

## Campaign on New Immigration Law 2005 – 2008

### Introduction:

In April 2005, the Government published proposals for a new *Immigration, Residence and Protection Bill* and invited submissions from the public in response to its proposals. Since then, the Immigrant Council of Ireland has been campaigning for the Government to adopt a rights-based approach to immigration legislation, to establish a fairer, more transparent and strategic immigration system in this country.

### ICI campaign 2005 - 2006

- In April 2005, the Government published its proposals for new immigration legislation and invited public submissions. In response to the proposals, the Immigrant Council initiated a campaign and communications strategy to encourage organisations, groups and individuals to make submissions to the Government and to promote a rights-based approach to immigration law in Ireland.
- The ICI published a briefing paper summarising the Government's proposals, providing an initial response with recommendations for change. This report, "**Summary Analysis and Initial Response to the Government's Proposals for an Immigration and Residence Bill**" can be found in the **Publications and Research** section of our website.
- The ICI brought together Irish and international speakers at a well-attended event to discuss the proposals in detail. In conjunction with this event, the ICI also produced a briefing pack with the aim of encouraging and assisting other organisations to make submissions as part of the Government's consultation process. The briefing pack contained a briefing paper on the Government's proposals, a CD ROM, a glossary of migration terms and a statistical leaflet on immigration to Ireland.
- Our concerns and initial responses to the proposals were raised at a briefing sessions with TDs, senators and MEPs.
- An information and outreach campaign was conducted to discuss the Government's proposals with other organisations and to facilitate the development of their responses. A number of sessions were conducted with migrant support groups and other community groups around the country.
- Meetings were held with stakeholders including: politicians, social partners, commentators, the business, health, construction and farming sectors, as well as the wider community sector.
- An ICI Legal Services staff member spoke at the Law Society of Ireland/Irish Human Rights Commission conference, "*Migrant Workers and Human Rights Law*".
- The ICI also made a detailed submission to the Government on the proposals. **Submission: Immigration and Residence in Ireland: A Response to the Department of Justice, Equality and Law Reform's discussion document outlining policy proposals for an Immigration and Residence Bill (July 2005)**, can be found in the **Publications and Research** section of our website.
- The ICI invited Dr Demetrios Papademetriou, president of the Washington-based think-tank, the Migration Policy Institute, to Ireland as an expert on immigration policy and legislation. A series of meetings was arranged with government officials and Dr

Papademetriou was keynote speaker at the ICI's public lecture, "*Immigration: the International Experience – Implications for Ireland*".

- In June 2006, the ICI launched its research document, "*Family Matters*" (**this document can be found in the Publications and Research section of our website**). "*Family Matters*" outlines issues relating to family reunification for migrants in Ireland, an area which consistently ranks among the most common queries dealt with by our Information and Support Service. The ICI has been campaigning for clear and transparent rules for family reunification to be included in Ireland's immigration legislation.
- In July 2006, the ICI co-hosted held a seminar entitled, "*Addressing the Needs of Black and Minority Ethnic Women Experiencing Male Violence*", with Women's Aid and Akidwa. The ICI had highlighted the challenges facing migrant women without independent immigration status who experience domestic violence in our submission on the proposed legislation. The seminar was held as a result of a national survey of service users that highlighted issues for migrant women in relation to the proposed legislation.

#### **Publication of the Scheme of the Immigration, Residence and Protection Bill**

- The Scheme of the *Immigration, Residence and Protection Bill* was published in September 2006. The ICI raised concerns that views expressed in submissions during the public consultation phase had not been incorporated in the Bill and the debate around the legislation was focussing on illegality and criminality.
- The ICI conducted an initial analysis of the Bill, which was distributed to NGOs in the sector.
- Meetings were held with various stakeholders and policy officials at the Department of Justice, Equality and Law Reform.
- An ICI Legal Services staff member spoke at the Law Society of Ireland conference, "*New Rules for the New Irish*".
- Senior counsel was instructed to provide the ICI with an opinion on the Bill. The opinion was broad in nature and was re-visited following publication of the Bill in April 2007.
- The ICI argued for a review of the legislation with recommendations relating to specific areas during talks with the political parties about their manifestos and the subsequent Programme for Government.

#### **Publication of the *Immigration, Residence and Protection Bill* (2007)**

- The *Immigration, Residence and Protection Bill* was published in April 2007, days before the dissolution of the Dáil before the general election. As a consequence of the dissolution of the Dáil, the Bill lapsed.
- The Bill, which was expected to be reintroduced to the Oireachtas before the end of 2007, with some amendments, was examined in detail during this period.
- The ICI instructed senior counsel to advise on specific sections of the Bill as published in April (ministerial discretion, immigration policy statements, lack of an independent appeals mechanism for immigration decisions, access to the courts, omission of a statutory right to family reunification, omission of bridging permits, restrictions on the right to marry, lack of clarity).
- The ICI joined in coalition with other NGOs and published an information leaflet about the Bill.
- The ICI made a presentation to Integrating Ireland members on the legislative process and issues of concern in the Bill at their September Dublin-Kildare regional meeting.
- Counsel was asked to provide an opinion on the constitutionality of the proposed legislation and compatibility with Ireland's human rights obligations.

## **Publication of the *Immigration, Residence and Protection Bill (2008)***

- The *Immigration, Residence and Protection Bill (2008)* was published on January 29, 2008.
- On publication of the Bill, the ICI issued a press release raising issues relating to the Bill's lack of clarity, the lack of provision of an independent appeals tribunal for immigration decisions (as promised in the Programme for Government), lack of provisions relating to family reunification and the Bill's provisions relating to trafficking.
- On February 13, the NGO Coalition (ICI, Integrating Ireland, MRCI, RIS and IRC) held a joint press conference on concerns about the Bill's constitutionality and provisions incompatible with Ireland's human rights obligations.
- The ICI held briefings with a number of TDs and senators about our concerns about the legislation.
- In addition, the ICI made a submission to the Joint Committee on Justice, Equality, Defence and Women's Rights on the Bill and was then invited to make a presentation to the committee.
- The ICI prepared and distributed a detailed analysis of the legislation, including suggested amendments (this analysis can be found in the **Publications and Research** section of this website).
- The ICI hosted a meeting for lawyers to discuss the proposed the legislation. A second lawyers' meeting was hosted by the ICI, ICCL and FLAC.
- The ICI's Legal Services staff provided briefings to: the Bar Council; the Law Society of Ireland Human Rights Committee; the Dublin Solicitors Bar Association Continuing Professional Development Seminar; and the Irish Women Lawyers' Association.
- The ICI attended meetings about the Bill with officials from the Department of Justice, Equality and Law Reform, NGOs and other stakeholders, including faith leaders.
- Letters outlining specific concerns about the legislation were sent to specific sectors including health professionals, chambers of commerce and business groups, organisations working with women who have experienced domestic violence and the tourism sector.
- In addition, the ICI wrote to the Garda Síochána Ombudsman Commission about our call for immigration officers to come under that organisation's remit.
- The Government introduced administrative immigration arrangements to deal with protection of victims of trafficking. The ICI held or co-hosted a number of roundtable discussions on the issue of trafficking of women and children into Ireland for the purposes of sexual exploitation during 2007 and 2008 and highlighted the inadequate protections provided for in the immigration legislation. A number of recommendations made by the ICI have since been adopted by the Government.