be given priority.¹⁶ In this regard, the Irish Naturalisation and Immigration Service (INIS) has remarked that the Government's *Statement of Priorities 2014-2016* provides that legislative reform aimed at establishing a single procedure, by way of a Protection Bill, remained a 'key Government priority as it is essential to removing the structural delays which are a feature of the existing protection system'.¹⁷ The *General Scheme of the International Protection Bill* was published in March 2015. At the time of writing, work remains ongoing on an Immigration Bill.

¹⁶ Irish Naturalisation and Immigration Service, April 2015.

¹⁷ *Ibid.*

Atypical Working Scheme

An Atypical Working Scheme came into force in September 2013, on a pilot basis. Following a review of the Scheme in 2014, a decision was taken to continue with the pilot.

The Scheme provides for certain categories of workers such as those employed in the State for the purposes of atypical, short term employment (e.g. contract basis [between 14 and 90 calendar days inclusive]), and other categories of employment not be covered by the Employment Permits Acts. It applies where:

- A skill shortage has been identified
- To provide a specialised or high skill to an industry, business or academic institution
- To facilitate waged/funded short term employment/internship where beneficial or integral/necessary to the course being studied in respect of 3rd level students studying outside the State in approved/accredited institutions (medical and unwaged internships are excluded)
- As a locum doctor
- As a nurse on Clinical Adaptation Placement¹⁸

Applications are considered by INIS and, where applicable, in consultation with the Employment Permits Section of the Department of Jobs, Enterprise and Innovation for an assessment of a possible impact on the Irish labour market.

The Scheme was enacted via the *Immigration Act 2004 (Atypical Working Scheme) (Application for Permission) (Fee) Regulations 2013 (S.I. No. 324 of 2013)*. The Regulations prescribe a fee of €250 for making an application for permission under the

¹⁸ Excluded from the Scheme are:

- (i) persons already resident in the State (excepting locum doctors per above),
- (ii) persons entering the State for employment purposes of up to 14 calendar days (inclusive/consecutive)
- (iii) persons entering the State for business purposes of up to 90 calendar days (inclusive/consecutive) e.g. attending meetings/seminars/conferences, sales trips etc.,
- (iv) persons who may avail of permission under the Van Der Elst Judgment
- (v) persons who avail of the Highly Skilled Job Interview Authorisation initiative
- (vi) persons in possession of an Employment Permit issued by the Department of Jobs, Enterprise and Innovation. See <http://www.inis.gov.ie/en/INIS/Pages/Atypical%20Working%20Scheme%20Guidelines>

Scheme. During 2014 approximately 1,350 applications were approved, with four refused. The United States, India and Japan were the most common nationalities of applicants.¹⁹ Following a decision taken to continue with the pilot it was agreed that the Scheme would include locum doctors employed and paid by an agency (effective from 1 July 2014), and non-EEA nurses on clinical adaptation placements (applicable from early/mid-September 2014).²⁰

Changes to Start-Up Entrepreneur Programme and Immigrant Investor Programme

In a year-end 2014 review, the Minister for Justice and Equality reported that projects under both STEP and IIP represented a combined investment commitment of over €40m in Ireland.²¹ Regarding the Start-up Entrepreneur Programme (STEP), in March 2014 the Minister for Justice and Equality announced changes following a review of the Programme. At the time it was announced that to date a total of 20 applications had been approved under the Programme with a 'projected investment of over €6 million and potential employment creation of over 220 jobs'.²²

The main changes related to:

- A reduction in the required minimum investment from €75,000 to €50,000. Where more than one principal is involved in establishing a business, the minimum investment for the second and subsequent investors will be €30,000 per principal.
- A 12-month immigration permission will be made available for two categories of persons: foreign national entrepreneurs attending 'incubators or innovation

¹⁹ Irish Naturalisation and Immigration Service (January 2015).

²⁰ In the cases of non-EEA nurses on adaptation placements, applications must be made from outside the State. On successful completion of the adaption placement, non-EEA nurses may apply to the Department of Jobs, Enterprise and Innovation for an employment permit under the Atypical Worker Scheme. Permission is not granted to take up employment as a registered nurse/midwife until the Clinical Adaptation and Assessment Programme has been successfully completed, registration granted and an Employment Permit has been acquired. See <http://www.inis.gov.ie/en/INIS/Pages/Atypical%20Working%20Scheme%20Guidelines>.

²¹ Irish Naturalisation and Immigration Service (26 January 2015). 'Immigration in Ireland – 2014'. *Press Release*. Available at www.inis.gov.ie.

²² 35 applications had been received of which 10 had been refused, 2 withdrawn and 3 were pending at time of announcement. Irish Naturalisation and Immigration Service (13 March 2014). 'Minister Shatter announces targeted changes in the Start-up Entrepreneur Programme'. *Press Release*. Available at www.inis.gov.ie.

bootcamps' in Ireland²³; and non-EEA students who graduate with advanced STEM (Science, Technology, Engineering, and Mathematics) degrees in Ireland and who wish to work on preparing an application to the Programme.

By the end of 2014, a total of 30 projects and 12 applications for residence were approved under STEP.²⁴ An additional 25 applications for residence were approved under the Immigrant Investor Programme (IIP) during 2014, with a total of 41 projects approved by end of the year. During 2014 INIS produced updated Guidelines to assist those who wish to submit an application under the programme. The Guidelines clarified that successful applicants will be provided with a 'Stamp 4' residence permission to allow both investors and their family members to reside in Ireland to either work or study.²⁵

A new part of the IIP during 2014 concerned the availability of a 'discount for education' expenses. During the application process, investors may discount their approved investment with eligible education expenses that they commit to incur with the first five years after their permission has been granted. The proposed education expenses must be in an Irish higher education institution for either the investor themselves or a family member. The maximum discount allowable is €50,000 and retrospective education expenses cannot be included.²⁶

Domestic Workers

Ireland ratified the *International Labour Organisation (ILO) Convention on Decent Work for Domestic Workers* during 2014.

New guidelines for members of diplomatic missions to Ireland who intend to employ private domestic workers were introduced in September 2014. The Guidelines were

²³ The aim of the immigration permissions is to allow entrepreneurs to 'prepare an application to the STEP' and to 'provide an identifiable route for migrant entrepreneurs to move from the start-up to realisation phase of their projects'.

²⁴ Irish Naturalisation and Immigration Service (26 January 2015). 'Immigration in Ireland – 2014'. *Press Release*. Available at www.inis.gov.ie

²⁵ Irish Naturalisation and Immigration Service (2014) *Immigrant Investor Programme 2014 Guidelines*. Available at www.inis.gov.ie/en/INIS/Immigrant%20Investor%20Programme%20Guidelines%202014.pdf/Files/Immigrant%20Investor%20Programme%20Guidelines%202014.pdf

²⁶ Irish Naturalisation and Immigration Service (2014). *Immigrant Investor Programme 2014 Guidelines*. Available at www.inis.gov.ie

drawn up following an interagency consultative process involving the Departments of Foreign Affairs; Justice and Equality; Enterprise, Jobs and Innovation; the National Employment Rights Authority (NERA) and An Garda Síochána (the police). It notes that, as a guiding principle, 'respect for Irish laws and good employment practice' is expected. The Guidelines outline expectations regarding pay, records of employment, health insurance and social security.²⁷ Announcing the new Guidelines, the Minister for Foreign Affairs and Trade said their introduction was consistent with Ireland's recent ratification of the *ILO Convention on Decent Work for Domestic Workers*.

During 2014, there was much media attention following the recall of the Ambassador of the United Arab Emirates to Ireland following the award of €80,000 to three former domestic workers by the Irish Employment Appeals Tribunal (EAT) for 'horrific' working conditions. The EAT accepted that they had been employed at the home of the Ambassador and 'forced to work 15 hours a day, seven days a week for €170 per month'. The Ambassador did not attend the hearings and claimed diplomatic immunity. During 2014, the National Employment Rights Authority (NERA) issued an information leaflet outlining the Employment Rights of Domestic Workers in Ireland. This leaflet is available in French, Hindi, Mandarin, Spanish and Portuguese. NERA also carried out investigations into cases of domestic workers who are termed *au pairs* for the purposes of avoiding obligations under employment legislation.

Employer Sanctions

The National Employment Rights Authority (NERA)²⁸ carries out inspections to ensure workplaces are properly regulated and to promote maximum compliance with minimum employment standards and employment permit requirements. Overall, NERA carried out 5,600 inspections/visits carried out by their Inspection & Enforcement service during 2014. During the year, they detected a significant year-on-year increase in possible breaches of the Employment Permits Acts (600, up 32%). A total of 63

²⁷ Irish Naturalisation and Immigration Service (15 September 2014). 'Minister Flanagan announces new guidelines for diplomatic staff employing private domestic employees'. Available at www.dfa.ie

²⁸http://www.workplacerelements.ie/en/Workplace_Relations_Bodies/National_Employment_Rights_Authority

employers were successfully prosecuted under the various Employment Permits Acts during the year.²⁹

Non-EEA Students

There was an 8% year-on-year increase in the number of persons given permission to be in Ireland for the purposes of being a student for the January-November period from 2013 (45,800) to 2014 (49,500).³⁰

There was significant media and public debate during 2014 and again during the early part of 2015 on the closure of private education colleges and its impact on third-country students. From the beginning of 2014 a number of private education colleges closed, impacting around 2,000 non-EEA students enrolled in these colleges. Immediately following closure of the impacted colleges, INIS allowed all relevant students to be on academic holiday³¹ allowing them time to make alternative arrangements. A number of colleges, members of Marketing English in Ireland (MEI), an organisation which provides learner protection arrangements for students through its member colleges, offered alternative provision at a reduced fee to displaced students in English language courses in order to continue their studies. Students on non-English language courses were offered assistance in completing their courses by certain colleges which are members of the Higher Education Colleges Association (HECA), which have learner protection arrangements in place.

A Task Force on Students Affected by the Closure of Private Colleges was established in May 2014³² 'to assist and co-ordinate a sympathetic response' for genuine students and that it was important to note that 'the students who have been affected are being given grace periods with regard to their immigration status so that they can remain in Ireland, continue to work to support themselves and have the time to plan their next steps.' A

²⁹ NERA (2015). Annual Report 2014. Available at www.workplacelrelations.ie

³⁰ Irish Naturalisation and Immigration Service (26 January 2015). 'Immigration in Ireland – 2014'. Press Release. Available at www.inis.gov.ie

³¹ Until 1 September 2014, this removed any doubt for the affected students about their immigration status in Ireland and allowed them to continue to work in Ireland during the summer months whilst they made alternative education arrangements.

³² Included on the taskforce was the Irish Naturalisation and Immigration Service (INIS), the industry group Marketing English in Ireland, the Irish Council for International Students (ICOS), and regulators Quality and Qualifications Ireland (QQI).

report of the Task Force was published in September.³³ In the Report, the Task Force stated they worked closely with the representative bodies of education providers to develop solutions which could provide 'reasonable accommodation' for impacted students according to their subject area and emphasised the need to increase inspections and compliance of colleges and to address rogue operators.

A policy statement detailing *Regulatory Reform of the International Education Sector and the Student Immigration Regime* was published jointly by the two Departments in September 2014.³⁴ New rules take effect from 1 January 2015 to 'provide certainty and clarity for international students coming to Ireland, to prioritise education over work, to give effect to an enhanced inspection and compliance regime and to further align the student migration system with the strategic objective'.³⁵

Three pillars of reform were proposed in the Regulatory Reform:

- a new list of eligible programmes
- an enhanced inspection and compliance regime
- changes to the operation of the student work concession

Firstly, the current Internationalisation Register will be replaced with an Interim List of Eligible Programmes for Student Immigration Permission (ILEP) from 1 January 2015, to be replaced by an International Education Mark (IEM)³⁶ which is planned for 2016.³⁷

³³ Department of Education and Skills (2 September 2-14). 'Ministers O'Sullivan and Fitzgerald launch major reform of student immigration and the international education sector'. *Press Release*. See <http://www.education.ie/en/Press-Events/Press-Releases/2014-Press-Releases/PR14-09-02.html#sthash.RjaJMfF9.dpuf>

³⁴ Department of Education and Skills and Department of Justice and Equality (September 2014). *Policy Statement "Regulatory Reform of the International Education Sector and the Student Immigration Regime"*. See more at: <http://www.education.ie>

³⁵ Irish Naturalisation and Immigration Service (26 January 2015). 'Immigration in Ireland – 2014'. Press Release. Available at www.inis.gov.ie

³⁶ Provision is made for an International Education Mark (IEM) and Code of Practice for international learners. The Code of Practice will address a range of matters of relevance to international students, including 'protection for enrolled learners, recruitment and admission, information provision, student welfare, cultural awareness and academic support provisions'. Once arrangements for quality assurance have been agreed with the QQI, public and private providers of education and training will be eligible to apply for the IEM; QQI will authorise the use of the IEM by providers where they can demonstrate compliance with the Code of Practice and any associated specific eligibility criteria. See Department of Education and Skills and Department of Justice and Equality (September 2014). *Policy Statement*

Aspects to be considered for inclusion under this award include programme accreditation (generally only programmes ‘accredited or recognised by Irish awarding bodies in the English language and higher education sectors will be permitted’ and ‘in line with the strategic priorities identified under the International Education Strategy and with current overseas promotion of education services by Irish State bodies’³⁸), immigration compliance,³⁹ overall ‘track record’ (e.g. for both Irish and EU students) and authorisation to use the IEM once introduced.

Secondly, an ‘enhanced inspection and compliance regime’ is to be introduced and to include a greater inspection function for INIS and GNIB regarding attendance management and student immigration permission compliance. Wider linkage to overall tax compliance, social protection issues and investigation of the potential for abuse of the student work concession will take place ‘where necessary.’ Periodic review as part of the International Education Mark regime will take place as will monitoring by the Quality and Qualifications Ireland (QQI) of private providers. The Departments of Justice and Equality, and Education and Skills, the QQI and ‘other relevant State bodies and provider representative bodies with an interest in the operation of the non-EEA student sector’ will take part in a compliance working group looking at the operation of such providers and the work concession in place for non-EEA students.

“Regulatory Reform of the International Education Sector and the Student Immigration Regime”. See more at <http://www.education.ie>

³⁷ See Department of Education and Skills and Department of Justice and Equality (May 2015). *Reform of the International Education Sector and Student Immigration Regime Government Policy Statement*. See more at <http://www.education.ie>

³⁸ Examples include higher education programmes leading to major awards at the National Framework of Qualifications Level 6 and above which are made by statutory Irish awarding bodies; higher education programmes leading to non-major awards at NFQ 6 and above which are made by statutory Irish awarding bodies and which have an associated workload of at least 60 ECTS credits per year; ACELS/QQI-recognised English language provision, with duration requirements attached; foundation programmes of at least one year in duration which are linked to entry to specified Irish higher education institutions and which lead to awards of statutory Irish awarding bodies or are recognised by ACELS; ACCA professional accountancy programmes at providers that have been designated as Platinum Providers; and on a transitional basis, until 1 January 2016, overseas Bachelors and Masters Degree Programmes currently listed on the International Register where providers are able to demonstrate ‘a track record of high-quality delivery and strong oversight by the relevant accrediting body’. See Department of Education and Skills and Department of Justice and Equality (September 2014). *Policy Statement “Regulatory Reform of the International Education Sector and the Student Immigration Regime”*. See more at: <http://www.education.ie>.

³⁹ Where INIS is satisfied with the history and operation of the provider, including those involved in the ownership and ‘past conduct of personnel’. Liaison with authorities in the UK and other States will also take place.

The third pillar relates to the terms of the Student Work Concession. While the terms of the concession remain unchanged (non-EEA students attending a full-time programme on the Internationalisation Register are permitted to work up to 20 hours per week during term and up to 40 hours per week outside of term time), the Regulatory Reform statement standardises how the concession operates. The previous ability of the education providers to set the programme timetable has been replaced, with the work concession now to be aligned with the traditional academic year. Holiday time permitting 40 hours of work will now apply only in May-August and from 15 December-15 January. Further guidelines on other types of work e.g. au pair work and restrictions on the type of work etc. are intended to be published.

In 2014, the Department of Education and Skills sought to impose a new and more regulated regime for the accreditation of English language schools in Ireland which involved establishing an interim list of eligible programmes available to students. In order to be included on the interim list, colleges offering programmes had to be accredited under the “Accreditation and Coordination of English Language Services” system (ACELS). The Minister for Justice and Equality decided that she would only grant a visa to a person to enter the State to study English if the course in question was ACELS accredited. In *National Employment Development Training Centre and Another v. Minister for Justice and Qualifications and Quality Assurance Authority of Ireland*⁴⁰ the first applicant had unsuccessfully applied for ACELS accreditation, whilst the second applicant’s application was under consideration. They instituted proceedings in the High Court challenging the Minister’s decision and were successful in setting it aside on the basis that she had fettered her discretion by indicating, in advance of determining any application of a prospective student, that she would not consider eligible a course of study which did not have ACELS accreditation. They also successfully persuaded the court that the second respondent lacked power under the legislation which created it to administer the ACELS system. A Government Policy Statement on the issue of reform of the sector in May 2015 saw measures introduced such as the requirement for English language programme providers to demonstrate an ‘acceptable quality standard’ as from

⁴⁰ *National Employment Development Training Centre and Another v. Minister for Justice and Qualifications and Quality Assurance Authority of Ireland* [2015] IEHC 140.

1 October 2015, and a reduction of permission for students attending a 25 week English language programme from 12 months to 8 months from the same time. Students will still be permitted 3 such permissions. In terms of institutions, new requirements include a declaration of ownership, (shadow) directors, actual physical infrastructure, and teaching capacity. A separate account facility to safeguard advance student payments is also provided for.⁴¹

Targeted information campaigns for non-EEA student recruitment under the Education in Ireland umbrella continued during 2014. The Education in Ireland brand (under the authority of the Minister of the Education and Skills) is managed by Enterprise Ireland⁴² who is responsible for the promotion of Irish Higher Education Institutions overseas. A ‘Study in Ireland Tweetup’ for India took place in June 2014 and was designed to bring prospective students considering studying in Ireland together with the industry experts. 14 Irish colleges took part.⁴³ Four Education in Ireland fairs took place in India in November 2014: Delhi, Pune, Chennai and Bangalore.⁴⁴

‘Direct Provision’ Reception for Protection Applicants

The issue of Direct Provision for applicants of (international) protection continued to attract much media and parliamentary discussion during 2014, mainly centred on

⁴¹ Department of Education and Skills and Department of Justice and Equality (25 May 2015). Ministers O’Sullivan and Fitzgerald announce Government approval of reforms to the student immigration system for international education. See www.education.ie. See Department of Education and Skills and Department of Justice and Equality (May 2015). *Reform of the International Education Sector and Student Immigration Regime Government Policy Statement*. See more at <http://www.education.ie>.

⁴² The State agency responsible for ‘supporting the development of manufacturing and internationally traded services companies’. See <http://www.educationinireland.com/en/About-Us>.

⁴³ Participating colleges included Cork Institute of Technology, Dublin Business School, Dublin City University, Dublin Institute of Technology, Galway Mayo Institute of Technology, Griffith College Dublin, Limerick Institute of Technology, Shannon College of Hotel Management, National College of Ireland, National University of Ireland Galway, National University of Ireland Maynooth, University College Cork, University College Dublin and Trinity College Dublin.

⁴⁴ Participating colleges included Cork Institute of Technology; Dublin City University; Dublin Business School; Galway-Mayo Institute of Technology; Maynooth University; National College of Ireland; ICD Business School; University of Limerick; National University of Ireland, Galway; Shannon College of Hotel Management; Smurfit Business School; University College Dublin; Trinity College Dublin; University College Cork; Waterford Institute of Technology.

inspections of centres, the suitability of accommodation for children and the length of time spent in centres by some applicants.⁴⁵

In December 2014, a total of 4,364 persons were accommodated within 34 centres under contract to the Reception and Integration Agency (RIA). The year-end occupancy rate was at 86% of the contracted capacity, with 34% of residents under 18 years of age. By the end of 2014, 64% of RIA residents had first claimed international protection in Ireland three or more years previously, with 34% of applicants having made their initial asylum application six or more years previously.⁴⁶

The *CA v. Minister for Justice*⁴⁷ case saw the rejection of an attempt by applicants to challenge the legality of the direct provision system. The Irish Human Rights and Equality Commission produced a *Policy Statement on the System of Direct Provision in Ireland* in December 2014 in which they made a number of recommendations including the introduction of a single protection procedure; a time limited period (6-9 months) after which any person who has not yet received a decision, on either first instance or appeal should be able to leave direct provision, live independently, access relevant social welfare payments and employment; for victims of trafficking to be accommodated in single gender facilities with access to a range of necessary support services; and for the weekly allowance for residents in direct provision to be increased to a realistic amount. The IHREC also called for the introduction of an independent complaints mechanism, and the extension of the remit of the Office of the Ombudsman and the Ombudsman for Children to include the investigation of issues relating to the asylum process.⁴⁸ Children living in direct provision continued to attract public debate. In August 2014, the Irish Times cited more than 1,500 child protection or welfare notifications concerning young people living in direct provision accommodation. Geoffrey Shannon, the State's Special Rapporteur on Child Protection, commented on the length of time spent by children in the setting and the longer-term impacts. Calls for

⁴⁵ Conlan, S. (2014). *Counting the Cost. Barriers to employment after Direct Provision*. Irish Refugee Council. Available at www.irishrefugeecouncil.ie. NASC (May 2014). *What's Food got to Do with it: Food Experiences of Asylum Seekers in Direct Provision*. Available at www.nascireland.org.

⁴⁶ Reception and Integration Agency (2015). *Annual Report 2014*. Available at www.ria.gov.ie

⁴⁷ *CA v. Minister for Justice* [2014] IEHC 532.

⁴⁸ Irish Human Rights and Equality Commission (10 December 2014). '*Policy Statement on the System of Direct Provision in Ireland*'. Available at www.ihrec.ie.

an independent body outside of RIA (such as HIQA) were made, as well as for inspections to cover staff and to engage with residents.

Following on from a commitment contained in the *Statement of Government Priorities 2014-16* to establish an independent working group and an NGO roundtable in September 2014, in October the composition and terms of reference were announced of a Working Group to examine improvements to the protection process and system of direct provision, including supports to applicants. Chaired by a retired High Court Judge, the members of the Group include representatives of UNHCR Ireland, the Irish Refugee Council, Jesuit Refugee Service, NASC (Irish Immigrant Support Centre), SPIRASI, Children's Rights Alliance, IRC Core Group of Asylum Seekers and Refugees, as well representatives of academia, and relevant Government departments and offices. The terms of reference of the Working Group included a requirement to recommend to Government what improvements should be made to existing processes to improve arrangements for processing of applications; to show greater respect for the dignity of persons within the system; and to improve the quality of life of applicants for international protection while their applications are under investigation.⁴⁹ A report was issued in June 2015. It contains some 173 recommendations across the three themes identified in the terms of reference. Included are recommendations to extend the mandate of the Ombudsman and Ombudsman for Children to cover complaints in relation to the direct provision system; to increase the financial support to asylum applicants to €38.74 per adult (from €19.10) and €29.80 (from €9.60) per child; and the early enactment of a single procedure for future international protection applicants as contained in the published International Protection Bill.

Integration Policies

A Cross Departmental Group on Integration was reconstituted during 2014 to review activities taken across Departments and agencies in the area, with a view to producing an updated 'overall integration strategy'.⁵⁰ Chaired by the Department of Justice and

⁴⁹ Irish Naturalisation and Immigration Service (13 October 2014). 'Ministers Fitzgerald and O Riordáin announce composition of Working Group to examine improvements to the Protection process and the Direct Provision system'. Available at www.inis.gov.ie

⁵⁰ Irish Naturalisation and Immigration Service (28 March 2014). 'Government to Prepare New Integration Strategy'. *Press Release*. Available at www.inis.gov.ie

Equality, the Group includes representation from a wide range of Departments and Offices which have a 'significant role in integration'. A number of thematic discussions took place including:

- Promoting Intercultural Awareness and Combating Racism and Xenophobia
- Education
- Social Inclusion and Access to Public Services
- Employment and Pathways to Work
- Active Citizenship

A call for public participation was made in national and ethnic media, with over 80 submissions received. Some 5 consultation sessions were held with those who made submissions to further explore issues raised. A draft Integration Strategy is expected in 2015.⁵¹

The Office for the Promotion of Migrant Integration (OPMI) within the Department of Justice and Equality, allocated a total of €1,331,322 in funding during 2014.⁵² Some €265,950 was provided to local authorities during the year.⁵³ The OPMI continued to fund the Employment of People from Immigrant Communities (EPIC) Programme during 2013. On behalf of OPMI, Business in the Community Ireland (BITC) manages the Employment of People from Immigrant Communities (EPIC). A training project for EU immigrants and non-EU immigrants on 'Stamp 4' classification, it includes workplace language and social skills training, CV preparation, one-on-one coaching, interview skills, living and working in Ireland and IT. There were 308 engagements with EPIC during 2014, with 66% of clients placed or engaged in training or work. A total of €468,000 was provided to Business in the Community (EPIC Funding) during 2014.⁵⁴ OPMI increased the grant to the New Communities Partnership for the Citizenship Application Support Service, a no-charge service aimed at supporting migrants in completing applications for citizenship.

⁵¹ See www.integration.ie

⁵² Including €468,000 for the EPIC programme of which 50% was co-funded under the ESF. See www.integration.ie

⁵³ www.integration.ie

⁵⁴ www.integration.ie Co-financed (50%) by the European Social Fund.

Borders and Automated Border Control Technology

A pilot project to 'civilianise' certain border control functions at Dublin Airport took place during 2013; this was mainstreamed during 2014 and 2015. A major programme to civilianise immigration functions previously carried out by An Garda Síochána (police) was announced in September 2014, with 125 gardaí released for other core policing duties.⁵⁵ It was announced that 80 civilian staff were to be deployed at Dublin Airport at border control booths on a 24/7 basis. Additional benefits of the transfer of functions were to include a reduction in costs (later cited as €4m approximately in savings annually from the release of 75 gardaí from airport duty alone) as well as overall efficiency.⁵⁶ The *Employment Permits (Amendment) Act 2014* provided for the transfer of responsibility for border control functions from the Garda National Immigration Bureau (GNIB) to INIS, including immigration permission registration.⁵⁷ Current arrangements where the immigration registration function is carried out by An Garda Síochána at the GNIB headquarters in Dublin (for the Dublin Metropolitan Area) and in some 75 or so police stations around Ireland, will be replaced with a 'streamlined regional structure' of a small number of offices in locations around the State.⁵⁸

During 2013, automated border e-gates were tested at Dublin Airport for the first time. This continued during 2014 with the gates extended to a 24/7 basis. More than 260,000 passengers used the gates during 2014 – one of the 'highest per-gate productivity levels in Europe'.⁵⁹ As of year-end 2014, the Department of Justice and Equality was in discussions with the Dublin Airport Authority (DAA) regarding an extension of the use of e-gates throughout the airport, a priority for 2015. At the launch of further civilianisation initiatives including staffing of airport booths in September 2014, it was noted that Minister Fitzgerald had held discussions with the Dublin Airport Authority (DAA) regarding 'greater use' of border management technologies such as advance

⁵⁵ Of this, 75 were released as a result of the civilianisation of checks at Dublin Airport and 50 from the transfer of the immigration permission registration function from An Garda Síochána to the Irish Naturalisation and Immigration Service of the Department of Justice and Equality (INIS). See Irish Naturalisation and Immigration Service (16 September 2014). 'Minister Fitzgerald announces major immigration civilianisation initiative'. *Press Release*. Available at www.inis.gov.ie.

⁵⁶ Irish Naturalisation and Immigration Service (16 September 2014). 'Minister Fitzgerald announces major immigration civilianisation initiative'. *Press Release*. Available at www.inis.gov.ie.

⁵⁷ *Ibid.*

⁵⁸ *Ibid.*

⁵⁹ Irish Naturalisation and Immigration Service (January 2015). 'Immigration in Ireland – 2014'. *Press Release*. Available at www.inis.gov.ie.

passenger information systems and automatic border controls, and that INIS was 'currently preparing a comprehensive business case for the expansion of the e-Gates initiative'.⁶⁰

Common Travel Area with the UK

Operating as a reciprocal visa arrangement between Ireland and the UK, a British-Irish Visa Scheme was launched by the Irish Minister for Justice and Equality and the UK Home Secretary in October 2014, with a new agreement signed at the same time regarding the sharing of immigration data between both countries.⁶¹ The Scheme will allow nationals requiring a short-stay visa to travel freely within the Common Travel Area (between Ireland and the UK) on a single visa issued by either country. China and India were the first countries to benefit from the Scheme (2014, and early 2015 respectively), and the stated aim is to extend to a 'rollout' to all countries by the end of 2015 (subject to review).

The Scheme builds on the previous Irish Short-Stay Visa Waiver Programme which was launched in 2011. It was noted at the launch of the British-Irish Visa Scheme that as a result of the Irish Short-Stay Visa Waiver Programme 'almost 45,000 additional visitors travelled to Ireland last year compared to 2010 and we want this number to grow even further'.⁶² The Irish Short-Stay Visa Programme, applicable to 18 countries with a view to promoting tourism from emerging markets, will run to the end of October 2016 (subject to extension or amendment).

Ireland will incorporate biometric collection as part of the Irish visa application process, with new systems put in place with the UK to facilitate the 'automated and seamless sharing and cross-checking of information'. INIS and the UK Home Office also agreed for Ireland to share services such as lodging of applications, courier services, informational services and online payments at UK Visa Application Centres (of which there are over

⁶⁰ Irish Naturalisation and Immigration Service (16 September 2014). 'Minister Fitzgerald announces major immigration civilianisation initiative'. *Press Release*. Available at www.inis.gov.ie

⁶¹ Irish Naturalisation and Immigration Service (6 October 2014). Minister Fitzgerald and UK Home Secretary launch landmark British-Irish Visa Scheme. Available at www.inis.gov.ie

⁶² *Ibid.*

200 worldwide).⁶³ The new 'landmark' agreement for the sharing of immigration data between both countries' immigration authorities signed in October 2014 was noted as being aimed at protecting the CTA from abuse as well as to facilitate the extension of 'borderless travel' such as the British Irish Visa Scheme. Over 100,000 Irish visa applicants were checked against UK records during the year.⁶⁴

In a related measure, the requirement for visa applicants from Pakistan and China to provide their fingerprints as part of the application process was introduced during 2014; previously this applied to nationals from Nigeria only. This took place in the context of the British-Irish Visa Scheme, with a roll out to other countries due to continue during 2015.

⁶³ *Ibid*

⁶⁴ Irish Naturalisation and Immigration Service (January 2015). 'Immigration in Ireland – 2014'. *Press Release*. Available at www.inis.gov.ie

3. Migration Movements

Overall Trends

Inward migration increased until 2007 and has since declined. The gross migratory inflow increased from around 20,000-25,000 per annum in the late 1980s to over 50,000 per annum after 2000 and to over 150,000 in the year to April 2007, before declining with the deterioration in the labour market to 42,000 in the year to April 2010. With economic recovery inward migration has increased, to almost 70,000 in 2014-2015.

Table 1: Gross and Net Migration Flows, 1987-2015

<i>Year (ending April)</i>	<i>Outward</i>	<i>Inward 1,000s</i>	<i>Net</i>
1987	40.2	17.2	-23.0
1988	61.1	19.2	-41.9
1989	70.6	26.7	-43.9
1990	56.3	33.3	-22.9
1991	35.3	33.3	-2.0
1992	33.4	40.7	7.4
1993	35.1	34.7	-0.4
1994	34.8	30.1	-4.7
1995	33.1	31.2	-1.9
1996	31.2	39.2	8.0
1997	25.3	44.5	19.2
1998	28.6	46.0	17.4
1999	31.5	48.9	17.3
2000	26.6	52.6	26.0
2001	26.2	59.0	32.8
2002	25.6	66.9	41.3
2003	29.3	60.0	30.7
2004	26.5	58.5	32.0
2005	29.4	84.6	55.1
2006	36.0	107.8	71.8
2007	46.3	151.1	104.8
2008	49.2	113.5	64.3
2009	72.0	73.7	1.6
2010	69.2	41.8	-27.5
2011	80.6	53.3	-27.4
2012 ¹	87.1	52.7	-34.4
2013 ¹	89.0	55.9	-33.1
2014 ¹	81.9	60.6	-21.4
2015 ¹	80.9	69.3	-11.6

Notes: ¹ Preliminary

Source: Central Statistics Office (various years), *Population and Migration Estimates*. Available at www.cso.ie

Emigration declined during the period of rapid economic growth, to a low of 25,600 in the twelve months to April 2002. Emigration increased with the onset of the Great Recession, to 72,000 in 2008-9 and to 89,000 in 2012-13, but fell again to a little over 80,000 in 2013-14 and 2014-15. As a result, net migration, which had peaked at a net inward flow of almost 105,000 in 2006-7 turned negative in 2009-10 and having bottomed out -34,400 in 2011-12, was -11,600 in 2014-15.

3.1 Inward Migration

As noted above, immigration declined from a high of 151,000 in 2006-7 to a low of less than 42,000 in 2009-10. In more recent years inward migration has increased to over 50,000 per annum and to almost 70,000 in the twelve months to 2015. In the early years of the Great Recession, returning Irish nationals represented the single largest group of immigrants, thus returning to a long established trend that obtained prior to EU enlargement in 2004. However, their numbers have been falling for the last two years and they currently account for less than one in five immigrants.

In 2007, at the peak of the inward migration flow, 85,000 individuals migrated to Ireland from the new EU Member States (NMS), almost half total net immigration in that year. Immigration from the NMS fell to about 10,000 in each of the five years 2010-2015. Immigration from the Rest of the World, i.e. from outside the EU, declined with the Recession, but has been increasing since 2013 to over 30,000 in 2014-5, accounting for 44% of all immigrants in that year.

Table 2: Estimated Immigration by Nationality, 1996 - 2015

	Irish	UK	EU Old 13	EU NMS	Rest of World	Total
<i>12 months to:</i>						
						<i>1,000's</i>
1996	17.7	8.3	5.0	0.0	8.2	39.2
2001	26.3	9.0	6.5	0.0	17.3	59.0
2006	18.9	9.9	12.7	49.9	16.4	107.8
2007	30.7	4.3	11.8	85.3	19.0	151.1
2008	23.8	6.8	9.6	54.7	18.6	113.5
2009	23.0	3.9	11.5	21.1	14.1	73.7
2010	17.9	2.5	6.2	9.3	6.0	41.8
2011¹	19.6	4.1	7.1	10.1	12.4	53.3
2012²	20.6	2.2	7.2	10.4	12.4	52.7
2013²	15.7	4.9	7.4	10.9	17.1	55.9
2014²	11.6	4.9	8.7	10.0	25.5	60.6
2015²	12.1	5	8.9	12.8	30.4	69.3
				%		
1996	45.2	21.2	12.8	0.0	20.9	100.0
2001	44.6	15.3	11.0	0.0	29.3	100.0
2006	17.5	9.2	11.8	46.3	15.2	100.0
2007	18.3	5.4	9.5	48.1	16.2	100.0
2008	19.3	8.4	10.3	40.2	15.2	100.0
2009	32.1	7.7	15.0	23.6	12.6	100.0
2010	43.2	7.8	14.0	18.8	16.4	100.0
2011¹	40.4	6.1	13.7	21.3	19.1	100.0
2012²	42.8	6.0	14.8	22.2	14.4	100.0
2013²	28.1	8.8	13.2	19.5	30.6	100.0
2014²	19.1	8.1	14.4	16.5	42.1	100.0
2015²	17.5	7.2	12.8	18.5	43.9	100.0

Notes: ¹ Census of Population; ² Preliminary

Source: Central Statistics Office (various years). *Population and Migration Estimates*. Available at www.cso.ie

Table 3: Estimated Immigration by Country of Origin, 2008 and 2015

<i>12 months to April:</i>	<i>2008</i>		<i>2015¹</i>	
	000	%	000	%
UK	19.4	17.1	10.4	15.0
Old EU 13	14.5	12.8	10.8	15.6
New EU 12	45.5	40.1	13.4	19.3
Australia	7.1	6.3	2.9	4.2
Canada	2.0	1.8	1.6	2.3
USA	5.0	4.4	2.2	3.2
Rest of World	20.0	17.6	28.0	40.4
Total	113.5	100.0	69.3	100.0

Notes: ¹ Preliminary

Source: Central Statistics Office (various years). *Population and Migration Estimates.*

Available at www.cso.ie

Table 3 shows estimated immigration by country of origin - a new classification in the CSO series available in the 2013 report from the CSO. Immigration from most countries declined between 2007-8 and 2014-15. Similar to the patterns in immigration by nationality, the share of immigrants from the New EU member states (NMS) fell sharply, from 40% to less than 20%. The number of immigrants from the Rest of the World (excluding the EU, Australia, Canada and the USA) increased somewhat, and their share of all immigrants increased to 40%. Given that the non-EU immigrants would have needed employment permits to work in Ireland, their increased shares in total immigration may relate to high skilled migration to fill skills shortages in the Irish labour market as well as an increase in the number of international students.

In terms of age distribution, there was a substantial increase in the number of immigrants aged less than 14 years in the 12 months to April 2015, suggesting an increase in inward migration of families. Those aged 25-44 years currently constitute well over half of the total inflow and another fifth of the gross inflow relates to young people aged 15-24 years.

Table 4: Estimated Immigration Flows classified by Age, 1991-2015

End April	0-14	15-24	25-44	45-64	65+	Total
	<i>1,000s</i>					
1991	5.2	9.3	14.6	2.5	1.7	33.3
1996	6.6	10.9	16.9	3.6	1.2	39.2
2001	7.9	16.4	29.5	4.3	0.8	59.0
2006	11.5	31.6	57.2	6.1	1.4	107.8
2007	11.4	61.4	65.8	10.1	2.4	151.1
2008	13.9	50.0	38.8	7.2	3.6	113.5
2009	4.5	37.2	26.4	3.3	2.3	73.7
2010	1.8	17.3	18.8	2.0	1.9	41.8
2011¹	6.1	14.6	26.9	4.3	1.3	53.3
2012²	7.9	14.6	25.6	4.1	0.6	52.7
2013²	9.3	12.9	28.6	4.6	0.4	55.9
2014²	7.8	15.9	33.0	2.8	1.1	60.6
2015²	12.8	14.7	36.7	4.0	1.1	69.3
Males						
1991	2.7	4.5	8.0	1.4	0.9	17.6
1996	3.1	4.2	8.7	2.2	0.6	18.8
2001	4.1	6.6	16.3	2.5	0.5	30.1
2006	5.5	16.4	34.0	3.7	0.7	60.3
2007	5.3	28.9	38.1	6.0	1.7	80.0
2008	6.6	23.3	18.0	4.2	1.7	53.9
2009	2.2	18.6	13.0	1.6	1.4	36.8
2010	1.4	7.6	9.9	0.8	0.7	20.4
2011¹	3.1	6.4	13.6	2.2	0.7	26.0
2012²	3.2	6.0	13.3	1.9	0.5	25.0
2013²	3.9	6.3	15.4	2.4	0.1	28.2
2014²	3.0	6.8	16.9	1.1	0.4	28.2
2015²	6.5	4.9	18.8	2.0	.04	32.7
Females						
1991	2.6	4.8	6.5	1.1	0.8	15.8
1996	3.6	6.7	8.1	1.3	0.6	20.4
2001	3.8	9.8	13.2	1.8	0.3	29.0
2006	6.0	15.2	23.2	2.4	0.7	47.5
2007	6.1	32.5	27.7	4.1	0.7	71.1
2008	7.3	26.7	20.7	3.0	1.8	59.5
2009	2.3	18.6	13.4	1.7	0.9	36.8
2010	0.5	9.7	8.8	1.3	1.1	21.4
2011¹	3.0	8.2	13.3	2.1	0.7	27.2
2012²	4.6	8.6	12.3	2.2	0.1	27.8
2013²	5.4	6.6	13.2	2.2	0.3	27.7
2014²	4.8	9.1	16.1	1.7	0.7	32.4
2015²	6.3	9.8	17.9	1.9	0.6	36.9

Notes: ¹ Census of Population; ² Preliminary

Source: Central Statistics Office (various years). *Population and Migration Estimates*. www.cso.ie

Table 5: Personal Public Service Numbers Issued by Nationality, 2003-2015

	Irish	Non-Irish National	Total
		<i>1,000s</i>	
2003	109.1	82.5	191.6
2004	95.4	124.6	220.0
2005	85.6	185.6	271.2
2006	84.7	227.2	311.9
2007	90.2	215.4	305.6
2008	93.0	154.3	247.3
2009	86.7	79.2	165.9
2010	85.1	69.6	154.2
2011	85.2	67.8	153.0
2012	81.3	73.3	154.7
2013	78.6	85.6	164.2
2014	76.1	96.4	172.5
2015¹	50.4	60.5	110.9

Source: www.welfare.ie

¹ January-August only.

Other Indicators of Immigration

PPSN Allocations

The Irish Department of Social Protection issues Personal Public Service Numbers (PPSN) which are necessary for employment. The number of such PPSNs issued to non-Irish nationals increased from 82,500 in 2003 to over 227,000 in 2006, and then fell to 67,800 in 2011. It has increased in recent years with the recovery in the labour market and was 96,400 in 2015.

An analysis by the Central Statistics Office that compares PPSN allocations and employer end-of-year (P45) returns to the Revenue Commissioners for non-Irish nationals reveals the extent to which those allocated PPS numbers took up and retained

insurable employment over time.⁶⁵ The analysis shows that in 2013 38.1% of foreign nationals with new PPSNs issued in that year had employment activity during the year, a slight decrease on the 'employment rate' of new arrivals compared with the previous year, although the absolute number of PPS allocations to non-Irish nationals was 16% greater than the previous year. Only 20% of those who were allocated a PPSN in 2008 were in employment at some stage during 2014.

Visas

During 2014, 90,382 entry visa applications were issued, representing an increase of 4% year-on-year. The main countries of nationality of applications approved were India, Russia, China, Saudi Arabia and Turkey.

Inflows of Workers from Non-EEA Countries

It is possible to derive information on the trends in the numbers of non-EEA nationals⁶⁶ entering the country to take up employment by analysing the annual figures for the numbers of employment permits issued and renewed by the Department of Jobs, Enterprise and Innovation. This programme is based on the provisions of the *Employment Permits Act 2003* and, since January 2007, the *Employment Permits Act 2006*.⁶⁷ Work and employment permits apply to all engagements for financial gain involving non-EEA citizens, including those of short duration. The system is employer-led. The application must relate to a specific job and to a named individual. In the period leading up to EU enlargement on 1 May 2004, the Department of Jobs, Enterprise and Innovation, in accordance with the *EU Accession Treaty*, encouraged employers to source their potential work permit requirements from the EU-25 countries.⁶⁸

⁶⁵ Central Statistics Office (2014). *Foreign Nationals: PPSN Allocations and Employment, 2007-12*. Available at www.cso.ie.

⁶⁶ EU citizens and citizens of Norway, Iceland and Liechtenstein do not require Employment Permits in order to take up employment in Ireland.

⁶⁷ It was previously based on the *Aliens Act 1935*.

⁶⁸ Post-Accession in 2007, Ireland initially applied transitional arrangements and continued to require Bulgarian and Romanian nationals to hold an employment permit to access the Irish labour market (excluding self-employed and economically self-sufficient persons and students). In July 2012 it was announced that such restrictions would cease with effect from 1 January 2012. See earlier in text for a 2013 decision regarding allowing Croatian nationals access to the Irish labour market.

Table 6: Employment Permits Issued and Renewed, 1998-2014

Year	New Permits Issued	Permits Renewed	Total Permits (including Group Permits)
1998	3,830	1,886	5,716
1999	4,597	1,653	6,250
2000	15,735	2,271	18,006
2001	29,951	6,485	36,436
2002	23,759	16,562	40,321
2003	22,512	25,039	47,551
2004	10,821	23,246	34,067
2005	8,166	18,970	27,136
2006	8,254	16,600	24,854
2007	10,147	13,457	23,604
2008	8,481	5,086	13,567
2009	4,024	3,938	7,962
2010	3,394	3,877	7,271
2011	3,184	2,016	5,200
2012	2,919	1,088	4,007
2013	3,034	829	3,853
2014	4,861	634	5,495

Source: Department of Jobs, Enterprise and Innovation. Available at www.djei.ie.

The number of permits increased rapidly from less than 6,000 in 1998 to nearly 48,000 in 2003. Following EU enlargement in 2004, and the implementation of the new policy of meeting most Irish labour market demand from within the EU, the number of permits dropped steadily. The decline was particularly dramatic from 2007 (23,604) to 2009 (7,900) when the most dramatic fall occurred in respect of renewals of work permits. Issuing of employment permits picked in 2014 (4,861) reflecting the recovery in the economy and employment and the increased influx of workers from outside the EU.

Table 7: Employment Permits by Type, 2010-2014

Year	Type of Permit	New	Renewal	Total
2014, October - December*		4,861	634	5,495
	Contract for Services Employment Permit	12	1	13
	Critical Skills Employment Permit	272	0	272
	Dependant/Partner/Spouse Employment Permit	25	17	42
	Exchange Agreement Employment Permit	2	0	2
	General Employment Permit	291	126	417
	Internship Employment Permit	1	0	1
	Intra-Company Transfer Employment Permit	132	14	146
	Intra-Company Transfer (Training) Employment Permit	2	0	2
	Reactivation Employment Permit	1	0	1
	Sport and Cultural Employment Permit	7	0	7
	January - September 2014			
	Green Card	1,512	0	1,512
	Intra-company Transfer (ICT)	483	95	578
	Spousal/Dependant	147	117	264
	Training	33	1	34
	Work Permit	1941	263	2204
2013		3,034	829	3,863
	Green Card	1,468	0	1,468
	Intra-company Transfer (ICT)	436	130	566
	Spousal/Dependant	177	368	545
	Training	18	2	20
	Work Permit	935	329	1,264
2012		2,913	1,085	3,998
	Work Permit	1,189	444	1,633
	Green Card	1,010	0	1,010
	Intra-company Transfer (ICT)	378	105	483
	Spousal/Dependant	314	536	850
	Training	22	0	22
2011		3,179	2,012	5,191
	Work Permit	1,353	547	1,900
	Green Card	910	0	910
	Intra-company Transfer (ICT)	320	80	400
	Spousal/Dependant	586	1,384	1,970
	Training	10	1	11
2010		3,541	3,935	7,476
	Work Permit	2,011	1,418	3,429
	Green Card	561	1	562
	Intra-Company Transfer (ICT)	263	69	332
	Spousal/Dependant	702	2,445	3,147
	Training	4	2	6

Source: Department of Department of Jobs, Enterprise and Innovation.

Note: Totals may be different to published figures

* The *Employment Permits (Amendment) Act 2014* amended the 2003 and 2005 Employment Permits Acts creating 9 new types of employment permits.

As discussed earlier, nine new categories of employment permits came into effect from October 2014 with ten permit types created: Contract for Services Employment Permit, Critical Skills Employment Permits, Dependant/Partner/Spouse Employment Permit, Exchange Agreement Employment Permit, General Employment Permit, Internship Employment Permit, Intra-Company Transfer Employment Permit, Intra-Company Transfer (Training) Employment Permit, Reactivation Employment Permit, and Sport and Cultural Employment Permit.

Table 8: Employment Permits Issued and Renewed by Country of Nationality, 2003-2014 (Major Sending Countries)

	2003	2007	2008	2012	2013	2014		
						<i>New</i>	<i>Renewals</i>	<i>Total</i>
Australia	1,149	808	410	59	55	67	13	80
Bangladesh	1,038	666	277	25	21	39	3	42
Brazil	1,554	1,173	601	186	116	143	24	167
Canada	304	348	212	94	91	102	18	120
China	1,593	1,188	661	217	208	221	32	253
Egypt	277	171	79	24	48	74	2	76
India	1,030	4,069	3334	1389	1,410	1506	151	1657
Israel	22	175	100	45	45	264	12	276
Japan	209	208	65	45	80	83	13	96
Malaysia	1,030	797	549	109	81	165	12	177
Mexico	49	125	30	8	28	26	1	27
New Zealand	658	484	224	28	32	37	5	42
Nigeria	84	138	151	32	26	76	13	89
Pakistan	830	813	362	71	121	443	64	507
Philippines	4,042	3,885	2,210	307	211	88	34	122
Russian Federation	1091	404	172	54	99	99	12	111
South Africa	2,468	1,461	752	80	79	71	19	90
Thailand	549	486	235	21	38	13	3	16
Turkey	466	222	108	77	69	88	28	116
Ukraine	2,866	1,412	487	91	84	70	21	91
USA	961	1,209	867	528	583	597	88	685
Total	47,551	23,604	13,567	5,200	3,863	4,861	634	5,495

Source: Department of Jobs, Enterprise and Innovation. Available at www.enterprise.gov.ie

Given that full year comparable data for 2014 is not available, it is not possible to analyse year-on-year trends for either set of permits. It is interesting to note that there was a 42% increase in overall permits issued during 2014 year-on-year, mainly related to new permits which saw an increase of 60% during 2014. Renewals dropped slightly by 24%.

Table 8 shows the number of employment permit holders from 2003 to 2014 in respect of the citizens of different countries with substantial numbers of permits. The table reflects the decline in allocation of employment permits outside of the EU after EU enlargement in 2004. In more recent years the number of employment permits issued to citizens of most countries in the table declined between 2007 and 2012 in the context of high unemployment in the Irish labour market. The majority of permits issued during 2014 (88%) were new permits.

Refugees and Asylum Seekers

A total of 1,448 people entered Ireland as asylum seekers during 2014, an increase of over 50% on the previous year. The number of asylum seekers had been in decline in recent previous years following legislative and administrative changes taken to cope with relatively large numbers in the early years of the century. ORAC received applications for asylum from 30 unaccompanied minors in 2013, representing 2% of all applications for asylum during the year. Looking at an age breakdown, the single largest age group of overall applicants (41%) were aged between 25-34. Some 82% of all applications related to adult applicants (1,184). Just under 70% of the overall number was male applicants.

Table 9: Asylum Seekers 1992-2014

Year	Number of Applications
2014	1,448
2013	946
2012	956
2011	1,290
2010	1,939
2009	2,689
2008	3,866
2007	3,985
2006	4,314
2005	4,323
2004	4,766
2003	7,900
2002	11,634
2001	10,325
2000	10,938
1999	7,724
1998	4,626
1997	3,883
1996	1,179
1995	424
1994	362
1993	91
1992	39

Source: Office of the Refugee Applications Commissioner.
Available at <http://www.orac.ie>

Previous SOPEMI reports have noted important recent developments that may have influenced the decrease in applications for asylum, including provisions within the *Immigration Act 2003* for carrier liability for bringing an undocumented immigrant into the state, for fingerprinting of all asylum applicants, for an increased duty on applicants to co-operate with the asylum process, for the designation of safe countries of origin

and for an accelerated procedure for certain categories of applications deemed to warrant prioritisation.⁶⁹ Another possible recent legislative change which may have affected the flow of asylum seekers may be the resolution of the issue relating to the citizenship of Irish-born children via changes to the *Irish Nationality and Citizenship Act, 2004* which provides that any person born in Ireland after 1st January 2005 to non-Irish parents will not be entitled to be an Irish citizen unless one of the parents was lawfully resident in Ireland for at least three out of the four years preceding the child's birth.

Table 10: Applications for Asylum by Main Country of Nationality 2008 – 2014

Ranking	2010	2011	2012	2013	2014
1 st	Nigeria 387	Nigeria 182	Nigeria 162	Nigeria 129	Pakistan 292
2 nd	China 228	Pakistan 175	Pakistan 105	Pakistan 91	Nigeria 142
3 rd	Pakistan 200	China 142	DR Congo 58	DR Congo 72	Albania 99
4 th	DR Congo 71	DR Congo 70	Zimbabwe 49	Zimbabwe 70	Bangladesh 99
5 th	Afghanistan 69	Afghanistan 67	Albania 46	Malawi 55	Zimbabwe 85
6 th	Ghana 57	Zimbabwe 66	S. Africa 33	Algeria 51	Algeria 77
7 th	Cameroon 56				
8 th	Moldova 56				
9 th	Georgia 53				
10 th	South Africa 53				
All others	709	588	503	478	654
Total	1939	1290	956	946	1,448

Source: Office of the Refugee Applications Commissioner (ORAC). Available at www.orac.ie

Table 10 shows that in 2014 Pakistan was the main country of stated nationality of the largest number of applicants for asylum (292) and accounted for 20% of all applications. The other main countries of nationality of applicants for asylum during 2014 were Nigeria (9.8%), Albania (6.8%), Bangladesh (6.8%) and Zimbabwe (5.9%). From 2010 to 2015, nationals of Nigeria and Pakistan have been present in the top six nationalities of asylum seekers.

⁶⁹ These and other provisions of this Act were discussed in earlier reports, in particular the report for SOPEMI for 2003. As of March 2010, Nigeria was removed from the list of priority countries.

Table 11 shows a large increase of 56% in the overall number of appeals received by the Refugee Appeals Tribunal year-on-year during 2014. The largest decrease (55%) relates to those received under accelerated procedures. The number of appeals under the Dublin Regulation fell by 42% year-on-year, while the number of substantive appeals increased by 28% since 2013. Changes to the subsidiary protection procedure process saw appeals received by the Refugee Appeals Tribunal since 2013; 296 appeals were received during 2014.

Table 11: Asylum Appeals Received by Type 2013 and 2014

Procedure	2013	2014	% Change
Substantive/ Substantive			
15 Day	508	650	28%
Accelerated	117	53	-55%
Dublin			
Regulation	26	15	-42%
Subsidiary			
Protection	-	296	-
Total	651	1,014	56%

Source: Refugee Appeals Tribunal (2015). *Annual Report 2014*. Available at www.refappeal.ie

Table 12 shows that during 2014, Nigeria continued to be the main stated country of nationality of applicants for appeal and accounted for 10% of all cases. Nigerian nationals also represented the highest single proportion of applicants in the case of accelerated appeals (24% of all cases) and those related to subsidiary protection (9%). In the case of substantive 15 Day appeals, the highest representations were by nationals of Zimbabwe (12%). Not shown here, the majority of applicants in the case of appeals under the EU Dublin Regulation were from Bangladesh and Afghanistan.⁷⁰

During 2014, some 83% of asylum applications were made at the Office of the Refugee Applications Commissioner (ORAC) and 15% were made at a port of entry (airport).

⁷⁰ Refugee Appeals Tribunal (2015). *Annual Report 2014*. Available at www.refappeal.ie

Some 1,060 cases were finalised by ORAC during 2014, and a total of 743 first instance applications remained outstanding at year end. Some 21 cases were finalised where it was found that the applicant's claim for refugee status should be determined in another EU State under the Dublin Regulation.

A total of 363 appeals were completed by the Refugee Appeals Tribunal during the year, including cases relating to the Dublin Regulation. Some 251 cases were finalised under substantive 15 day appeals, 44 under accelerated appeals and 42 related to appeals under the Dublin Regulation during 2014.⁷¹ For the first time, during 2014 appeals related to subsidiary protection were completed (26). There were 1,297 live appeals on hand at the end of 2014.

Table 12: Total Asylum Appeals Received by Main Country of Origin 2010- 2014

Ranking	2011	2012	2013	2014
1st	Nigeria 224	Nigeria 224	Nigeria 125	Nigeria 96
2nd	Pakistan 156	Pakistan 156	Pakistan 87	Pakistan 68
3rd	DR Congo 80	DR Congo 80	DR Congo 42	Zimbabwe 60
4th	Zimbabwe 67	Zimbabwe 67	Afghanistan 42	DR Congo 42
5th	Afghanistan 54	Algeria 54	Zimbabwe 31	Algeria 40
6th	Cameroon 36	Afghanistan 36	Albania 28	Malawi 33
7th	South Africa 35	Bangladesh 35	South Africa 21	South Africa 27
8th	Ghana 30	Albania 30	Bangladesh 20	Afghanistan 22
9th	Algeria 27	Malawi 27	Algeria 20	Albania 19
10th	Bangladesh 25	South Africa 25	Malawi 20	Bangladesh 18
All Others	372	372	250	235
Total	Total 1,106	Total 1,106	Total 686	Total 660

Source: Refugee Appeals Tribunal, various Annual Reports. Available at www.refappeal.ie

Note: Rounding takes place.

*From 2014 this figure includes appeals related to applications for subsidiary protection.

⁷¹ Refugee Appeals Tribunal (2015). *Annual Report 2014*. Available at www.refappeal.ie

A total of 66% of the recommendations made by the Refugee Applications Commissioner under manifestly unfounded and accelerated decisions were affirmed by the Refugee Appeals Tribunal during 2014, and 54% of substantive/15 Day decisions. Overall, 97% of all recommendations relating to decisions under the Dublin Convention/Regulation were upheld.⁷² ORAC received 23 new judicial reviews during 2014, a significant increase on the 2013 figure (7) which they attribute in part to the transfer of responsibility for processing of subsidiary protection applications to their office. The Office was a respondent in 95 ongoing legal challenges. The Refugee Appeals Tribunal saw 4 new judicial reviews filed during 2014, with 326 determined during the year. Of this number, the Applicant was unsuccessful in 215 cases.⁷³

The Refugee Appeals Tribunal completed 295 asylum appeals⁷⁴ during the year. Cases accorded priority status for refugee determination by ORAC⁷⁵ were processed within a median time of 4.4 weeks from date of application, with the remaining cases processed in 15.3 weeks. Cases which were processed by the Tribunal as substantive 15 day appeals⁷⁶ took approximately 49 weeks to complete, with accelerated appeals processed in a 38 week timeframe.⁷⁷

Responsibility for processing subsidiary protection applications was transferred from INIS to ORAC in November 2013, with responsibility for hearing related appeals transferred to the Refugee Appeals Tribunal. On the transfer date, some 3,720 'live cases' were transferred to ORAC. Of this number: 43% of applicants subsequently confirmed that they wished to pursue their application; 39% were deemed to be withdrawn for non-cooperation; and 18% voluntarily withdrew their application during the course of the year. During 2014, ORAC handled a total caseload of 3,970 applications for subsidiary protection.⁷⁸ At year end, ORAC reported an outstanding caseload of

⁷² *Ibid.*

⁷³ Refugee Appeals Tribunal (2015). *Annual Report 2014*. Available at www.refappeal.ie

⁷⁴ These figures include both substantive 15 day appeals numbers which include an oral hearing as part of the appeals process and accelerated appeals which did not have an oral hearing.

⁷⁵ A total of 50 cases during 2014 under the Ministerial Prioritisation Directive.

⁷⁶ Substantive 15 day appeals include an oral hearing as part of the appeal process whereas accelerated appeals do not include an oral hearing

⁷⁷ Refugee Appeals Tribunal (2015). *Annual Report 2014*. Available at www.refappeal.ie

⁷⁸ This included 1,619 cases from the October 2013 transfer caseload who had confirmed they wished to continue with their application, as well as 250 new applications made directly to ORAC during 2014.

1,659 applications, with 2,311 cases processed to completion during the year. Some 826 reports were completed (875 applicants), with 251 recommendations made to grant subsidiary protection and 575 refusals. By year end, there were 977 overall subsidiary protection applications pending a first instance decision with ORAC.⁷⁹ During 2014, the Refugee Appeals Tribunal received 296 appeals for refusals of the grant of subsidiary protection, of which 13 were processed to completion. In 10 cases, the Tribunal confirmed the first instance decision of ORAC. The main nationality of applicants for subsidiary protection to ORAC⁸⁰ was Nigeria, Pakistan, DR Congo,⁸¹ Zimbabwe and Afghanistan.⁸²

Table 13 provides estimated refugee recognition rates for the period 2005 to 2014 based on published statistics from the Office of the Refugee Applications Commissioner (ORAC) and the Refugee Appeals Tribunal (RAT). Some 133 positive recommendations were made at first instance during 2014, with 91 appeals granted at second instance. The refugee recognition rate in Ireland during the year was 23%, an increase of over 50% on the 2013 figure and related mainly to a substantial increase in positive second instance decisions during 2014. These rates are calculated on the basis of the total number of recommendations or decisions that refugee status should be granted at first instance and appeal in any given year as a percentage of the total number of recommendations or decisions made at first instance or appeal in that year. However, there is a problem of double counting. The number of persons who are granted refugee status in Ireland in accordance with provisions set forth in the 1951 UN Convention Relating to the Status of Refugees tends to be comparatively small. Calculation of refugee recognition rates that take adequate account of first instance and appeal stages are inherently problematic because they involve the comparison of annual numbers of applications and decisions, and the latter can relate to applications over a number of

⁷⁹ In addition, from the October 2013 transferred caseload, 43 applications were pending a final decision by ORAC on closing their application due to voluntary withdrawal and 639 applications were pending their application being deemed withdrawn and closed by ORAC.

⁸⁰ These figures include the combined number of applications from the backlog caseload and new applications per nationality where available. Office of the Refugee Applications Commissioner (2015). *Annual Report 2014*. Available at www.orac.ie

⁸¹ The 129 applications in respect of DR Congo are only in respect of the backlog caseload transferred, they were not part of the top 5 nationality figures of the 250 new applications received during 2014.

⁸² Office of the Refugee Applications Commissioner (2015). *Annual Report 2014*. Available at www.orac.ie

years. During 2014, there were 253 grants of subsidiary protection (out of 1,292 applications during the year), mainly to nationals of Afghanistan, Iraq and Sudan.

Table 13: Refugee Recognition Rate 2006-2014

	2006	2007	2008	2009	2010	2011	2012	2013	2014
Total ORAC Recommendations*	3,646	2,982	3,234	2,708	1,333	1,111	767	710	793
Total RAT Decisions	1,865	1,736	2,314	3,252	2,688	1,238	654	565	206
Positive ORAC Recommendations	397	374	293	98	24	61	67	128	133
“Positive” RAT Decisions**	250	206	293	266	129	71	45	54	91
Total Decisions/ Recommendations	5,511	4,718	5,548	5,960	4,021	2,349	1,421	1,275	999
Total Positive Decisions/ Recommendations	647	580	586	364	153	132	112	182	224
Recognition Rate ORAC	10.9%	12.5%	9.1%	3.6%	1.8%	5.5%	8.7%	18.0%	16.8%
Recognition Rate RAT	13.4%	11.9%	12.7%	8.2%	4.8%	5.7%	6.9%	9.6%	44.2%
Overall Recognition Rate	11.7%	12.3%	10.6%	6.1%	3.8%	5.6%	7.9%	14.3%	22.4%

Source: Derived from Office of the Refugee Applications Commissioner statistics available at www.orac.ie; Refugee Appeals Tribunal statistics available at www.refappeal.ie. Data related to EU Dublin Regulation cases are excluded, including cases withdrawn or deemed withdrawn.

*Recommendations issued by the Office of the Refugee Applications Commissioner, alongside refusals under Section 13(4)(b) and Section 13(5), and Section 13 for 2005 and 2006.

**Recommendations issued by the Refugee Appeals Tribunal to the Minister for Justice and Equality to overturn the decision of the Refugee Applications Commissioner are counted as “positive decisions”.

Note: figures do not include subsidiary protection cases.

Other Categories of Permission to Remain in the State

Resettlement

Ireland continued to participate in the UNHCR-led Resettlement Programme for vulnerable refugees during 2014. Ireland joined the UNHCR-led resettlement scheme in 1998 and some 1,198 vulnerable persons were resettled as ‘programme refugees’ from 27 countries between 2000 and mid-2015.⁸³ Ireland agreed to accept the resettlement of 90 persons under the 2014 quota which was dedicated to Syrian refugees. 96 persons arrived in Ireland during the year, from Syria (89 persons) and DR Congo (7 persons).⁸⁴ At the end of 2014 the Minister for Justice and Equality stated that Ireland had pledged an additional 220 resettlement places for 2015-2016 (100 in 2015, with an additional 120 places the following year), with the majority of these places ‘for the resettlement of refugees displaced by the Syrian conflict currently resident in Jordan and Lebanon’.⁸⁵

In March 2014 Ireland announced a Syrian Humanitarian Admission Programme (SHAP) to assist vulnerable persons in Syria and surrounding countries affected by conflict in the region. The SHAP sought to offer temporary Irish residence to vulnerable persons present in Syria, or who have fled from Syria to surrounding countries since the outbreak of the conflict in March 2011, who have close family members residing in the State. Naturalised Irish citizens of Syrian birth and Syrian nationals already lawfully residing in Ireland could apply to (‘sponsor’) up to four⁸⁶ vulnerable close family members to be most at risk to join them in Ireland on a temporary basis for up to two years. Persons admitted under the Programme were to be entitled to work, establish a

⁸³ Irish Naturalisation and Immigration Service (13 May 2015). Minister Fitzgerald announces plans to resettle additional 300 vulnerable people in response to European Commission proposals on Migration. *Press Release*. Available at www.inis.gov.ie

⁸⁴ www.integration.ie

⁸⁵ Irish Naturalisation and Immigration Service (9 December 2014). ‘Minister Fitzgerald: 111 Syrians admitted under sponsorship programme’. *Press Release*. Available at www.inis.gov.ie. See The Irish Times (28 June 2014). ‘Government agrees to resettle 220 refugees’. Available at www.irishtimes.com

⁸⁶ Up to four of their most vulnerable family members, two of whom should be prioritised by the sponsor for admission in the first instance, as a ‘quota’. At the time of announcement of the Programme it was highlighted by the Minister for Justice and Equality that it was intended to apply this rule flexibly in order to ‘protect family unity and to address individual family circumstances in a considered, humane and reasonable way...to avoid the breaking up of family units having regard to an overall quota of entrants into the state being established for the Programme.’ It was further noted that the quotas would be kept under review. See Irish Naturalisation and Immigration Service (12 March 2014). ‘Minister Shatter announces Humanitarian Admission Programme to assist vulnerable persons suffering in Syria and surrounding countries.’ Available at www.inis.gov.ie.

business, or invest in the State; a key condition is that they should ‘not become a burden on the State’.⁸⁷ A six week period was announced for applications under the Programme.⁸⁸ By early December 2014, a total of 308 applications had been received under the programme with 111 persons from Syria and the surrounding region granted admission to reside in Ireland and entitlement to work, establish a business or invest in the State.⁸⁹ The Minister for Justice and Equality noted that when considering each case, ‘the individual family circumstances of each family’ were taken into account, ‘relying on UNHCR guidelines in granting the applications’. Priority was given to applicants in a vulnerable situation and not presenting any community or State security issues, namely elderly parents, children, unaccompanied mothers and their children, single women and girls at risk and disabled persons.⁹⁰

Permission for victims of trafficking

During 2014 just 2 people were granted ‘recovery and reflection’ residence permissions, and 16 persons were granted ‘temporary residence permissions’ for the first time under the *Administrative Immigration Arrangements for the Protection of Victims of Human Trafficking*.

During 2014, a total of 46 alleged victims of human trafficking were reported or detected.⁹¹ Some 31 were female, 33 adults. Overall, 32 were victims of sexual exploitation, 7 were victims of labour exploitation and 7 were victims of other forms of exploitation. Alleged victims from Romania, Brazil and Ireland were the largest discernible groups.⁹²

⁸⁷ Irish Naturalisation and Immigration Service (12 March 2014). ‘Minister Shatter announces Humanitarian Admission Programme to assist vulnerable persons suffering in Syria and surrounding countries.’ Available at www.inis.gov.ie.

⁸⁸ *Ibid.*

⁸⁹ Irish Naturalisation and Immigration Service (9 December 2014). ‘Minister Fitzgerald: 111 Syrians admitted under sponsorship programme’. *Press Release*. Available at www.inis.gov.ie.

⁹⁰ *Ibid.*

⁹¹ Anti-Human Trafficking Unit, Department of Justice and Equality, June 2015. *Human Trafficking in 2013 and 2014 – a cross-border analysis*. Available at www.blueblindfold.gov.ie.

⁹² Preliminary data. Anti-Human Trafficking Unit, Department of Justice and Equality, August 2015.

Regarding traffickers arrested as suspects and convicted, 9 convictions and 14 criminal proceedings were initiated during the year.⁹³

Family Reunification

Overall, the Office of the Refugee Applications Commissioner (ORAC) received 167 files regarding family reunification during 2014, concerning 337 dependents. The main country of nationality of files received were Somalia (32 applications), Sudan (23 applications), Afghanistan (19 applications), Iraq (14 applications) and Syria (10 applications).⁹⁴

Leave to Remain

There were 769 permissions granted to remain in Ireland under Section 3 of the *Immigration Act 1999* during 2014, mainly to nationals of Nigeria (290), Pakistan (45), DR Congo (31), China (including Hong Kong) (30) and Brazil (24).

3.2 Outward Migration

With the recession, emigration increased, to 89,000 in the year to April 2013 but declined somewhat to around 81,000 per annum over the following two years.

Table 15 shows outward migration by nationality. Emigration of Irish nationals dropped from almost 51,000 in the 12 months to 2013 to 35,300 in 2014-15, at which point it represented about 44% of total outward migration. Thus, Irish nationals predominated among emigrants for just 3 years of the crisis, between 2010 and 2013. Other than Irish, the largest emigrating nationalities are from the old pre-enlargement EU countries and outside the EU. Some 15,600 citizens of the older pre-enlargement EU Member States (excluding Ireland and the UK) emigrated in 2014-15. This represents over 40% of the estimate of their population as of April 2014 (see Table 17 below), and this continues a steady decline in this population sub-group since the Great Recession. Emigration of nationals from countries outside the EU increased to almost 18,000 in 2014-15.

⁹³ *Ibid.*

⁹⁴ Office of the Refugee Applications Commissioner (2015). *Monthly statistical report December 2014*. Available at www.orac.ie

Nationals of the New EU Member States emigrated in large numbers in the first two years of the recession, but emigration has slowed very considerably in more recent years: 8,500 nationals of the EU NMS emigrated in the year to 2015, the smallest number in many years.

Table 14: Estimated Emigration Flows by Country of Destination, 1996-2015

End April	UK	Rest of EU 15	EU 12¹ NMS	Australia²	Canada²	USA	Other³	Total
Persons				1,000s				
1996	14.1	5.1	--			5.2	6.8	31.2
2001	7.8	5.6	--			3.4	9.5	26.2
2006	8.8	5.7	2.3			3.3	15.8	36.0
2007	11.1	3.5	7.7			3.1	20.8	46.3
2008	7.6	7.8	10.1	10.4	1.1	2.4	9.8	49.2
2009	13.2	7.4	25.2	11.1	1.1	4.1	9.9	72.0
2010	15.3	11.9	14.6	10.4	2.4	2.9	11.7	69.2
2011	20.0	13.9	10.4	13.4	2.1	4.7	16.2	80.6
2112⁴	19.0	14.4	9.6	18.2	3.0	8.6	14.4	87.1
2013⁴	21.9	11.5	14.2	15.4	5.3	6.2	14.4	89.0
2014⁴	17.9	16.2	8.7	10.0	4.7	6.9	17.5	81.9
2015⁴	19.2	15.3	6.8	7.5	7.7	5.9	18.4	80.9
Males								
1996	6.7	2.2	--			2.7	3.6	15.3
2001	3.4	2.0	--			2.0	5.2	12.6
2006	4.5	2.4	1.0			1.6	9.3	18.7
2008	3.9	3.2	6.5	6.5	0.6	1.8	7.1	29.6
2009	8	3.0	16.0	6.7	0.6	2.2	5.4	41.9
2011	11.1	7.0	4.9	7.4	1.1	2.6	7.7	41.9
2014⁴	9.3	7.2	5.3	4.8	3.3	3.3	8.9	42.0
2015⁴	9	5.5	4.4	3.8	5.6	2.7	11.2	42.2
Females								
1996	7.4	2.8	--			2.5	3.2	15.9
2001	4.4	3.6	--			1.5	4.3	13.6
2006	4.4	3.3	1.4			1.7	6.6	17.3
2008	3.7	4.6	3.6	3.9	0.5	0.6	2.7	19.6
2009	5.1	4.4	9.2	4.4	0.6	1.8	4.6	30.1
2011	8.9	6.8	5.4	6.0	1.0	2.1	8.5	38.8
2014⁴	8.7	9.0	3.4	5.2	1.4	3.6	6.6	39.9
2015⁴	10.2	9.8	2.5	3.7	2.1	3.2	7.2	38.7

Notes: ¹ Prior to 2004, EU 12 New Member States classified with 'Other'.

² Prior to 2008, Australia and Canada included with 'Other'. ³ 'Other' Includes EU 12 NMS prior to 2004 and Australia and Canada prior to 2008. ⁴ Preliminary.

Source: Central Statistics Office (various years). *Population and Migration Estimates*. Available at www.cso.ie.

Table 15: Estimated Emigration by Nationality, 2006-2015

	Irish	UK	Rest of EU15	EU12 NMS	Rest of world	Total
			<i>1,000s</i>			
2006	15.3	2.2	5.1	7.2	6.2	36.0
2007	12.3	3.7	8.9	12.6	8.2	46.3
2008	13.1	3.7	6.0	17.2	9.0	49.2
2009	19.2	3.9	7.4	30.5	11.0	72.0
2010	28.9	3.0	9.0	19.0	9.3	69.2
2011	42.0	4.6	10.2	13.9	9.9	80.6
2012¹	46.5	3.5	11.2	14.8	11.1	87.1
2013¹	50.9	3.9	9.9	14.0	10.3	89.0
2014¹	40.7	2.7	14.0	10.1	14.4	81.9
2015¹	35.3	3.8	15.6	8.5	17.7	80.9
			%			
2006	42.5	6.1	14.2	20.0	17.2	100.0
2007	26.6	8.0	19.2	27.2	17.7	100.0
2008	26.6	7.5	12.2	35.0	18.3	100.0
2009	26.7	5.4	10.3	42.4	15.3	100.0
2010	41.8	4.3	13.0	27.5	13.4	100.0
2011	52.1	5.7	12.7	17.2	12.3	100.0
2012¹	53.4	4.0	12.9	17.0	12.7	100.0
2013¹	57.2	4.4	11.1	15.7	11.6	100.0
2014¹	49.7	3.3	17.1	12.3	17.6	100.0
2015¹	43.6	4.7	19.3	10.5	21.9	100.0

Source: Central Statistics Office (various years). *Population and Migration Estimates*. Available at www.cso.ie.

¹ Preliminary

Table 16: Estimated Emigration Flows classified by Age, 1991-2015

End April	0-14	15-24	25-44	45-64	65+	Total
Persons			<i>1,000s</i>			
1991	4.6	19.9	10.5	0.4	0.0	35.3
1996	0.9	21.4	8.1	0.7	0.0	31.2
2001	0.0	21.2	4.4	0.0	0.7	26.2
2006	2.2	15.9	14.1	2.1	1.7	36.0
2007	1.4	18.2	21.2	3.0	2.5	46.3
2008	1.6	17.8	24.0	2.9	3.0	49.2
2009	2.4	27.9	37.5	3.1	1.2	72.0
2010	2.0	26.7	36.5	2.9	1.1	69.2
2011	5.3	34.5	31.3	6.1	3.4	80.6
2012¹	4.9	35.8	39.5	5.6	1.2	87.1
2013¹	6.8	34.8	41.0	5.7	0.7	89.0
2014¹	6.0	33.5	37.6	3.4	1.5	81.9
2015¹	5.4	30.4	39.7	4.5	0.8	80.9
Males						
1991	2.3	9.5	5.8	0.1	0.0	17.6
1996	0.4	9.8	5.1	0.0	0.0	15.3
2001	0.0	9.9	2.4	0.0	0.4	12.6
2006	1.1	8.0	7.6	1.2	0.8	18.7
2011	2.5	15.9	17.9	3.1	2.4	41.9
2013¹	3.9	15.1	22.5	3.1	0.4	44.9
2014¹	2.2	15.8	22.3	1.4	0.4	42.0
2015¹	2.9	13.2	22.1	3.5	0.6	42.2
Females						
1991	2.3	10.4	4.7	0.3	0.0	17.7
1996	0.6	11.7	3.0	0.7	0.0	15.9
2001	0.0	11.3	2.0	0.0	0.3	13.6
2006	1.1	7.9	6.5	0.9	0.9	17.3
2011	2.7	18.6	13.3	3.1	1.0	38.8
2013¹	2.9	19.6	18.5	2.6	0.4	44.0
2014¹	3.8	17.7	15.3	2.0	1.1	39.9
2015¹	2.6	17.3	17.6	1.0	0.2	38.7

Note: ¹ Preliminary *Source:* Central Statistics Office (various years). *Population and Migration Estimates.* Available at www.cso.ie.

Irish emigration has always tended to apply predominantly to young people, even though when economic conditions in Ireland are depressed, it can extend to the older age groups. The most recent estimates available show that 38% of emigrants in the

year to April 2015 were in the 15-24 year age group, and almost half of the gross outward movement relates to those aged between 25 and 44 years.

Return Migration

In 2014, a total of 2,475 persons were refused entry at Ireland's external borders – an increase of over a quarter year-on year. Some 900 persons were found to be illegally present on the territory.⁹⁵

During 2014, a total of 114 persons were returned as part of forced return measures under Section 3 of the *Immigration Act 1999*, mainly to China (37 persons), Nigeria (21 persons), Malaysia (10 persons), Somalia (6 persons) and South Africa (6 persons). This represents a year-on-year decrease of almost a half in the number of persons deported from Ireland (209 persons in 2013). A further 739 deportation orders were signed during 2014, mainly for nationals of China (141 persons), Sudan (84 persons), Nigeria (37 persons), Pakistan (36 persons) and Malaysia (30 persons).

There were 83 EU Removal Orders effected during 2014, mainly to Lithuania (29), Poland (18), Latvia (10), Romania (10) and Spain (4). A total of 17 transfers were effected following positive determinations by the Office of the Refugee Applications Commissioner (ORAC) under the EU Dublin Regulation.⁹⁶

Provisional figures show 237 assisted returns during the year, including persons provided with administrative assistance (e.g. return of documents) by INIS and in receipt of voluntary assisted return by IOM Ireland.⁹⁷ Some 192 persons were in receipt of voluntary return and reintegration assistance from the International Organization for Migration (IOM) office in Dublin to 29 countries. The main country of nationality of persons receiving assistance from IOM Dublin were Brazil (58 persons), China (17

⁹⁵ Eurostat.

⁹⁶ Office of the Refugee Applications Commissioner (2015). Annual Report 2014. Available at www.orac.ie.

⁹⁷ Irish Naturalisation and Immigration Service (January 2015). 'Immigration in Ireland – 2014'. *Press Release*. Available at www.inis.gov.ie. To note that the year end document showed 189 assisted by IOM Ireland.

persons), Mauritius (14 persons), Moldova (12 persons), Malawi (11 persons respectively).⁹⁸

4. Population Trends

Overall Trends

The history of population and migration trends in Ireland since the early part of the nineteenth century has been outlined in earlier SOPEMI Reports. Tables 16 and 17 show historical population and migration statistics extending back to the middle of the last century. Table 17 provides annual average figures for the components of population change for intercensal periods over the time span from 1871 to 2014. This shows how both net migration and the natural increase in the population have influenced long-term demographic changes in Ireland.

The population of Ireland continued to increase during 2014, to an estimated 4,635,400 in April 2015 (Table 16). Table 17 shows that natural increase, the number of births in the State minus the number of deaths, has been positive over the period 1926-2011. The most recent intercensal period (2006-2011) shows the highest natural increase at 45,000 persons per annum, with 73,000 births and 28,000 deaths. Net migration has been more volatile than natural increase over the period 1926-2011. There were substantial population losses due to emigration in the late 1980s: the annual outflow peaked at over 70,000 in 1989. However the position stabilised in the early 1990s when migration inflows and outflows were more or less in balance. Inward migration grew steadily since the mid-1990s, to well over 150,000 per annum in 2007. However, in the context of the economic crisis, immigration declined to 42,000 in the twelve months to April 2010 and then increased slightly to almost 56,000 in the twelve months to April 2013. Migratory outflows have also increased in recent years, as returning immigrants have added their numbers to emigrating Irish nationals. In the twelve months to April 2014, the inflow of 60,600 was offset by an estimated outflow of 81,900, resulting in net outward migration of 21,400.

⁹⁸ IOM Dublin (March 2014).

Table 17: Population of Ireland (Republic) Since 1841

<i>Year</i>	<i>Population</i>
	<i>1,000s</i>
1841 ¹	6,529
1851 ¹	5,112
1861	4,402
1871	4,053
1881	3,870
1891	3,469
1901	3,222
1911	3,140
1926	2,972
1936	2,968
1946	2,955
1951	2,961
1961	2,818
1971	2,978
1981	3,443
1986	3,541
1991	3,526
1992	3,555
1993	3,574
1994	3,586
1995	3,601
1996	3,626
1997	3,664
1998	3,703
1999	3,742
2000	3,790
2001	3,847
2002	3,917
2003	3,979
2004	4,044
2005	4,131
2006	4,233
2007	4,376
2008	4,485
2009	4,533
2010	4,555
2011 ²	4,575
2012 ³	4,585
2013 ³	4,593
2014 ³	4,610
2015 ³	4,635

Notes: ¹Armed Forces excluded ²Census of Population ³Preliminary

Sources: Data from 1841 to 1981 are from previous reports; Data from 1981 to 2011 are from the Central Statistics Office website, Population Estimates: <http://www.cso.ie>. Data for 2012-2014 is from CSO (2014). *Population and Migration Estimates April 2014*. Available at www.cso.ie.

Table 18: Components of Population Change in Intercensal Periods 1871-2011

<i>Intercensal Period</i>	<i>Population Change</i>	<i>Natural Increase (i.e. births less deaths)</i>	<i>Net Migration</i>
<i>Annual Averages</i>			
1871-1881	-18	32	-50
1881-1891	-40	20	-60
1891-1901	-25	15	-40
1901-1911	-8	18	-26
1911-1926	-11	16	-27
1926-1936	0	16	0
1936-1946	0	17	-19
1946-1951	1	26	-24
1951-1961	-14	27	-41
1961-1971	16	29	-13
1971-1981	47	36	10
1981-1991	8	29	-21
1991-1996	20	18	2
1996-2002	49	23	26
2002-2006	81	33	48
2006-2011	68	45	24

Source: Central Statistics Office (various years). Census. Available at www.cso.ie.

Foreign Nationals in Ireland

The number of foreign residents in Ireland peaked in 2008 at over 575,000, or 12.8% of the total population. Their number declined during the Recession, to 550,400 in 2010, but has been growing again since 2012. By April 2015 the number of non-nationals resident in Ireland, 578,000, exceeded its previous, 2008, peak. However, the non-nationals share of the population, 12.5%, is still smaller than in 2008 due to growth in the population of Irish nationals. The single largest group of non-nationals is from the EU New Members States, There were 133,000 nationals of the new EU member states in 2006 (accounting for 3% of the total population) and this increased to 248,000 in 2008 (5.5% of the population). That number declined in the Recession to 228,600 in 2013, but increased again to over 237,000 in 2015. The number of immigrants from other

European countries has immigrants fallen from over 52,000 in 2010 to less than 32,000 in 2015, a sharp decline of 40%. Nationals from the Rest of the World (outside Europe) have increased in number since 2010 – to over 193,000 (or over 4% of the population) in 2014. This is consistent with the data on immigration presented in Table 2, and may be partly related to the influx of highly skilled immigrants to meet skill demands in particular sectors, particularly Information Technology and Health, and to the growth in the number of international students.

Table 19: Total Population 2006 to 2015 Classified by Nationality

	2006	2008	2010	2012	2014	2015
	<i>1,000s</i>					
Irish	3802.4	3909.5	3994.7	4035	4045.3	4057.4
Total Non-Irish	430.6	575.6	560	550.4	564.3	578.0
UK	115.5	117.9	115.9	113	114.9	115.5
Old EU 13	43.8	50.8	52.4	45.5	38.1	31.7
EU New Member States	132.5	247.7	233	229.4	230.7	237.4
Rest of World	138.8	159.2	158.7	162.5	180.5	193.4
Total Population	4232.9	4485.1	4554.8	4585.4	4609.1	4635.4
	<i>%</i>					
Irish	89.8	87.2	87.7	88	87.8	87.5
Total Non-Irish	10.2	12.8	12.3	12	12.2	12.5
UK	2.7	2.6	2.5	2.5	2.5	2.5
Old EU 13	1	1.1	1.2	1	0.8	0.7
EU New Member States	3.1	5.5	5.1	5	5	5.1
Rest of World	3.3	3.5	3.5	3.5	3.97	4.2
Total Population	100	100	100	100	100	100.0

Source: Central Statistics Office (various years). *Population and Migration Estimates, various.* Available at www.cso.ie.

Additional information on the stock of immigrants can be derived from Certificates of Registration. A Certificate of Registration is an immigration permission issued by the Garda National Immigration Bureau (GNIB) to lawfully resident non-EEA nationals who expect to stay in the State for more than three months. It verifies that the person has

registered with their registration officer. The Certificate of Registration contains the person's photo, registration number, relevant immigration stamp, and an expiry date. A total of 105,569 permissions were registered at the end of 2014 (a decrease of under 2% year-on-year), mainly to nationals of Brazil (15,124), India (11,118), China (9,528), USA (8,211) and Nigeria (5,306).

Table 20: All Valid Permits Issued by Reason on 31st December 2013, 2014

Reason	2013	2014
Family reasons	22,451	23,134
Education reasons	38,959	41,225
Remunerated activities reasons	16,256	15,831
Refugee status	971	876
Subsidiary protection	90	290
Other reasons	28,708	24,213
<i>Total</i>	107,435	105,569

Source: Eurostat.

Table 20 shows a slight drop of less than 2% in the number of permits on the 31st December 2014 year-on-year. Of interest, permits on the grounds of family reasons, education reasons and subsidiary protection all rose slightly from 2013 (3%, 6% and 222% respectively). The number of valid permits issued for 'other' reasons on 31st December 2014 had fallen by just under 16% since the same date previously.

Table 21 shows that the majority of valid permits issued on 31st December 2014 were to Brazilian nationals (15,124), an increase of just under 17% on the previous year's figure.

Table 21: Country of Nationality of Valid Permits Issued on 31st December 2013, 2014

Country of Nationality	Number	Country of Nationality	Number
	2013		2014
Brazil	12,929	Brazil	15,124
India	11,726	India	11,118
China (including Hong Kong)	9,874	China (including Hong Kong)	9,538
United States	7,670	United States	8,211
Nigeria	6,606	Nigeria	5,306
Philippines	5,676	Pakistan	5,060
Pakistan	5,036	Philippines	4,104
Malaysia	3,770	Malaysia	3,753
South Africa	2,829	Canada	2,531
Venezuela	2,413	South Africa	2,528

Source: Eurostat.

Change of Immigration Status

Table 22 shows changes in immigration status during 2014. A total of 4,162 persons changed status during the year – an increase of just under 7% on comparable figures for 2013 when 3,902 status changes occurred. Most overall changes of status again saw a change from education status, and during 2014 the largest single move was from education to remunerated activities, rather than for family reasons as in 2013.

A total of 76 persons changed from family reasons to other statuses, with the majority – 29 – for education reasons. Some 2,018 persons changed from education reasons, with the majority changing – 925 – for remunerated reasons. A total of 909 persons changed from remunerated activities, with the majority – 484 – to ‘other reasons’. Some 1,159 persons changed from ‘other reasons’, with the largest single category – 645 – on the grounds of family reasons.

Table 22: Change of Immigration Status, 2014

<i>From Reason</i>	<i>To Reason</i>	<i>Family Reasons</i>	<i>Education Reason</i>	<i>Remunerated Activities Reasons</i>	<i>Other Reasons</i>
<i>Family Reasons</i>			27	20	29
<i>Education Reasons</i>		717		925	376
<i>Remunerated Activities</i>		218	207		484
<i>Other Reasons</i>		645	152	362	

Source: Eurostat

Naturalisation

A total of 21,090 certificates of citizenship were issued during 2014, mainly to nationals of Nigeria (3,293), India (2,939), the Philippines (2,184), Pakistan (1,244) and Romania (1,029).

Beginning in 2011, new procedures and reforms have been implemented by the Department of Justice and Equality to facilitate more efficient and faster processing of citizenship applications including the previous backlog of applications. Some 18 citizenship ceremonies took place throughout 2014.⁹⁹ Year-end statistics show a decrease in application processing times from 31 months to less than 6 months in the majority of cases. The backlog of naturalisation applications waiting for a decision for more than six months – which stood at more than 22,000 in March 2011 – was stated to have been ‘comprehensively dealt with’. It was noted by the Minister of State at the Department of Justice and Equality that of a total of 10,596 persons declared refugees in Ireland up to the end of 2014, 6,900 had naturalised.¹⁰⁰

Statelessness

Ireland issued two declarations of statelessness during 2014. Although a party to the UN *1954 Convention Relating to the Status of Stateless Persons*, Ireland does not have a

⁹⁹ Irish Naturalisation and Immigration Service (January 2015). ‘Immigration in Ireland – 2014’. *Press Release*. Available at www.inis.gov.ie.

¹⁰⁰ Irish Naturalisation and Immigration Service (3 March 2015). ‘Address by Minister of State Ó Riordáin at the launch of the Refugee Integration in Europea (RICE) Report’. *Press Release*. Available at www.inis.gov.ie.

formal procedure for status determination.¹⁰¹ NGO commentary has centred on increasing evidence of it becoming an issue in immigration-related applications, with rights in domestic law, such as access to citizenship, remaining inaccessible to stateless persons.¹⁰²

5. The Labour Market

Labour Market Trends

The Irish economy moved into recession in the first half of 2008, leading to a dramatic deterioration in labour market conditions. Gross National Product contracted by 3.5% in 2008 and by over 8% in 2009. There was some growth in GNP in 2010 (less than 1%), offset by further contraction of 2.5% in 2011.¹⁰³

Total employment fell by almost 174,000 (8.2%) in the 12 months between Quarter 2 2008 and Quarter 2 2009, another 79,000 in the following 12 months to Q2 2010, and another 70,000 over the following two years to Q2 2012. This represented a cumulative decline in employment of almost 15.5% over the four years. Unemployment increased from less than 5% at the beginning of 2008 to 12% of the labour force in Quarter 2, 2009 and 15% in Q2 2012. The economy began to recover in 2012 on the back of buoyant exports associated with foreign direct investment. Total employment increased by 6.7% between Q2 2012 and Q2 2015. Unemployment fell from 15% in Q2 2012 to 9.8% in 2015.

Table 23 shows annual figures for employment, unemployment and net external migration over an extended period from 1983 to 2014. The time series suggests a strong association between Irish migration patterns and economic conditions, particularly in the labour market. For example, the global downturn that occurred in the early 1980s had a particularly severe impact on the Irish economy and by 1986 the

¹⁰¹ In October 2014, UNHCR produced a scoping paper '*Statelessness in Ireland*' to map the scale of the issue in Ireland. The paper noted the creation in July 2009 of an ad hoc procedure between UNHCR and INIS to facilitate the identification of any potential stateless persons. See UNHCR Ireland (October 2014) *Scoping Paper: Statelessness in Ireland*. Available at <http://www.refworld.org/pdfid/5448b6344.pdf>.

¹⁰² Catherine Cosgrave (22 April 2015). *Statelessness in Ireland – international obligations and national reality*. Available at www.statelessness.eu.

¹⁰³ Duffy, D., Durkan, J., and Casey, E. (2012). *Quarterly Economic Commentary, Autumn 2012*. Available at www.esri.ie.

unemployment rate had reached over 17%. The net outflows were substantial at the end of the decade - almost 45,000 in 1988/89, or 13.0 per thousand of the population.

Economic circumstances in Ireland in the period 1995-2000 improved. GNP growth averaged almost 9% giving rise to annual employment growth of about 5%. By April 2000 the unemployment rate had fallen to 4.3%. This unprecedented employment growth eventually gave rise to significant labour shortages, which in turn gave rise to a rapid increase in the influx of foreign workers. As the population figures have already indicated, these came not only from the EU15 (the citizens of which enjoy freedom of movement within Member States under EU law) but also from a wide range of other countries, mainly under the terms of the existing work permit system.

After 2004 there was a very substantial influx of nationals of the New Member States (NMS) of the EU. The rapid boom in the Irish economy ended around the turn of the century, although growth rates of around 5% per annum, well in excess of the EU average, were achieved in most years between 2000 and 2006. The pace of employment expansion fluctuated between 3% and 5% between 2000 and 2006 and fell to less than 3% in 2007. During this period most of the employment creation was in construction and the public sector, not sustainable in the long run. There was also strong employment growth in the services sector, particularly in the financial and other business services sector.

The Irish economy moved into recession in the first half of 2008.¹⁰⁴ The international credit crisis undermined house prices, which had inflated very rapidly in recent years. Government revenues were sharply reduced by rapid decline in stamp duty taxes on the sale of houses, as well as declining income tax revenue with falling employment, leading to a fiscal crisis of the State. The recession led to a dramatic and very rapid deterioration in labour market conditions. Total employment fell by almost 15.5% between mid-2008 and mid-2012. Employment losses were concentrated in construction and related sectors, but were nevertheless widespread across the private sector.

¹⁰⁴ Barrett, A., Kearney, I. and O'Brien, M. (2008). *Quarterly Economic Commentary, Summer 2008*. Available at www.esri.ie.

Table 23: Annual Estimates of Total Numbers at Work, Unemployed and Net Migration, 1983-2015

<i>Year</i>	<i>At Work</i>	<i>Unemployed</i>	<i>Labour Force</i>	<i>Unemployment Rate</i>	<i>Net External Migration</i>
	<i>1,000s</i>			<i>%</i>	<i>1,000s</i>
1983	1,144	181	1,325	13.6	-14
1984	1,122	204	1,326	15.4	-9
1985	1,099	222	1,321	16.8	-20
1986	1,095	226	1,321	17.1	-28
1987	1,108	225	1,333	16.9	-23
1988	1,111	217	1,328	16.4	-42
1989	1,111	197	1,308	15.1	-44
1990	1,158	172	1,332	12.9	-23
1991	1,156	198	1,354	14.7	-2
1992	1,165	207	1,372	15.1	7
1993	1,183	220	1,403	15.7	0
1994	1,221	211	1,432	14.7	-5
1995	1,282	177	1,459	12.2	-2
1996	1,329	179	1,508	11.9	8
1997	1,380	159	1,539	10.3	19
1998	1,506	128	1,633	7.82	17
1999	1,606	101	1,707	5.92	17
2000	1,684	80	1,764	4.5	26
2001	1,738	69	1,807	3.8	33
2002	1,769	82	1,851	4.5	41
2003	1,800	87	1,887	4.6	31
2004	1,852	88	1,940	4.5	32
2005	1,945	96	2,040	4.7	55
2006	2,035	99	2,134	4.6	72
2007	2,136	108	2,243	4.7	105
2008	2,147	131	2,278	5.7	64
2009	1,974	275	2,249	12.2	2
2010	1,894	305	2,199	13.9	-28
2011	1,861	317	2,179	14.6	-27
2012	1,836	323	2,159	15.0	-34
2013	1,870	301	2,171	13.9	-33
2014	1,902	255	2,156	11.8	-21
2015	1,959	211	2,170	9.8	-11.6

Notes: (a) The data from 1983 to 1987 are taken from earlier editions of this report.
 (b) The Labour Force data are defined according to ILO concepts.
 (c) Labour Force data refer to Quarter 2, migration data to the year ending April.

Sources:

(a) Central Statistics Office (various releases). *Labour Force Survey*. Available at www.cso.ie.
 (b) Central Statistics Office (various releases). *Quarterly National Household Survey*. Available at www.cso.ie.
 (c) Central Statistics Office (various years). *Population and Migration Estimates*. Available at www.cso.ie.
 (d) Employment and Unemployment, 1998-2014: Central Statistics Office (various years). *Quarterly National Household Survey: Revised Series Calendar Quarters*. Available at http://www.cso.ie/qnhs/calendar_quarters_qnhs.htm.

Unemployment increased from less than 5% at the beginning of 2008 to 15% in the second quarter of 2012. In response to this, emigration increased, immigration declined, and Ireland returned to net emigration in 2009-10 for the first time since the mid-1990s. Notwithstanding the recovery in employment, net emigration continued in 2014-15.

Table 24 tracks the trends in employment by nationality since 2004. Given that supply and demand in the labour market are influenced by seasonality, we focus on the fourth quarter of each year so as to compare like with like.¹⁰⁵

The role of immigrants in meeting the demand for labour in the booming Irish economy between 2004 and 2007 is clearly evident. The number of non-Irish nationals in employment increased from 164,400 at the end of 2004 to 341,500 at the end of 2007, at the peak of employment and immigration. This represented a very rapid increase, from less than 9 per cent to almost 16 per cent of total employment, between 2004 and 2007. Over that three-year period the total number of non-Irish nationals in employment more than doubled. The growth in numbers from the EU NMS was particularly strong: over 300 per cent.

After 2007, however, immigrants began to lose ground in the Irish labour market. Total employment fell by over 14% between the end of 2007 and the end of 2012. While employment among Irish nationals fell by 13%, it fell by 21% among non-Irish nationals. Non-Irish nationals accounted for almost 16 per cent of total employment in 2007; this share had fallen below 15% by the end of 2012. Employment among NMS nationals contracted by over 26% between 2007 and 2012 and among UK nationals by 18%. The biggest employment losses occurred in construction, in the wholesale and retail trade, and in accommodation and food services; these sectors had expanded substantially, and with large increases in migrant labour, during the boom years.

¹⁰⁵ Revised estimates of population and migration by nationality for 2007 to 2011 were published (CSO, 2012a) in line with the results of the 2011 Census. The population estimate for 2011 was revised upwards by 90,600, with smaller adjustments for 2007 to 2010. Immigration estimates were also revised upwards. Revised estimates of labour force data for the adult population (over 15 years) were published in late 2012 (CSO, 2012b).

Table 24: Employment by Nationality, 2004–2014, 4th quarters

	2004	2007	2012	2014	2004-07	2007-12	2012-
	<i>1,000s</i>				<i>% change</i>		
Irish	1735.	1814.5	1579.9	1653.4	4.6	-12.9	4.7
Non-Irish	164.4	341.5	269.2	285.6	107.7	-21.2	6.1
<i>of which:</i>							
UK	43.6	56.8	46.5	51.0	30.3	-18.1	9.7
EU-13	27.3	32.4	29.1	20.5	18.7	-10.2	-29.6
EU NMS	40.9	171.3	125.9	133.5	318.8	-26.5	6.0
Other	52.6	81.0	67.7	80.5	54.0	-16.4	18.9
Total	1899.	2156.0	1848.9	1939.0	13.5	-14.2	4.9
	<i>%</i>						
Non-Irish	8.7	15.8	14.6	14.7			

Source: Central Statistics Office (various years). *Quarterly National Household Survey*. Available at www.cso.ie

In the more recent context of economic recovery, total employment increased by almost 5% between the end of 2012 and 2014. Employment among Irish natives increased by 4.7% and among non-Irish by over 6%. The rate of growth was greatest (19%) among those from outside the EU, reflecting demand for skills in short supply among Europeans, and among UK nationals (10%). Notwithstanding the economic recovery, employment of nationals of the older EU countries (other than UK) continued to decline, by a dramatic 30% between 2012 and 2014.

The national unemployment rate increased from 4% of the labour force in the first quarter of 2007 to 15% in the third quarter of 2012. Unemployment increased by 220,000 people overall, and by 185,000 among Irish nationals and 36,000 among non-Irish nationals. As the recession deepened, the gap in unemployment rates grew wider between Irish and non-Irish nationals (see Figure 2). At the end of 2007 the unemployment rate among Irish nationals was 4.4%, compared with 5.8% among non-Irish nationals: a gap of less than 1.5%. Following substantial job losses in late 2008 and early 2009, the unemployment rate among non-Irish nationals was 15% in the first quarter of 2009, 5% higher than the unemployment rate among Irish nationals. Unemployment continued to grow until the middle of 2012, although the gap between Irish and non-Irish nationals declined somewhat. Since then unemployment has trended downwards, by about 3 percentage points in the case of both Irish and non-Irish

nationals, so that by Q2 2014, the unemployment rates were 11.3% among Irish and 14.6% among non-Irish nationals, and the gap in rates has been steady at about 3% for the past year or so.

The national unemployment rate increased from 4% of the labour force in the first quarter of 2007 to 15% in the third quarter of 2012 (see Figure 2). Unemployment increased by 220,000 people overall, and by 185,000 among Irish nationals and 36,000 among non-Irish nationals. As the recession deepened, the gap in unemployment rates grew wider between Irish and non-Irish nationals. At the end of 2007 the unemployment rate among Irish nationals was 4.4%, compared with 5.8% among non-Irish nationals: a gap of less than 1.5%. Following substantial job losses in late 2008 and early 2009, the unemployment rate among non-Irish nationals was 15% in the first quarter of 2009, 5% higher than the unemployment rate among Irish nationals. Unemployment continued to grow until the middle of 2012, although the gap between Irish and non-Irish nationals declined somewhat. Since then unemployment has trended downwards, by about 5 percentage points in the case of Irish and up to 7 percentage points among non-Irish nationals, so that by Q4 2014, the unemployment rates were 9.6% among Irish and 11.5% among non-Irish nationals, and the gap in rates had fallen to about 2% for the past year or so.

Figure 2: Unemployment Rates, Irish and Non-Irish Nationality, 2004–2014

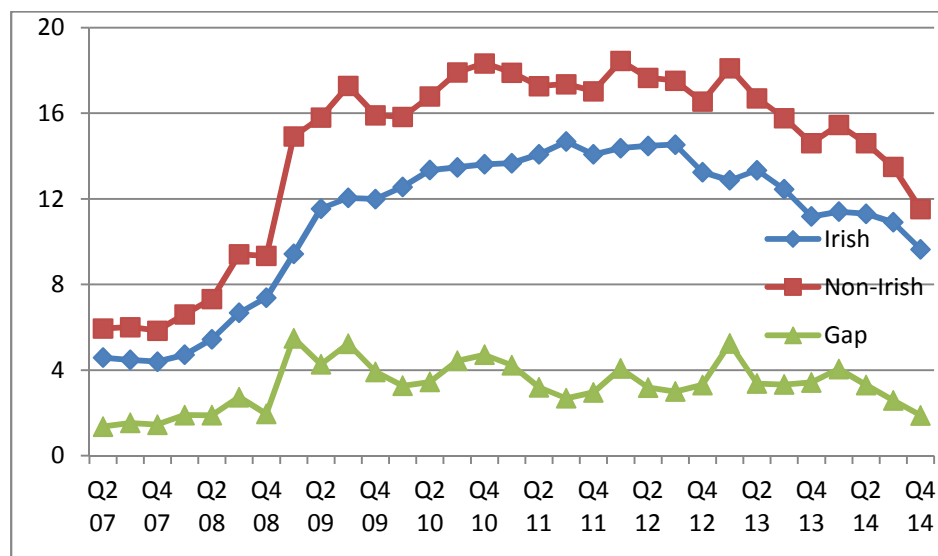


Table 25: Unemployment Numbers and Rates by Nationality, 2007 and 2014 (Q4)

	2007		2014	
	1,000s	% Rate	1,000s	% Rate
Irish Nationals	83.4	4.4	176.4	9.6
Non-Irish Nationals	21.2	5.8	37.2	11.5
of which:				
UK	4.6	7.5	8.0	13.6
EU-13	3.2	9.8	--	--
EU NMS	10.3	5.7	15.7	10.5
Other	5.1	5.9	12.0	13.0
Total Persons	104.6	4.6	213.6	9.9

Source: Central Statistics Office, Quarterly National Household Survey. Available at www.cso.ie.

In late 2014, UK nationals had the highest unemployment rate, 13.6%, followed closely by those from the Rest of the World. Unemployment among nationals of the EU NMS at 10% was close to that among those from outside of the EU. Unemployment among nationals of the Old EU states was negligible, although as we have seen this group declined dramatically in size during the recession suggesting that they responded to the deterioration in the labour market by leaving, and continued to emigrate during the recovery.

During the period of the Celtic Tiger and in the context of the large influx of new immigrants, a substantial body of research emerged showing that immigrants suffered multiple disadvantages in the Irish labour market, when other influential factors, such as age, gender and education were controlled. Unemployment was shown to be consistently higher among immigrants than natives (McGinnity et al., 2013). Immigrants tended to be over-educated: employed at occupational levels below their skill level (Barrett and Duffy, 2008; O'Connell and McGinnity, 2008). There was also evidence of substantial wage penalties, whereby immigrants earned less than Irish nationals, and this varied by national group (Barrett and McCarthy, 2007). Higher rates of discrimination in the labour market were also reported among immigrants than among white Irish natives (O'Connell and McGinnity, 2008). Given that these studies sought to control for the composition of immigrant groups – in terms of age, education, gender etc. – these results point to an *immigrant penalty* associated with the status of immigrant *per se*, rather than to any personal or human capital characteristics that

might lead to poorer labour market outcomes. We have already seen that the Great Recession led to a dramatic deterioration in the Irish economy after 2008 and that immigrants were more exposed to its consequences, with greater employment losses and higher unemployment. Given this experience and against the backdrop of disadvantage experienced by immigrant groups during the boom, it is important to assess whether immigrant *penalties* persisted or increased in the course of the Recession.

McGinnity et al. (2014) compared labour market outcomes in 2007 and 2012 in their assessment of the impact of the Great Recession. They found that in 2007, at the end of the boom, all migrant groups, apart from Old EU 13 and EU NMS had lower employment rates than Irish nationals, with Africans showing by far the lowest employment. All nationality groups experienced a fall in employment by 2012 in the depths of the recession. However, controlling for other relevant factors, the employment gap between Irish and all other groups narrowed during the Recession. They found a similar pattern in relation to unemployment: most non-nationals groups experienced higher unemployment risk than Irish nationals in 2007. The unemployment gap was particularly high for Africans, and all groups, including Irish nationals experienced a sharp increase in unemployment. However, the relative gap in unemployment between Irish and other groups did not generally increase with two exceptions: the rise in unemployment among the EU NMS group was somewhat steeper than that of the Irish, and the size of the African disadvantage increased over time. These results suggest a general pattern of persistence rather than intensification of immigrant penalties over the course of recession. Kelly et al. (2015) found that labour market outcomes for newly nationalised immigrants deteriorated in 2012 and 2014, relative to Irish nationals' unemployment, but this appears to have been due less to the impact of the business cycle and more to the personal characteristics of this particular group: there was a marked increase in naturalisations of immigrants from 2011, and many were refugees who had been excluded from the labour market for extended periods of time while awaiting decisions on their asylum claims.

Illegal Employment of Foreign Workers

Access to the Irish labour market is two-tiered. In tier 1, nationals of EU Members states have full access to the labour market. In tier 2, access of non-EU nationals is governed by the Employment Permits system. It is from among the latter sub-population group that illegal employees are likely to be drawn. At the end of 2014, an estimated 285,600 non-Irish nationals were at work in the Irish economy. Over 205,000 of these (72%) were EU nationals, and thus in tier 1, and just over 80,000 were from outside the EU, equivalent to about 28% of non-nationals at work and about 4% of the total workforce. A recent survey estimates that there are between 20,000 and 26,000 undocumented adult migrants living in Ireland¹⁰⁶. The survey of 540 undocumented migrants suggests that 87% were in employment, concentrated in Restaurant and Catering (37.5%), Domestic Work (32.5%), and Cleaning (10.5%). Over 80% of respondents had been living in Ireland for over 5 years, 40% for 8 years. Over 86% indicated that they had entered Ireland legally and then fallen into irregularity.

The Employment Permits system is implemented by the Department of Jobs Enterprise and Innovation. The system was revised in 2014 and provided for nine types of employment permits (see Section 1). The National Employment Rights Authority (NERA)¹⁰⁷ carries out inspections to ensure workplaces are properly regulated and to promote maximum compliance with minimum employment standards and employment permit requirements. Overall, NERA carried out 5,600 inspections/visits by their Inspection & Enforcement service during 2014 and detected 600 possible breaches of the Employment Permits Act and a total of 63 employers were successfully prosecuted. The 600 possible breaches represented a 32% increase in detections compared with the previous year.

Up to 2014, an anomaly in the enforcement of employment rights in Ireland was that employers who might have been deemed to have violated the rights of illegally employed workers (for example by paying less than the minimum wage, withholding wages, not returning tax deductions or social insurance contributions to the relevant

¹⁰⁶ Migrant Rights Centre Ireland, 2014, "Ireland is Home: An analysis of the current situation of undocumented migrants in Ireland." Dublin: MRCI.

¹⁰⁷http://www.workplacerelations.ie/en/Workplace_Relations_Bodies/National_Employment_Rights_Authority.

authorities, or violating regulations on working hours or leave entitlement) could not be prosecuted because the employment contract between the employer and the illegal employee had no legal standing. The Employment Permits (Amendment Act) 2014 is designed to amend the *Employment Permits Act 2003*, arising out of the High Court's decision in *Hussein v. Labour Court*,¹⁰⁸ which overturned a decision of the Labour Court to award a third-country national back-pay and other money, on the basis that his contract of employment was unlawful by reason of what the High Court considered to be his failure to have an employment permit.¹⁰⁹ The 2014 Act provides for a defence to a charge of having been employed without an employment permit, where it can be proved that the foreign national took all reasonable steps to ensure compliance with the section. It also allows the foreign national to seek compensation against an employer, despite the illegality of the contract.¹¹⁰ The new legislation should provide some protection for workers in illegal employment situations and may act, and insofar as it does, serve as a deterrent to the illegal employment of migrants.

In October 2014 the Reactivation Employment Permit (REP) Scheme was introduced to allow former holders of work permits who have become undocumented to apply for a reactivation work permit and regularise their status. The temporary measure is designed to allow foreign nationals who enter the State on a valid Employment Permit but who fall out of the system through no fault of their own, or who have been badly treated or exploited in the workplace, to work legally again. The Irish Naturalisation and Immigration Service will accept applications for temporary immigration permission (Stamp 1) from eligible candidates. Successful candidates will be granted a stamp 1 for four months. During this four month period the applicant must apply to the Department of Enterprise Jobs and Innovation for a Reactivation Employment Permit. This measure should reduce the incidence of undocumented workers and reduce their exposure to exploitation by employers seeking to take advantage of their undocumented status.

¹⁰⁸ *Hussein v. Labour Court* [2012] IEHC 364.

¹⁰⁹ The High Court's decision was overturned on appeal: see *Hussein v. Labour Court* [2015] IEHC 58.

¹¹⁰ See www.emn.ie.