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International migration in Ireland, 2014¹

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Introduction

This working paper is based on 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 2013, although information relating to early-2014 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 2013, 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 2013, to an estimated 4,609,600 in April 2014. . In the twelve months to April 2013, the inflow of 60,600 was offset by an estimated outflow of 81,900, resulting in net outward migration of 21,400.

These migration trends reflect some improvement in economic conditions. 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 about 12% over the years 2008 and 2009. Subsequent economic growth has been extremely sluggish through the end of 2013. The Great Recession led to a dramatic and very rapid deterioration in labour market conditions. Total employment fell by over 15% between mid-2008 and mid-2012. 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. With a weak recovery in employment, which increased by

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

less than 2% annually between 2012 and 2013, there was a slight increase in inward migration and a reduction in out-migration in the 12 months to 2014 compared with the previous year, with the result that net migration fell from -33,100 in 2012-13 to -21,400 in 2013-14.

Immigration from most countries declined after the end of the boom period. In the year to April 2014 the number of immigrants from the New EU members states (NMS) was down to about 10,000 (about 16% of total immigration). The number of immigrants from the Rest of the World (excluding the EU) increased to 25,500 in 2013-14 (37% of the total). 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.

In the twelve months to 2014, emigration of Irish nationals dropped from almost 51,000 to just over 40,000, which represented about 50% of total emigration. Other than Irish, the largest emigrating nationalities are from outside the EU and from the old pre-enlargement EU countries: 14,000 citizens of the older pre-enlargement EU Member States (excluding Ireland and the UK) emigrated in 2013-14. This represents over 30% of the estimate of their population as of April 2013, 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: just over 10,000 nationals of the EU NMS emigrated in the year to 2014, the smallest number in many years.

In the labour market, in the more recent context of sluggish economic growth, there has been some recovery in employment. Employment among Irish natives increased by 3% and among non-Irish by over 5%. The rate of growth was greatest (12%) among those from outside the EU, reflecting demand for skills in short supply among Europeans, and among UK nationals (7%). Employment of nationals of the older EU countries (other than UK) continued to decline. Unemployment grew throughout the recession 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.

Two particularly relevant pieces of legislation were enacted during 2013, the *Criminal Law (Human Trafficking) (Amendment) Act 2013* and *Union (Subsidiary Protection) Regulations 2013 (S.I. No.426 of 2013)*. The *Criminal Law (Human Trafficking) (Amendment) Act 2013* introduces a number of changes in substantive criminal law and criminal procedure in relation to trafficking offences. The Act replaces and expands the original definition of exploitation in the *Criminal Law (Human Trafficking) 2008 Act*. This now covers trafficking for the purposes of forced begging and incorporates the definition of begging set out in the *Criminal Justice (Public Order) Act 2011*. The *European Union (Subsidiary Protection) Regulations 2013 (S.I. No.426 of 2013)* were drafted and 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*.² Pending consideration of the Judgment, some 3,800 subsidiary protection claims were put on hold.³ Under the 2013 Regulations, subsidiary protection applications are now dealt with in a similar manner to the determination of refugee applications: applicants for subsidiary protection now have permission to remain in the State for the duration of their application; responsibility for the processing of applications for subsidiary protection (new and old cases) has been transferred from the Minister for Justice and Equality to the Office of the Refugee Applications Commissioner; and applicants have the right of appeal to the Refugee Appeals Tribunal.

In May 2013 Ireland announced that it would not be exercising an option under the Treaty to restrict access to Ireland's labour market for nationals of Croatia. This decision follows an assessment made in light of analysis and recent data of a possible

² High Court in *M.M. v. Minister for Justice* (Unreported, High Court, 23 January, 2013).

³ 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.

impact on the Irish labour market in light of granting access including conclusions that it was 'highly unlikely that significant numbers of Croatians wish to migrate to Ireland'.⁴

A Highly Skilled Job Interview Authorisation was introduced on a pilot basis to provide 'subject to normal immigration requirements and procedures at the port of entry, permission to enter the State on a temporary basis will be granted to non-EEA nationals who have been invited by an employer based in the State to attend an interview for employment in a recognised highly skilled shortage occupation' as listed on the Department of Jobs, Enterprise and Innovation website.

An Atypical Working Scheme was also announced on a pilot basis in April 2013, effective from 2 September 2013. It provides for certain categories of works such as those employed in the State on a short-term, contract basis (between 14 and 90 calendar days inclusive), non-EEA nationals employed on a trial basis (not exceeding 90 days inclusive from date of entry), and other categories of employment which may not be covered by the Employment Permits Acts.⁵ The Scheme applies in cases where a skill shortage has been identified; to provide a specialised or high skill to an industry, business or academic institution; or to facilitate trial employment in respect of an occupation on the Highly Skilled Occupations List.⁶

Changes to the Immigrant Investor Programme were announced in 2013 effective as from mid-July, with changes to the Start-Up Entrepreneur Programme (STEP) announced in March 2014. Changes to the Investor Programme during 2013 saw the investment threshold for the option of a Government Bond reduced from €2m to €1m (from a 5 year bond at 1%pa to a 0% interest rate). In addition, the financial requirement for an enterprise investment was halved from €1m in an Irish enterprise for 3 years to a €500,000 requirement for the same time. A new category of investment

⁴ Department of Jobs, Enterprise and Innovation (24 May 2013). 'Statement by the Department of Jobs, Enterprise and Innovation re Labour market issues relating to 2011 EU Accession Treaty'. Available at <http://www.djei.ie/index.htm>

⁵ See Irish Naturalisation and Immigration Service (2013). 'New Initiatives between the Department of Justice and Equality (INIS) and the Department of Jobs, Enterprise and Innovation'. Available at [http://www.inis.gov.ie/en/INIS/Pages/NEW%20INITIATIVES%20BETWEEN%20THE%20DEPARTMENT%20OF%20JUSTICE%20AND%20EQUALITY%20\(INIS\)%20AND%20THE%20DEPARTMENT%20OF%20JOBS,%20ENTERPRISE%20AND%20INNOVATION](http://www.inis.gov.ie/en/INIS/Pages/NEW%20INITIATIVES%20BETWEEN%20THE%20DEPARTMENT%20OF%20JUSTICE%20AND%20EQUALITY%20(INIS)%20AND%20THE%20DEPARTMENT%20OF%20JOBS,%20ENTERPRISE%20AND%20INNOVATION)

⁶ As defined at www.djei.ie/labour/workpermits/highlyskilledoccupationslist.htm.

was created in a managed fund to invest in Irish businesses and projects; an investment of €500,000 is required. Some decreases in terms of mixed investment involving property and group endowments is also provided for.⁷ A related change regarding the 'reckonability' of tuition fees paid to Irish tertiary educational establishments for the children of investors was also announced. Changes to the STEP saw a general reduction in the required minimum investment from €75,000 to €50,000. 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. A 12 month immigration permission is to be made available for two categories of persons: foreign national entrepreneurs attending 'incubators or innovation bootcamps' in Ireland 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.

A number of changes were made to the employment permits regime in 2013 to facilitate access for highly qualified workers. These included the opening of Green Card occupations to all sectors; an increase in the level of information and declaration rather than provision of documents to simplify the application process; a reduction in advertising requirements prior to offering employment to third country nationals; permitting of Intra-Corporate Transfer Employment Permit and Contract Service Provider Employment Permit holders to apply for other employment permits; and the removal of various restrictions to applicants from within Ireland if they have a valid legal status and Garda National Immigration Bureau number and are applying for an eligible occupation.

New policy guidelines regarding family reunification applications in the immigration system in Ireland were published in December 2013. Generally applicable from early 2014, it was noted that the required administrative changes and recommendations would take time to fully implement.

⁷ In terms of mixed investments, Investment in a residential property of minimum value of €450,000 and a straight investment of €500,000 into the immigrant investor bond, giving a minimum investment of €950,000. The level of investment into the bond would no longer be linked to the value of the property purchased. In terms of endowments, a €500,000 philanthropic donation by an individual (€400,000 where 5 or more individuals pool their endowment for one appropriate project). See Irish Naturalisation and Immigration Service (5 July 2013). 'Shatter announces changes to Immigrant Investor Programme'. *Press Release*. Available at www.inis.gov.ie.

In November 2013, Thailand was added to the list of applicable countries under the Visa Waiver Scheme, bringing the number of countries covered by the Scheme to eighteen.⁸

During 2013, automated border e-gates were tested at Dublin Airport for the first time. Trialled at Pier A/D, approximately 115,000 passengers used the gates during the six month trial. As of year-end, 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.

In a year-end review of 2012 developments, the Minister for Justice, Equality and Defence stated that he would be 'prioritising cooperation with the UK on initiatives such as a Common Travel Area visa... and systems for improved collection and sharing of visa data' in 2013.⁹ In a year-end review of 2013 activities the Minister remarked that 'enhanced' data sharing with UK authorities had been established during 2013 in order to cross-check Irish visa applicants with an adverse UK immigration and/or criminal history, and that over 75,000 checks had taken place against UK records during the year.

The continued 'civilianisation' of certain immigration officer services at Dublin Airport was outlined under cost-saving measures with the aim of freeing up Gardaí (police) from administrative duties.

⁸ Irish Naturalisation and Immigration Service (14 November 2014). 'Minister for Justice, Equality and Dence, Alan Shatter, TD, announces addition of Thailand to Visa Waiver Programme. Tourist and other short-stay visitor numbers likely to rise'. *Press Release*. Available at www.inis.gov.ie.

⁹ Irish Naturalisation and Immigration Service (January 2014). 'Immigration in Ireland – 2013 in Review'. *Press Release*. Available at www.inis.gov.ie.

2. Major Developments in Migration and Integration Policy

Overall during 2013, an estimated 166,000 new applications were received by the Irish Naturalisation and Immigration Service (INIS), including applications for visas, residence, protection and citizenship. A total of almost 176,600 decisions were issued and over 97,100 new or renewed registrations were issued by the Garda National Immigration Bureau (GNIB).¹⁰ Provisional year-end figures for 2013 estimated that there were 120,000 non-EEA nationals with permission to remain in Ireland, mostly for work or study purposes. The Irish Naturalisation and Immigration Service (INIS) has attributed a sharp drop in permissions (particularly since 2010 when the comparable figure was over 133,000) to concerted efforts to ‘reduce the backlog’ of citizenship cases. Nationals of India (11%), Brazil (10%), China (9%), Nigeria (8%), USA (6%) and the Philippines (6%) accounted for over 50% of all persons registered.¹¹

Government and Departmental Strategy Documents

A second review of the 2011 *Programme for Government Common Statement* took place during 2013. The *Programme for Government: Annual Report 2013* commented on progress within a number of key areas by the Government. With the aim of creating jobs, the impact of the further extension of the Irish Short-Stay Visa Waiver Programme was noted, particularly the effect during the 2012 London Olympics when over 30 countries sent teams or athletes to Ireland for pre-training.¹² Also noted was the continued roll-out by the Irish Naturalisation and Immigration Service (INIS) of a multi-entry visa regime for business travellers, with visas granted for up to a three-year duration.¹³ Free of charge visa applications for persons attending approved events under 2013 ‘The Gathering’ were to be provided and to be processed on a priority basis. The continued ‘civilianisation’ of certain immigration officer services at Dublin Airport

¹⁰ Irish Naturalisation and Immigration Service (January 2014). ‘Immigration in Ireland – 2013 in Review’. *Press Release*. Available at www.inis.gov.ie.

¹¹ Irish Naturalisation and Immigration Service (January 2014). ‘Immigration in Ireland – 2013 in Review’. *Press Release*. Available at www.inis.gov.ie.

¹² During the 2012 London Olympics, more than 30 countries sent teams or athletes to Ireland for pre-Olympic training during the year with all Olympic accreditation documentation issued to competitors, coaches, officials and media representatives was accepted in lieu of an Irish visa for those wishing to visit Ireland.

¹³ The 2013 Report noted the continued roll-out of a multi-entry visa regime for business travellers, starting with the Gulf Region (2011), followed by Russia and China (2012) and expected to extend to India (2013). The regime allows for the granting of visa for up to a three-year duration.

was outlined under cost-saving measures with the aim of freeing up Gardaí (police) from administrative duties. The enactment of the *Criminal Justice (Female Genital Mutilation) Act 2012* was also highlighted, as were draft Heads of a new Irish Human Rights and Equality Commission Bill which would amalgamate the Irish Human Rights Commission (IHRC) and the Equality Authority and oblige public bodies to set out their consideration of relevant human rights and equality issues in strategic plans and annual reports. The Report outlined preparations for the establishment of the New Child and Family Support Agency, to include responsibility for the Social Work Team for Separated Children Seeking Asylum.¹⁴ The rationalisation of four accreditation bodies¹⁵ was noted via the establishment of the Quality and Qualifications Ireland (QQI) in November 2012.¹⁶

Legislation

Criminal Law (Human Trafficking) (Amendment) Act 2013

In late 2012 the Minister for Justice, Equality and Defence published the general scheme of the *Criminal Law (Human Trafficking) (Amendment) Bill*.¹⁷ The *Criminal Law (Human Trafficking) (Amendment) Act 2013* came into operation in August 2013.¹⁸ The 2013 Act introduces a number of changes in substantive criminal law and criminal procedure in relation to trafficking offences. The Act replaces and expands the original definition of exploitation in the *Criminal Law (Human Trafficking) 2008 Act*. This now covers trafficking for the purposes of forced begging and incorporates the definition of begging set out in the *Criminal Justice (Public Order) Act 2011*. It amends and extends the *Criminal Law (Human Trafficking) Act 2008* and the *Child Trafficking and Pornography Act 2008* by *inter alia* making it an aggravating factor for the purpose of sentencing if

¹⁴ TUSLA Child and Family Agency.

¹⁵ Amalgamation of Further Education and Training Awards, Higher Education and Training Award Council and National Qualifications Authority of Ireland and incorporating functions of the Irish Universities Quality Board

¹⁶ See www.taoiseach.gov.ie.

¹⁷ Department of Justice and Equality (2012). General Scheme of the Criminal Law (Human Trafficking) (Amendment) Bill 2012. Available at http://www.justice.ie/en/JELR/Criminal%20Law%20_Human%20Trafficking_%20_Amendment_%20Bill%202012%20-%20General%20Scheme.pdf/Files/Criminal%20Law%20_Human%20Trafficking_%20_Amendment_%20Bill%202012%20-%20General%20Scheme.pdf.

¹⁸ Primarily to give effect to certain criminal law provisions of *EU Directive 2011/36/EU on preventing and combatting trafficking in human beings and protecting its victims, which replaced Council Framework Decision 2002/629/JHA on combatting trafficking in human beings*.

certain offences under the aforementioned Acts are carried out by public officials in the course of their duties. It also amends the *Criminal Evidence Act* to enable children better to give evidence in criminal prosecutions. It raised the age limit for out-of-court video recordings of a complainant's evidence from 14 to 18, and also provided for evidence to be delivered by video recording where the witness is under 18 years of age. In addition, it also adopts the definition of forced labour as contained in the International Labour Organisation (ILO) *Convention of 1930 on Forced or Compulsory Labour*. It gives effect to certain provisions of *Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims*.

A mid-term *Review of the National Action Plan on to Prevent and Combat Trafficking in Human Beings 2009-2012* was published in April 2013.¹⁹ A number of issues were noted as arising during the consultation process with stakeholders, including criticisms of the current system of identification of victims, suitability of direct provision accommodation provided to victims, lack of adequate legal support, child-specific measures, a lack of convictions, need for specific forced labour legislation and access to compensation for victims. It was also noted that just over half of all persons alleged to be victims of trafficking between 2009-11 were asylum seekers (106 persons). Calls for the establishment of an independent National Rapporteur on human trafficking were also made.

In a parliamentary question in November 2013, the Minister for Justice and Equality outlined partial data (January to end of September) for regions of origin of victims of trafficking for the same year.²⁰ The majority of victims came from West Africa (32%), followed by other EU countries (19%), East Asia (16%) and Southern Africa (10%). Some 31 investigations were detailed (mostly related to offences under the *Criminal Law (Human Trafficking) Act 2008* and related offences under other Acts such as the *Child Trafficking and Pornography Act 1998*), with 3 convictions during the first three quarters of the year.

Changes to Subsidiary Protection Procedures

¹⁹ Department of Justice and Equality (2013). *Review of the National Action Plan on to Prevent and Combat Trafficking in Human Beings 2009-2012*. Available at www.blueblindfold.ie.

²⁰ Parliamentary Question No.753 (5 November 2013).

The *European Union (Subsidiary Protection) Regulations 2013 (S.I. No.426 of 2013)* were drafted and 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*.²¹ Pending consideration of the Judgment, some 3,800 subsidiary protection claims were put on hold during the intervening period.²² Under the 2013 Regulations, subsidiary protection applications are now dealt with in a similar 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. The Minister for Justice and Equality has no discretion to grant a status of subsidiary protection if a negative recommendation has been made by the Commissioner or reaffirmed by the Refugee Appeals Tribunal. Provision for revocation of status is provided for under certain grounds including cessation of eligibility and misrepresentation of facts (Regulation 21). Appeal to the High Court against any revocation is provided for.

Persons given a declaration of subsidiary protection are entitled to work, have access to education, health and social welfare benefits on a similar basis as an Irish citizen. In general, they are also entitled to reside in the State, and to exercise the same rights of travel in, to or from the State as those to which Irish citizens are entitled. The right to apply for family reunification is also provided for.

²¹ High Court in *M.M. v. Minister for Justice* (Unreported, High Court, 23 January, 2013).

²² 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.

Statutory Instruments

Some four pieces of secondary legislation by virtue of statutory instruments and relevant to the migration and international protection area were made in 2013: *European Union (Accession of the Republic of Croatia) (Access to the Labour Market) Act 2013 (S.I. No. 21 of 2013)*; *Immigration Act 2004 (Atypical Working Scheme)(Application for Permission) (Fee) Regulations 2013 (S.I. No. 324 of 2013)*; *European Union (Subsidiary Protection) Regulations 2013 (S.I. No. 426 of 2013)*; *Immigration Act 2004 (Visas)(Amendment) Order 2013 (S.I. No. 428 of 2013)*.

Immigration, Residence and Protection Bill

The *Immigration, Residence and Protection Bill 2010* had not been republished by the end of 2013 as anticipated, but is expected to be republished and enacted during 2014.²³ The *Immigration, Residence and Protection Bill 2010* was published in June 2010. The 2010 Bill lapsed with the dissolution of the 30th Dáil (parliament) on 1 February 2011. It was subsequently restored to the Order Paper by the Minister for Justice and Equality and by year-end was awaiting Committee Stage. The Minister for Justice and Equality had initially signalled an intention to republish a new redrafted text of the *Immigration, Residence and Protection Bill* by late 2012 (subject to time constraints arising from the implementation of EU/IMF/ECB commitments), but by mid-2012, stated that he believed that the frame of a new Bill would not be enacted before 2013. As of year-end, the new Bill had remained unpublished and in early 2013 it was announced that work remained on-going and that the Minister hoped to be in a 'position to bring a revised Bill to the Government for approval and publication later this year'.²⁴ During the year, the Minister indicated that he intended to address certain issues in a republished Bill including marriages of convenience, family reunification provisions and the protection of non-nationals who were suffering domestic violence and whose immigration status may be adversely affected if they were to leave their abusive partner. He also stated that he would engage in further debate in the Oireachtas (houses of parliament) in relation to the content of the Bill, including on matters that may be

²³ 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.

²⁴ Parliamentary Question No. 46 (6 March 2013).

contained in secondary legislation.²⁵ Commentary throughout the year on the drafting of the Bill and incorporation of amendments also reiterated the inclusion of a single protection procedure for applications for international protection.²⁶ A commitment to the introduction of an immigration appeals procedure was also included in the 2011 *Programme for Government Common Statement*.

Economic Policy

In a year-end review of 2013 developments in the area, the Minister for Justice and Equality reiterated his priority to ‘harness the previously untapped potential of the immigration system to aid economic activity’ in Ireland. Examples highlighted by the Minister included provisions in place to encourage ‘inward investment and enterprise’ in Ireland, and increased tourist and business visas.²⁷

Access to the Labour Market for Croatian Nationals

In May 2013 Ireland announced that it would not be exercising an option under the Treaty to restrict access to Ireland’s labour market for nationals of Croatia. This decision follows an assessment made in light of analysis and recent data of a possible impact on the Irish labour market in light of granting access including conclusions that it was ‘highly unlikely that significant numbers of Croatians wish to migrate to Ireland’. It was noted that previous experience related to an opening of the Irish labour market to Bulgarian nationals found that ‘only a modest increase arose in respect of PPS registrations²⁸ which could not be described as having a distortionary impact on the Irish labour market’.²⁹ *European Union (Accession of the Republic of Croatia) (Access to the Labour Market) Act 2013 (S.I. No. 21 of 2013)* provides that for the period of 2 years commencing on 1 July 2013, a national of the Republic of Croatia has the same

²⁵ Parliamentary Question (13 March 2012), (26 April 2012).

²⁶ In November 2013, processing of subsidiary protection claims was transferred at first instance to the Office of the Refugee Applications Commissioner (ORAC) and to contain a personal interview and to include provisions for an oral appeal. This follows the judgment of the Irish High Court in case *M.M. v Minister for Justice, Equality and Law Reform* in January 2013.

²⁷ Irish Naturalisation and Immigration Service (January 2014). ‘Immigration in Ireland – 2013 in Review’. *Press Release*. Available at www.inis.gov.ie.

²⁸ PPS numbers are a unique reference number issued to persons when transacting with Government Departments and other Public Bodies.

²⁹ Department of Jobs, Enterprise and Innovation (24 May 2013). ‘Statement by the Department of Jobs, Enterprise and Innovation re Labour market issues relating to 2011 EU Accession Treaty’. Available at <http://www.djei.ie/index.htm>

entitlement to be in employment in the State as a national of another Member State to whom *Articles 1 to 6 of Regulation (EU) No. 492/2011 of the 5 April 2011* on freedom of movement for workers within the Union apply, and that thereafter Articles 1 to 6 of the Regulation shall apply in respect of a national of the Republic of Croatia. The Act excludes the spouse of a worker and their descendants under the age of 21 or their dependants from access to the Irish labour market for the period of 2 years commencing on 1 July 2013.

Highly Skilled Job Interview Authorisation

A Highly Skilled Job Interview Authorisation, announced in April 2013 and effective from 15 July, was introduced on a pilot basis 'subject to normal immigration requirements and procedures at the port of entry. Permission to enter the State on a temporary basis will be granted to non-EEA nationals who have been invited by an employer based in the State to attend an interview for employment in a recognised highly skilled shortage occupation' as listed on the Department of Jobs, Enterprise and Innovation website. Visa required nationals must be in possession of a valid entry visa. A number of pieces of documentation are required for inspection at a port of entry including a passport (with at least 6 months validity remaining), visa if required, original letter of invitation for interview from a prospective employer,³⁰ evidence of sufficient funds for the duration of the stay in Ireland and medical insurance. Upon a successful authorisation, persons may remain in Ireland while applying to, and awaiting the outcome of, an employment permit from the Department of Jobs, Enterprise and Innovation.³¹ Dependents are not permitted to accompany the interviewee, with family reunification measures to be addressed should the interview and permit application be successful.³²

³⁰ This letter should provide a detailed job description and contact details (name, phone number) of the prospective employer for verification purposes.

³¹ See Irish Naturalisation and Immigration Service (2013). '*New Initiatives between the Department of Justice and Equality (INIS) and the Department of Jobs, Enterprise and Innovation*'. Available at [http://www.inis.gov.ie/en/INIS/Pages/NEW%20INITIATIVES%20BETWEEN%20THE%20DEPARTMENT%20OF%20JUSTICE%20AND%20EQUALITY%20\(INIS\)%20AND%20THE%20DEPARTMENT%20OF%20JOBS,%20ENTERPRISE%20AND%20INNOVATION](http://www.inis.gov.ie/en/INIS/Pages/NEW%20INITIATIVES%20BETWEEN%20THE%20DEPARTMENT%20OF%20JUSTICE%20AND%20EQUALITY%20(INIS)%20AND%20THE%20DEPARTMENT%20OF%20JOBS,%20ENTERPRISE%20AND%20INNOVATION)

³² See Irish Naturalisation and Immigration Service (2013). '*Highly Skilled Job Interview Authorisation*'. Available at <http://www.inis.gov.ie/en/INIS/Pages/HIGHLY%20SKILLED%20JOB%20INTERVIEW%20AUTHORISATION>

Atypical Working Scheme

An Atypical Working Scheme was also announced on a pilot basis in April 2013, effective from 2 September 2013. It provides for certain categories of workers such as those employed in the State on a short-term, contract basis (between 14 and 90 calendar days inclusive), non-EEA nationals employed on a trial basis (not exceeding 90 days inclusive from date of entry), and other categories of employment which may not be covered by the Employment Permits Acts.³³

The Scheme applies:

1. *in cases where a skill shortage has been identified;*
2. *to provide a specialised or high skill to an industry, business or academic institution;*
3. *to facilitate trial employment in respect of an occupation on the Highly Skilled Occupations List³⁴*
4. *to facilitate paid internships in respect of non-EEA full time students studying outside the State (excluding medical internships).*

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. Applications are not permitted from persons already resident in Ireland; entering Ireland for employment purposes for up to 14 calendar days (inclusive/consecutive); entering Ireland for business purposes of up to 90 calendar days (inclusive/consecutive)³⁵; persons who may avail of a permission under the Van Der Elst judgment; or persons who gain employment through the Highly Skilled Job Interview Authorisation.³⁶

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

³³ See Irish Naturalisation and Immigration Service (2013). 'New Initiatives between the Department of Justice and Equality (INIS) and the Department of Jobs, Enterprise and Innovation'. Available at [http://www.inis.gov.ie/en/INIS/Pages/NEW%20INITIATIVES%20BETWEEN%20THE%20DEPARTMENT%20OF%20JUSTICE%20AND%20EQUALITY%20\(INIS\)%20AND%20THE%20DEPARTMENT%20OF%20OBS,%20ENTERPRISE%20AND%20INNOVATION](http://www.inis.gov.ie/en/INIS/Pages/NEW%20INITIATIVES%20BETWEEN%20THE%20DEPARTMENT%20OF%20JUSTICE%20AND%20EQUALITY%20(INIS)%20AND%20THE%20DEPARTMENT%20OF%20OBS,%20ENTERPRISE%20AND%20INNOVATION)

³⁴ As defined at www.djei.ie/labour/workpermits/highlyskilledoccupationslist.htm.

³⁵ E.g. attending meetings/seminars/conferences, sales trips etc.

³⁶ See Irish Naturalisation and Immigration Service (2013). 'Atypical Working Scheme Guidelines'. Available at <http://www.inis.gov.ie/en/INIS/Pages/Atypical%20Working%20Scheme%20Guidelines>

Regulations prescribe a fee of €250 for making an application for permission under the Scheme.

Changes to Immigrant Investor Programme and Start-Up Entrepreneur Programme

Changes to the Immigrant Investor Programme were announced in 2013 effective as from mid-July, with changes to the Start-Up Entrepreneur Programme announced in March 2014.

In January 2012 two new immigration initiatives aimed at attracting non-EEA migrant entrepreneurs and investors were announced and became operational in mid-April 2012: an Immigrant Investor Programme and a Start-Up Entrepreneur Programme. Both Programmes were to provide permission to reside in Ireland in return for an investment for the purpose of 'saving or creating jobs'. Applicants must be of good character and be able to support themselves while in Ireland.³⁷ Family reunification of a spouse/partner and children is provided for as long as they can be supported by the entrepreneur, investor or other private means, and no social benefits will be provided.³⁸

The Immigrant Investor Programme provides for approved participants and 'immediate' family members to enter Ireland on multi-entry visas and to remain for an initial period of five years (generally) with permission renewable after two years. After this initial five-year period, the investor will be free to apply for residence in five-year tranches. No minimum residence requirements are in effect excluding one visit to Ireland each year.³⁹ The financial commitment initially generally ranged from a once off endowment of €500,000 for endowment-related investments to €2 million in the new Immigrant Investor low-interest bearing Government Bond:

³⁷ Irish Naturalisation and Immigration Service (January 2012). 'Shatter announces two new initiatives: Immigrant Investor Programme and Start-up Entrepreneur Scheme'. *Press Release*. Available at www.inis.gov.ie.

³⁸ Irish Naturalisation and Immigration Service (February 2012) 'Speech by Minister for Justice and Equality Mr Alan Shatter TD on Entrepreneur and Investor Schemes Seanad Éireann 9 February 2012'. *Press Release*. Available at www.justice.ie

³⁹ Irish Naturalisation and Immigration Service (2012) *Investor and Entrepreneur Schemes*. Available at <http://www.inis.gov.ie/en/INIS/Pages/New%20Programmes%20for%20Investors%20and%20Entrepreneurs>.

- A once-off endowment of a minimum of €500,000 to a project with a ‘clear public benefit’ such as in the arts, education or sport,⁴⁰
- A minimum €2 million investment, to be held for five years, in a designated Irish Government Immigrant Investor Bond,
- A minimum €1 million venture capital funding, for a minimum of three years, into an Irish business,⁴¹
- A minimum €1million mixed investment in 50 per cent property and 50 per cent in Government securities.⁴²

The level of investment in business entities where jobs are being created or saved was generally estimated at around €1 million.⁴³

The Start-Up Entrepreneur Programme (STEP) provides for residency for business development purposes for approved migrants with a viable proposal for a High Potential Start-up Company (HPSU)⁴⁴:

⁴⁰ A minimum of €2,000,000 investment in a special low-interest five-year immigrant investor bond. There will be one interest payment of 5.1% at the end of the five-year investment period and this is equal to an annual equivalent interest rate of 1% (AER). Irish Naturalisation and Immigration Service (2012) *Investor and Entrepreneur Schemes* (2012). Available at

<http://www.inis.gov.ie/en/INIS/Pages/New%20Programmes%20for%20Investors%20and%20Entrepreneurs>.

⁴¹ A minimum €1,000,000 aggregate investment into new or existing Irish businesses for a minimum of three years. Funding by the investor through the intermediary of a venture capital fund will be considered provided that it can be demonstrated that the net effect is at least equivalent to that of a direct investment. Irish Naturalisation and Immigration Service (2012) *Investor and Entrepreneur Schemes*. Available at

<http://www.inis.gov.ie/en/INIS/Pages/New%20Programmes%20for%20Investors%20and%20Entrepreneurs> It

was also stated that an investment into an Irish publicly quoted company ‘could be considered’ but the investment level would have to be ‘much higher’. See ‘Speech by Minister for Justice and Equality Mr Alan Shatter TD on Entrepreneur and Investor Schemes Seanad Éireann 9 February 2012’. *Press Release*.

⁴² ‘Special consideration’ could be given to those purchasing property which has been enforced by NAMA, in which case a single €1 million investment in property might be sufficient. See Irish Naturalisation and Immigration Service (February 2012) ‘Speech by Minister for Justice and Equality Mr Alan Shatter TD on Entrepreneur and Investor Schemes Seanad Éireann 9 February 2012’. *Press Release*.

⁴³ Irish Naturalisation and Immigration Service (January 2012). ‘Shatter announces two new initiatives: Immigrant Investor Programme and Start-up Entrepreneur Scheme’. *Press Release*. Available at www.inis.gov.ie. See also further details regarding an ‘Evaluation Committee’.

⁴⁴ STEP applies the definition of a HPSU as used by Enterprise Ireland, which classifies a HPSU as a start up venture that is -

- Introducing a new or innovative product or service to international markets.
- Involved in manufacturing or internationally traded services.
- Capable of creating 10 jobs in Ireland and realising €1 million in sales within three to four years of starting up.
- Led by an experienced management team.
- Headquartered and controlled in Ireland.
- Less than six years old.

See 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.

- An innovative business idea for a ‘High Potential Start-Up’,⁴⁵
- Funding of €75,000, and
- Not be a ‘drain on public funds’.⁴⁶

Changes to the Programme during 2013 saw the investment threshold for the option of a Government Bond reduced from €2m to €1m (from a 5 year bond at 1% pa to a 0% interest rate). In addition, the financial requirement for an enterprise investment was halved from €1m in an Irish enterprise for 3 years to a €500,000 requirement for the same time. A new category of investment was created in a managed fund to invest in Irish businesses and projects; an investment of €500,000 is required. Some decreases in terms of mixed investment involving property and group endowments is also provided for.⁴⁷ A related change regarding the ‘reckonability’ of tuition fees paid to Irish tertiary educational establishments for the children of investors was also announced. Applications under the Scheme are assessed by an Evaluation Committee chaired by the Department of Justice and Equality, with membership drawn from the Departments of Finance, Jobs Enterprise and Innovation, Foreign Affairs and Trade, the IDA and Enterprise Ireland. At the time of announcement of the changes, it was noted that a total of 9 applications have been approved under the Programme, with a project investment of over €10m and predicted employment estimated at over 123 jobs;⁴⁸ as of January 2014 it was noted that since the launch of both programmes in 2012, 31

⁴⁵ Defined as introducing a new or innovative product or service to international markets; capable of creating ten jobs in Ireland and realising €1 million in sales within three to four years of starting up; led by an experienced management team; headquartered and controlled in Ireland; and less than six years old. See Irish Naturalisation and Immigration Service (2012) *Investor and Entrepreneur Schemes*. Available at <http://www.inis.gov.ie/en/INIS/Pages/New%20Programmes%20for%20Investors%20and%20Entrepreneurs>.

⁴⁶ See Irish Naturalisation and Immigration Service (February 2012) ‘Speech by Minister for Justice and Equality Mr Alan Shatter TD on Entrepreneur and Investor Schemes Seanad Éireann 9 February 2012’. *Press Release*. Available at www.justice.ie

⁴⁷ In terms of mixed investments, Investment in a residential property of minimum value of €450,000 and a straight investment of €500,000 into the immigrant investor bond, giving a minimum investment of €950,000. The level of investment into the bond would no longer be linked to the value of the property purchased. In terms of endowments, a €500,000 philanthropic donation by an individual (€400,000 where 5 or more individuals pool their endowment for one appropriate project). See Irish Naturalisation and Immigration Service (5 July 2013). ‘Shatter announces changes to Immigrant Investor Programme’. *Press Release*. Available at www.inis.gov.ie.

⁴⁸ Irish Naturalisation and Immigration Service (5 July 2013). ‘Shatter announces changes to Immigrant Investor Programme’. *Press Release*. Available at www.inis.gov.ie.

projects have been approved to date representing a total investment of almost €23m, with ‘the potential to create almost 300 jobs’.⁴⁹

In March 2014 the Minister for Justice and Equality announced changes following a review of the Start-up Entrepreneur Programme, with effect from mid-month. 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’.⁵⁰

The main changes related to:

- A reduction in the required minimum investment from €75,000 to €50,000. 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.
- A 12 month immigration permission will be made available for two categories of persons:
 - Foreign national entrepreneurs attending ‘incubators or innovation bootcamps’ in Ireland. 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’.
 - This 12 month period will also be made available to 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.

At the time of announcement it was also noted that there would be greater emphasis on the marketing and promotion of the Programme and on aligning it with the ‘national strategy to promote Ireland as a world class business location’.⁵¹

Changes to Employment Permit System to Attract Skilled Workers

⁴⁹ Irish Naturalisation and Immigration Service (January 2014). ‘Immigration in Ireland – 2013 in Review’. *Press Release*. Available at www.inis.gov.ie.

⁵⁰ 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.

⁵¹ 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.

A number of changes were made to the employment permits regime in 2013 to facilitate access for highly qualified workers. These included the opening of Green Card occupations to all sectors; an increase in the level of information and declaration rather than provision of documents to simplify the application process; a reduction in advertising requirements prior to offering employment to third country nationals; permitting of Intra-Corporate Transfer Employment Permit and Contract Service Provider Employment Permit holders to apply for other employment permits; and the removal of various restrictions to applicants from within Ireland if they have a valid legal status and Garda National Immigration Bureau number and are applying for an eligible occupation.

Passage of an *Employment Permits (Amendment) Bill* in 2014 is expected to facilitate the access of highly skilled workers whose skills are in short supply to the Irish labour market. A *Regulatory Impact Assessment* on a draft Employment Permits Bill was published in January 2013. Immediate objectives outlined in the Assessment included to focus on current skills shortages in key sectors with a particular emphasis on ICT; to provide for more innovative processes as well as to reduce the administrative burden associated with applying for an employment permit; to cater for the accession of Croatia to the EU; and to address identified deficiencies in legislation with the potential for employers to benefit from the unenforceability of employment contracts where an employee does not hold an employment permit when required to do so. It noted that the consolidation and streamlining of the 2003 and 2006 Employment Permit Acts was necessary in order to reflect policy and economic developments since 2007; to provide for more flexibility and targeted instruments in support of the economy's evolving skills needs which 'often require rapid response'; to cater for the accession of new Member States to the European Union and to provide for a 'robust employment permits regime with greater clarity'. The impact assessment stated that there is a need to focus on current skills shortages in key sectors, particularly ICT, and that a legislative development would provide for more 'innovative' applications such as online as well as reduce the administrative burden associated with applications. It also highlighted that need to address 'recent deficiencies identified in the legislation with the potential for employers to benefit from (at the cost of the employee) from the un-enforceability of

employment contracts in situations where an employee does not hold an employment permit but is required to do so'.⁵² In a parliamentary question in July 2013, the Minister for Jobs, Enterprise and Innovation noted that forthcoming legislation would be amended to 'introduce new safeguards in the legislation to ensure the situation which arose in the Younis⁵³ case will not recur. The new safeguards will not undermine legal principles and are intended to ensure an employer cannot benefit from the fact that a contract of employment is illegal and, therefore, not legally binding'. He added that a further key feature of the new Bill would be the establishment (on a statutory footing) of an employment permit for third country nationals who have 'fallen out' out of the employment permits system and that it will 'continue to be the case that an employer can be prosecuted for breaches of employment law, including the Employment Permits Acts, and it is the National Employment Rights Authority's policy to pursue such breaches'.⁵⁴

In April 2013 the Department of Jobs, Enterprise and Innovation announced an additional series of changes to applications following 'a review of the Employment Permits system and the current skills needs in the labour market' and to 'ensure a balanced and renewed policy rationale for Employment Permits to facilitate access to skilled workers where there are skills shortages in the Irish and EEA labour market'.⁵⁵

The Highly Skilled Occupations List⁵⁶ was broadened and updated in line with known shortages of key skills in the labour market. The primary change relates to a move from eligibility in respect of a particular job title now applying across all sectors (rather than confined to a particular sector) 'in recognition that a particular skill in short supply will

⁵² Department of Jobs, Enterprise and Innovation (January 2013). *Regulatory Impact Assessment draft Employment Permits Bill*. Available at <http://www.djei.ie/index.htm>

⁵³ *Hussein v Labour Court [2012] (High Court, Hogan J, 31 August 2012)*

⁵⁴ Minister for Jobs, Enterprise and Innovation in Parliamentary Question (13 July 2013). Available at <http://oireachtasdebates.oireachtas.ie/debates%20authoring/debateswebpack.nsf/takes/dail2013071000024>.

⁵⁵ See Department of Jobs, Enterprise and Innovation (April 2013). 'Employment Permits – What's New 10th April 2013'. Available at <http://www.djei.ie/labour/workpermits/whatsnew10042013.htm>

⁵⁶ The Highly Skilled Occupations list refers to occupations in respect of which Green Card employment permit applications may be made where remuneration is between €30,000 and €59,999. All occupation (unless not in the public interest or listed on the Ineligible Categories of Employment for Employment Permits (see <http://www.djei.ie/labour/workpermits/ineligiblecategoriesforemploymentpermits.htm>) are eligible in all sectors with remuneration of €60,000 or higher. See HighlySkilled Occupations List at <http://www.djei.ie/labour/workpermits/highlyskilledoccupationslist.htm>.

be experienced across all sectors which require that skill.⁵⁷ The Ineligible Categories of Employment for Employment Permits list of occupations was also updated to cater for particular shortages in relation to certain occupations involving the necessity of being able to communicate in a non-European Economic Area language.⁵⁸ Regarding applications, the labour market needs test was reduced from 8 weeks to 2 weeks. The requirement for advertisement in a national newspaper was reduced to 3 days and a previous requirement to advertise in a local newspaper was amended to also allow for listing on an employment website for 3 days.⁵⁹

Other announced changes concerned amendments of employment permit forms, internal procedures and appeals as well as updating of the relevant website; a greater focus on the random checking of permits by NERA; a change of income requirements from salary to remuneration where demonstrated on payslips of P60s. It was also announced that current holders of Intra-Corporate Transfer Provider Employment Permits and Contract Service Provider Employment Permits can now apply for other types of Employment Permit subject to the normal criteria and that in the case of IT graduates of foreign colleges and for technical or sales support roles with non-EEA language requirements, the remuneration threshold is reduced from the current €30,000 per annum to €27,000 per annum in respect of employment permits applications under the Work Permits category.⁶⁰

In addition, as from April 2013 non-EEA nationals already lawfully resident in the State and holding a valid Certificate of Registration (GNIB card) with Stamps 1, 1A, 2, 2A and 3 immigration permissions may apply to the Department of Jobs, Enterprise and Innovation for an Employment Permit if offered employment in a recognised highly skilled shortage occupation (as per <http://www.djei.ie/index.htm>).⁶¹

⁵⁷ See Department of Jobs, Enterprise and Innovation (April 2013). 'Employment Permits – What's New 10th April 2013'. Available at <http://www.djei.ie/labour/workpermits/whatsnew10042013.htm>

⁵⁸ See <http://www.djei.ie/labour/workpermits/ineligiblecategoriesforemploymentpermits.htm>.

⁵⁹ See Department of Jobs, Enterprise and Innovation (April 2013). 'Employment Permits – What's New 10th April 2013'. Available at <http://www.djei.ie/labour/workpermits/whatsnew10042013.htm>

⁶⁰ See Department of Jobs, Enterprise and Innovation (April 2013). 'Employment Permits – What's New 10th April 2013'. Available at <http://www.djei.ie/labour/workpermits/whatsnew10042013.htm>

⁶¹ See Irish Naturalisation and Immigration Service (2013). 'New Initiatives between the Department of Justice and Equality (INIS) and the Department of Jobs, Enterprise and Innovation'. Available at [http://www.inis.gov.ie/en/INIS/Pages/NEW%20INITIATIVES%20BETWEEN%20THE%20DEPARTMENT%](http://www.inis.gov.ie/en/INIS/Pages/NEW%20INITIATIVES%20BETWEEN%20THE%20DEPARTMENT%20)

ICT Sector

During parliamentary debates in 2013, the introduction of special visas or technology visas was called for.⁶² The Minister for Jobs, Enterprise and Innovation was cited in a newspaper article⁶³ stating that the Government hopes to attract more non EEA nationals to fill the ICT sector shortages by introducing changes⁶⁴ in work permits. Upon announcing the series of changes in April 2013, the Department of Jobs, Enterprise and Innovation noted that the changes were engineered ‘to ensure that Ireland has an attractive Employment Permits regime for employers and prospective employees to facilitate access to skilled foreign nationals in areas where there are demonstrable skills shortages especially in the ICT sector. The employment permits regime complements other Government initiatives especially in the education sector aimed at increasing the domestic supply of skilled labour and will therefore be adjusted accordingly over time as and when sufficient domestic supply becomes available.’⁶⁵

The Government has assessed key actions to be undertaken in order to support businesses and job creation through the *Action Plan for Jobs 2012* and *Action Plan for Jobs 2013*. In this context, the Government has noted that currently approximately 55 per cent of total ICT skills demand is met from outside Ireland, of which a significant proportion is from outside the EEA. Therefore even with the successful implementation of actions proposed in the short-term, which will assist in increasing the domestic supply of ICT skills, companies will need to rely on inward migration for sourcing ICT personnel, especially those with over eight years of experience, and personnel with multilingual skills. In order to help attract key talent, the following initiatives were proposed: the introduction of a unified employment application e-form; delivering an interim review of employment permit schemes across the categories with a particular emphasis on ICT specifically; and developing a communications campaign in order to

20OF%20JUSTICE%20AND%20EQUALITY%20(INIS)%20AND%20THE%20DEPARTMENT%20OF%20J
OBS,%20ENTERPRISE%20AND%20INNOVATION

⁶² Dáil Debate Unrevised (21 February 2013). ; Dáil Debate Vol. 774 No. 1 (6 November 2012); Dáil Debate Vol. 773 No. 12 (9 October 2012); Dáil Debate Vol. 771 No. 1 (3 July 2012).

⁶³ *The Irish Times* (10 April 2013). ‘Plan to fill 2,000 technology vacancies’. Available at www.irishtimes.com.

⁶⁴ Increasing eligible occupations, reducing the time it takes to process applications and the number of documents required.

⁶⁵ See Department of Jobs, Enterprise and Innovation (April 2013). ‘Employment Permits – What’s New 10th April 2013’. Available at <http://www.djei.ie/labour/workpermits/whatsnew10042013.htm>.

present clear options as to the available entry channels to the State, for example the difference between an employment permit and visa

The Government has stated that it intends that such measures will result in at least 700 additional permits issued in the ICT sector by the end of March 2014, or a 50 per cent increase on the previous year. Entrepreneurship was recognised as a vital source of job creation and Ireland hopes to become the 'go to' place for businesses through encouraging international companies to invest in Ireland.⁶⁶

Review Processes

A bi-annual review of the lists of occupations eligible and ineligible for issue of an employment permit has been instituted by the Department of Jobs, Enterprise and Innovation. These reviews draw on data on employment, vacancies, job announcements and immigration and other qualitative information held in the National Skills Database, including that collated in the *National Skills Bulletin* which is published annually to identify imbalances in the Irish labour market at occupational level. In the second instance, undertaken in the spring, the lists are reviewed in the light of data from the Vacancy Overview Annual Report, which provides an overview of the demand for labour as measured by trends identified in advertised job vacancies.

Employer Sanctions

The National Employment Rights Authority (NERA)⁶⁷ carries out inspections to ensure workplaces properly regulated and to promote maximum compliance with minimum employment standards and employment permit requirements. In 2013 (to mid-December), NERA found over 600 employers in breach of employment permit legislation. Some 48 employers were prosecuted under the Employment Permits Acts during 2013.⁶⁸

⁶⁶ Department of Jobs, Enterprise and Innovation (2013). *Action Plan for Jobs 2013*. Available at <http://www.djei.ie/index.htm>

⁶⁷ http://www.workplacerelations.ie/en/Workplace_Relations_Bodies/National_Employment_Rights_Authority.

⁶⁸ NERA (March 2014).

Non-EEA Students

At the end of 2013 there were approximately 39,600 non-EEA students registered in Ireland – which represented 33% of the total number of non-EEA nationals with permission to remain in the State. Per sector, the majority of non-EEA students registered were pursuing degree level higher education study (39%), with 21% engaged in non-degree further education and 27% taking language courses. An additional 13% were in other forms of education such as second level.⁶⁹

Ireland continued to participate in the EU ‘Researchers Directive’ during 2013. During 2013, there were 318 new agreements and 192 extensions under the ‘Researcher Directive’, *Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research.*⁷⁰

In April 2013 the Minister for Education and Skills launched new Government of Ireland international scholarships to strengthen links with ‘emerging markets’ such as China, India, Brazil and the United States.⁷¹ It was noted at this time that international students contribute ‘over a billion Euro each year to the Irish economy, and this is a priority area in the Government’s Action Plan for Jobs 2013’. In November 2013, the Minister for Jobs, Enterprise and Innovation noted that Ireland has plans in place to more than double the number of Indian students coming to Ireland to pursue third level education programmes by the end of 2014, with the majority at advanced post-graduate level.⁷²

During 2013 the *Third Level Graduate Work Scheme* for access to the labour market for students after graduation continued to apply. The Scheme allows for legally resident non-EEA third level graduates to remain in Ireland for the purpose of seeking employment and applying for a Green Card or work permit, and permits working for up to 40 hours per week. In 2011 the Scheme was extended to twelve months for those at

⁶⁹ Irish Naturalisation and Immigration Service (January 2014). ‘Immigration in Ireland – 2013 in Review’. *Press Release*. Available at www.inis.gov.ie

⁷⁰ Irish Naturalisation and Immigration Service (March 2014).

⁷¹ Department of Education and Skills (April 2013). ‘22 April, 2013 - Minister Quinn launches new Government of Ireland International Scholarships to strengthen links with emerging markets’. *Press Release*. Available at <http://www.education.ie/en/>

⁷² Department of Jobs, Enterprise and Innovation (November 2013). ‘Ireland set to double the number of 3rd level Indian students studying in Ireland by 2014 – Minister Bruton’. *Press Release*. Available at <http://www.enterprise-ireland.com/en/>

level 8 or above of the National Framework of Qualifications and to six months for those with level 7 qualifications based on the Framework.⁷³ The stated purpose of this Scheme is to allow legally resident non-EEA third level graduates to remain in Ireland for the purpose of seeking employment and applying for a Green Card or Work Permit.⁷⁴

'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 2013, mainly centred on inspections of centres, the suitability of accommodation for children and the length of time spent in centres by some applicants.⁷⁵

At the end of December 2013, some 4,360 persons were in accommodation centres under contract to the Reception and Integration Agency (RIA), a decrease of just under 10% on 2012 figures. The occupancy rate of all centres stood at 86% in December. The number of contracted centres fell from 35 to 34 over the course of the year, with 1 reception centre (Dublin based), 2 self-catering centres and 31 accommodation centres. Seven centres are state-owned and 3 were 'system built' for the purpose of housing asylum seekers.⁷⁶ The budgetary provision for RIA in 2013 was €57.5m, reduced to €51.9m for 2014.⁷⁷ An Irish Times report in October 2013 estimated that the State had spent 'at least €775 million on the direct-provision system which was established in 2000', with the average daily rate varying from €15.50 in State-owned centres to €29.49 in privately-owned centres.⁷⁸

⁷³ Irish Naturalisation and Immigration Service (January 2011). *New Immigration Regime for Full Time Non-EEA Students - Guidelines for Degree Programme Students*. Available at www.inis.gov.ie.

⁷⁴ Department of Jobs, Enterprise and Innovation (February 2012). *Employment Permits Arrangements – Third Level Graduate Scheme*. Available at www.djei.ie.

⁷⁵ E.g. European Commission Against Racism and Intolerance (2013). *ECRI Report on Ireland: Fourth Monitoring Cycle*. Available at www.coe.int; The Irish Refugee Council (2013). *Direct Provision: Framing an alternative reception system for people seeking international protection*. Available at www.irishrefugeecouncil.ie.

⁷⁶ Reception and Integration Agency (2014). 'RIA Monthly Report December 2013'. Available at www.ria.gov.ie.

⁷⁷ ⁷⁷ Parliamentary Question No. 498 (26 November 2013).

⁷⁸ Noting that the private contractor rate includes energy, maintenance, transport and VAT costs. See The Irish Times (7 October 2013). 'State paid private firms €60m to house asylum seekers last year'. Available at www.irishtimes.com.

The Irish Times detailed unpublished inspection reports (obtained under Freedom of Information) on 7 and 8 October 2013 for direct provision accommodation which showed 'evidence of overcrowding, poor fire safety practices and lapses in hygiene levels across several centres', with at least three centres run by private companies warned that their contracts would be terminated within a 30-day period unless poor standards were addressed.⁷⁹ Also highlighted were 'chronic unhygienic food preparation, overcrowded rooms, rotting floorboards, serious cleanliness issues, blocked emergency exits, fire doors wedged open, faulty showers and fire alarms' with a case of a family of six living in one room. In addition, several reports of breaches of child protection standards were made, of children left alone or under the care of older siblings.⁸⁰ In response, the Irish Refugee Council reiterated calls to move asylum seekers into private rental accommodation after six months, at estimated savings of almost €9 million.⁸¹ In reaction to parliamentary questions on the reports the following day, the Minister for Justice and Equality announced that all reports would be published as from 1 October 2013, and that while the current system 'is not ideal' it 'facilitates the State in providing a roof over the head' of those seeking protection 'in a manner that facilitates resources being used economically'.⁸² A new website run by the Reception and Integration Agency (RIA), www.ria-inspections.gov.ie/, subsequently published all direct provision inspection reports since 1 October 2013; 22 reports were published by year end. A report of mid-October 2013 detailed some 120 alerts of child protection or welfare concerns during 2012 from within a direct provision setting. Most cases of concern related to unsupervised children (47 cases), children with disruptive or sexualised behaviour (18 cases) and parents hospitalised or experiencing mental health problems (17 cases).⁸³

⁷⁹ The Irish Times (8 October 2013). 'Inspections reveal poor standards in asylum centres'. Available at www.irishtimes.com.

⁸⁰ The Irish Times (8 October 2013). 'A degrading and cruel system'. Available at www.irishtimes.com.

⁸¹ Sue Conlan as quoted in The Irish Times (9 October 2013). 'Government urged to end direct provision system for asylum seekers'. Available at www.irishtimes.com.

⁸² Dail Topical Issues Debate (9 October 2013). *Deputies Michael McCarthy, Patrick Nulty and Aine Collines Motion. Report in yesterday's Irish Times in relation to recent unpublished inspection reports into State-funded asylum accommodation centres. Response by Alan Shatter, TD, the Minister for Justice, Equality and Defence.*

⁸³ Irish Times (15 October 2013). 'Social services alerted over child welfare in asylum centres'. Available at www.irishtimes.com.

Much parliamentary discussion took place on the issue during the year with over 50 queries on the topic answered by the Minister for Justice and Equality during the year.⁸⁴ In November 2013 the Minister for Justice and Equality again acknowledged that ‘the length of time that residents spend in Direct Provision is an issue to be addressed’ and that a republished Immigration, Residence and Protection Bill will provide for a single application procedure so that applicants ‘can be provided with a final decision on all aspects of their protection application in a more straight forward and timely fashion.’⁸⁵

‘Marriages of Convenience’

The issue of suspected marriages of convenience continued to attract debate during 2013. In February 2013, the Minister for Justice responded to a query on the topic noting a series of inter-departmental measures were planned to ‘reduce the incentive to engage in such marriages’. A number of provisions to make it ‘more difficult for persons engaging in a marriage of convenience to benefit from it in immigration terms’ are to be included in a republished Immigration, Residence and Protection Bill, with the Minister for Social Protection to look at possible changes to the Civil Registration Act 2004 in order to make such marriages more difficult to contract.⁸⁶ News articles in July 2013 stated that a memo on the *Civil Registration (Amendment) Bill 2013* brought to Cabinet by Minister for Social Protection Joan Burton was approved, which provides for drafting of a law to amend relevant 2004 legislation. Automatic joint registration of parental names on a birth certificate is provided for, and the Bill is to aim to make marriages of convenience more difficult to undertake by providing registrars with a right to investigate such a suspected marriage, to refuse to issue a marriage registration form and to notify immigration authorities.⁸⁷ In November 2013, the Minister for Social Protection further elaborated on the Bill, and remarked that two of the principal policy issues to be dealt with via the Bill were marriages of convenience and establishment of a birth registration process to make it an obligation to include the father’s particulars on a

⁸⁴ Seanad Debate (12 December 2013). *Direct Provision System*.

⁸⁵ Parliamentary Question No. 498 (26 November 2013).

⁸⁶ Parliamentary Question (19 February 2013).

⁸⁷ The Irish Times (23 July 2013). ‘*Inclusion of fathers’ names on birth certs to become compulsory*’. Available at www.inis.gov.ie.

birth certificate. Regarding marriages of convenience, the Minister noted that the Bill would aim to make 'such marriages far more difficult to contract in the future'.⁸⁸

The 2012 annual report of the Registrar General, published in 2013, stated that a legislative solution to the issue is needed to enable steps to prevent marriages of convenience from taking place. It noted that while no statistics are available on the incidence of marriages of convenience are available 'anecdotal evidence suggests that the increase in the number of civil marriages from 2008 is partly accounted for by marriages of convenience, following the Judgment by the European Court of Justice in the Metock case'.⁸⁹

New Immigration Policy Guidelines on Family Reunification

New policy guidelines regarding family reunification applications in the immigration system in Ireland were published in December 2013. Generally applicable from early 2014, it was noted that the required administrative changes and recommendations would take time to fully implement.

Described as a 'comprehensive statement' of Irish immigration policy in the area, the policy guidelines had the stated aim of providing 'greater transparency in the immigration decision making process' as well as to provide information on the 'reasoning' behind such policies.⁹⁰ The overall need for a 'balance of interests' is noted throughout, primarily on the basis of public order, public health and financial costs to the state. The 'contribution' of family reunification to the integration of foreign nationals in Ireland is noted as being 'as a matter of policy'.⁹¹ The policy guidelines did not introduce new rights or procedures but outlined 'greater detail on how the Minister's discretion is intended to be applied' for both applicants and decision makers; given the 'essentially automatic' nature of family reunification in the case of a spouse/minor children of a refugee or holder of subsidiary protection status and for

⁸⁸ Parliamentary Question No.34 (28 November 2013).

⁸⁹ General Register Office (2013). *Annual Report of an tArd-Chlárúitheoir to the Minister for Social Protection under Section 11 of the Civil Registration Act 2004 for the year 2012*. Available at www.welfare.ie.

⁹⁰ Department of Justice and Equality (31 December 2013). 'Shatter Statement: Shatter publishes immigration policy guidelines on Family Reunification'. *Press Release*. Available at www.inis.gov.ie.

⁹¹ Irish Naturalisation and Immigration Service (December 2013). 'Policy Document on Non-EEA Family Reunification'. Available at www.inis.gov.ie.

family members under EU Treaty Rights. A consolidated approach to the processing of all family reunification cases within the INIS is proposed, with a centralised unit for referral of applications (and investigations) proposed in a Family Settlement Unit, as well as a standardised application form and fee. It is noted that it is the intention for all applications to be largely received from overseas, with an acknowledgement that currently 'there is no preclearance facility for applications from persons who do not need a visa to travel to Ireland' and that there is a 'strong case' for introducing a formal visa requirement for longer stays or an alternative pre-clearance process.⁹² Associated difficulties in the current lack of preclearance procedures are referenced as including a lack of certainty for the applicant, a resulting short provision time of 90 days for a decision to be made regarding a family reunification applicant, the potential for 'inconsistencies of approach' in various INIS units considering applications and an overall potential for misuse of short stay visa applications as a means of gaining access to Irish territory.⁹³ Consideration will be given to establishing a form of immigration status whereby visitors for family reasons may obtain an extension of their original stay (e.g. to 180 days) without conferring any (expectation of) residency rights. 'Some account' of the circumstances regarding family separation must be taken in conjunction with the relationship between the sponsor and family (or other) member. Of consideration in case processing, the longer the 'elective separation' of the family unit, the 'weaker must be the claim to reconstitution' of the family in Ireland. The earlier-referenced economic consideration is provided for where recourse to public services is explicitly excluded in a permission being granted subject to not being a 'burden on the State and detailed in an 'immigration Contract'.

A sponsor of an application for family reunification may be an Irish citizen living or intending to live in Ireland; an employment permit holder, including a 'Green Card' permit holder; a lawfully-resident foreign national holder of a 'Stamp 4'; a lawfully-resident foreign national holder of a 'Stamp 5'; a researcher under a 'Hosting Agreement'; a PhD student studying in Ireland; a Minister of Religion holder of a 'Stamp 3'. The policy guidelines define family member categorisations as 'immediate family', 'parents' and 'other family'. Overall 'dependency' is defined as when a family member is

⁹² Irish Naturalisation and Immigration Service (December 2013). 'Policy Document on Non-EEA Family Reunification'. Available at www.inis.gov.ie.

⁹³ Short stay visas for the purposes of family visits would continue to be administered via the visa system.

supported financially on an ongoing basis by the sponsor and there is evidence of social dependency between the two. It is further clarified, in the context of an adult, as being pre-existing and sustained prior to the making of an application for family reunification and in place while the dependent was living in their home country.

The policy guidelines explicitly noted that the onus of proof regarding the genuineness of the family relationship rest 'squarely with the applicant and the sponsor' regardless of whether the person is an Irish national or non-EEA national.⁹⁴

Different financial requirements will be in place regarding elderly dependent relatives and where permission will be granted on a temporary but annually-renewable basis.

The situation regarding the case of Irish-citizen children is specifically set out, with a stated intention as general policy, to 'grant immigration permission where the parent can demonstrate that an active and continuous involvement' in the child's life providing 'real emotional and/or financial support'. A further study regarding new requirements regarding integration measures (e.g. language competency, knowledge of Irish society) is outlined, albeit on a wider 'horizontal basis' for all legal migration to Ireland. A review of fees is also to be undertaken.

The policy guidelines note the proposed introduction of a statutory appeals mechanism in a revised Immigration, Residence and Protection Bill, to include appeals related to family reunification applications. In the interim, all refusals are to contain a reason⁹⁵ and the applicant/sponsor may appeal such a decision to INIS and considered within the 'parameters of the [this] policy'. All applications are to be ideally dealt with in a six

⁹⁴ The policy guidelines define three categories of eligibility of persons seeking to be joined by nuclear family members or de factor partners:

Category A: eligible to sponsor applications for immediate family reunification with the primary migrant including accompaniment on arrival. Applicable for Green Card holders, investors, entrepreneurs, business permission holders, researchers under the 'Hosting Agreements', INIS approved scholarship programme students, Intra-Corporate trainees (added), PhD students subject to conditions including no recourse to social welfare payments) and full-time non-locum doctors in employment (new).

Category B: eligible to sponsor applications after 12 months. Applicable for non-Green Card employment permit holders, all 'Stamp 4' holders not covered by more favourable provisions and ministers of religion (with provisions for including in Category A if maintained by the church). A gross income in each of the previous two years must be in excess of that applied by the Department of Social Protection when assessing eligibility for Family Income Supplement (FIS) and with an expectation that this level will be continued.

Category C: not eligible to sponsor. Applicable for all other non-EEA nationals.

⁹⁵ Outlined as including, inter alia, one or more of reasons related to public policy, financial criteria, previous immigration history of the applicant or sponsor where considered to be relevant, receipt of inadequate or inconsistent information or false documents, failure to establish closeness and durability of relationship, and cases where INIS believe that the marriage, partnership or adoption was entered into for the sole or predominant purpose of facilitating entry and residence in Ireland. See Irish Naturalisation and Immigration Service (December 2013). '*Policy Document on Non-EEA Family Reunification*'. Available at www.inis.gov.ie.

month (under Category A or for Irish citizens) or twelve month (all other cases) timeframe.⁹⁶

Integration Policies

The *Intercultural Education Strategy (2010-2015)*, the *Cultural Diversity and the Arts Strategy published in 2010*) and the *Intercultural Health Strategy (2007-2016)* continued to be implemented throughout 2013.

The Office for the Promotion of Migrant Integration (OPMI) within the Department of Justice and Equality, administered a total of €1,178,986 during 2013.⁹⁷ The OPMI continued to fund the Employment of People from Immigrant Communities (EPIC) Programme during 2013. The EPIC Programme is a training project for EU immigrants and non-EU immigrants on 'Stamp 4' classification and provides assistance in accessing employment or further training including training in English for work, interview skills, living and working in Ireland and IT and is operated by Business in the Community (BITC).

In 2013, the Office for the Promotion of Migrant Integration (OPMI), an Office of the Department of Justice and Equality, established a new Non-Governmental Organisation (NGO) forum on an informal basis. The Forum met twice during 2013, on 10 April and 26 July. It is intended that the Forum will meet regularly (twice to three times a year) to discuss integration issues and developments with key NGOs working in the immigrant integration area. Current members include Akidwa, Crosscare, Doras Luimni, the Immigrant Council of Ireland, the Integration Centre, NASC and the New Communities Partnership.

Visas

In a year-end review of 2013 developments in the area, the Minister for Justice and Equality highlighted the role of business and tourist visas in 'Ireland's recovery' and remarked that 'Visa applications to visit Ireland for tourism and business reasons are

⁹⁶ Irish Naturalisation and Immigration Service (December 2013). 'Policy Document on Non-EEA Family Reunification'. Available at www.inis.gov.ie.

⁹⁷ <http://www.integration.ie/website/omi/omiwebv6.nsf/page/funding-omiamounts-en>.

now higher than they have ever been in the history of the State and many thousands more are visiting Ireland under the terms of the Irish Visa Waiver Programme'.⁹⁸

Extension of Visa Waiver Scheme

In November 2013, Thailand was added to the list of applicable countries under the Visa Waiver Scheme, bringing the number of countries covered by the Scheme to eighteen.⁹⁹ The *Immigration Act 2004 (Visas)(Amendment) Order 2013 (S.I. No. 428 of 2013)* added Thailand to the list of non-visa required states outlined in the *Immigration Act 2004 (Visas) Order 2012 (S.I. No. 417 of 2012.)*

The Programme was initially introduced in 2011, and was extended, during 2012, until the end of October 2016. The Programme relates to holders of UK short-stay visas from seventeen selected countries - China, India, Russia, Turkey, Ukraine, Belarus, Bosnia and Herzegovina, Montenegro, Serbia, Bahrain, Kuwait, Oman, Saudi Arabia, the United Arab Emirates, Kazakhstan and Uzbekistan. the Programme provides for visa-free travel to Ireland for persons in possession of a valid UK visa and who are either nationals of one of the countries covered by the scheme, have entered the UK on a UK 'C' General visa or been granted leave to remain in the UK for up to 180 days. In essence, eligible persons will not be required to have both an Irish and UK visa when entering Ireland after lawful entry to the UK. A valid entry stamp from the UK Border Agency is required on the national's passport. Regarding the categories of persons covered, tourists, business persons (including 'C' long-term, multi-entry business visas), sportspersons and academics are included while holders of transit visas, long-term student visas and family reunification visas are not covered. Qualifying persons are permitted to remain in Ireland for a maximum of 90 days or the duration remaining on their UK leave to remain if shorter. Nationals of primarily 'emerging' markets were catered for under the initial Programme including Eastern Europe (Belarus, Montenegro, Russian Federation, Serbia, Turkey and Ukraine), Middle East (Bahrain, Kuwait, Oman, Qatar, Saudi Arabia

⁹⁸ Irish Naturalisation and Immigration Service (January 2014). 'Immigration in Ireland – 2013 in Review'. *Press Release*. Available at www.inis.gov.ie.

⁹⁹ Irish Naturalisation and Immigration Service (14 November 2014). 'Minister for Justice, Equality and Defence, Alan Shatter, TD, announces addition of Thailand to Visa Waiver Programme. Tourist and other short-stay visitor numbers likely to rise'. *Press Release*. Available at www.inis.gov.ie.

and the U.A.E.) and Asia (India, Kazakhstan, China and Uzbekistan).¹⁰⁰ During 2012, Bosnia and Herzegovina were added to the existing list of 16 countries already covered, with fees waived for long-term residents from the countries covered by the Programme who live in the Schengen area.¹⁰¹

In July 2013, the Minister for Justice and Equality noted the growth in trips to Ireland from countries covered under the Short-Stay Visa Waiver Programme. Provisional figures indicate that the number of visits in 2012, by persons from the seventeen countries covered by the Programme, was 38% higher than in 2010, the last full year before the introduction of the Programme.¹⁰² In October 2013 it was noted that since China had been added to the waiver programme, an additional 6,000 Chinese nationals had travelled to Ireland under new tour operator programme alone.¹⁰³

Automated Border Control Technology

During 2013, automated border e-gates were tested at Dublin Airport for the first time. Trialled at Pier A/D, approximately 115,000 passengers used the gates during the six month trial. As of year-end, 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. During the trial, certain passport holders (Irish, EU, EEA and Swiss passengers over 18 years of age) will not be required to present to an Immigration Officer and will instead have a 'self-service' channel with which to clear

¹⁰⁰ Irish Naturalisation and Immigration Service (March 2012). *The Irish Short-Stay Visa Waiver Programme Information Note*. Available at www.inis.gov.ie.

¹⁰¹ To be reviewed after six months. Irish Naturalisation and Immigration Service (12 March 2012). 'Minister Shatter announces extension of Irish Short-Stay Visa Waiver Programme'. *Press Release*. Available at www.inis.gov.ie.

¹⁰² Irish Naturalisation and Immigration Service (4 July 2013). 'Minister Shatter welcomes success of Visa Waiver Programme'. *Press Release*. Available at www.inis.gov.ie. See also Irish Naturalisation and Immigration Service (14 November 2013). 'Minister for Justice, Equality and Defence, Alan Shatter, TD, announces addition of Thailand to Visa Waiver Programme.' *Press Release*. Available at www.inis.gov.ie.

¹⁰³ Irish Naturalisation and Immigration Service (16 October 2013). 'Minister Shatter reveals details of proposed new visa arrangements with UK to commence in 2014 to attract tens of thousands of additional non-EU visitors to Ireland'. *Press Release*. Available at www.inis.gov.ie.

immigration control.¹⁰⁴ The use of automated border gates was cited as taking place in tandem with the ‘civilianisation’ of certain port of entry functions at Dublin Airport.¹⁰⁵

Common Travel Area with the UK

In a year-end review of 2012 developments, the Minister for Justice, Equality and Defence stated that he would be ‘prioritising cooperation with the UK on initiatives such as a Common Travel Area visa... and systems for improved collection and sharing of visa data’ in 2013.¹⁰⁶ In a year-end review of 2013 activities the Minister remarked that ‘enhanced’ data sharing with UK authorities had been established during 2013 in order to cross-check Irish visa applicants with an adverse UK immigration and/or criminal history, and that over 75,000 checks had taken place against UK records during the year. Initiatives to improve the collection and sharing of visa data between Ireland and the UK are to be prioritised in 2014.¹⁰⁷ During 2013, the Office of the Refugee Applications Commissioner (ORAC) used the Automated Visa Application and Tracking System (AVATS) of INIS to detect applications for asylum where the applicant had withheld information about an Irish visa. Further activities took place during 2013 regarding the development of reciprocal Common Travel Area (CTA) visa arrangements which are expected to be operational in mid-2014. A mutual recognition by each State of short-stay visas issued by the other State is to enable ‘tourists, business and other eligible visitors’ to travel within the CTA on a single visa. Reviewing 2013 developments, the Minister for Justice and Equality remarked that it had the potential to attract ‘tens of thousands of additional tourism and business visitors to Ireland.’¹⁰⁸

¹⁰⁴ Irish Naturalisation and Immigration Service (December 2013). See also Irish Naturalisation and Immigration Service (10 May 2013). ‘Immigration Service trials ‘self-service’ automated border control technology at Dublin Airport’. *Press Release*. Available at www.inis.gov.ie.

¹⁰⁵ During 2012, a pilot project took place in which staff members of the Department of Justice and Equality were assigned to work alongside Gardai in immigration control duties at Dublin Airport.

¹⁰⁶ Irish Naturalisation and Immigration Service (January 2014). ‘Immigration in Ireland – 2013 in Review’. *Press Release*. Available at www.inis.gov.ie.

¹⁰⁷ *Ibid.*

¹⁰⁸ *Ibid.* See also Irish Naturalisation and Immigration Service (16 October 2013). ‘Minister Shatter reveals details of proposed new visa arrangements with UK to commence in 2014 to attract tens of thousands of additional non-EU visitors to Ireland’. *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 and then increasing to over 60,000 in 2013-2014.

Table 1: Gross and Net Migration Flows, 1987-2014

<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

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 in 2013-14 to just under 82,000. As a result, net migration, which had bottomed-out at a net inward flow of almost 105,000 in 2006-7 turned negative in 2009-10 and having peaked at -34,400 in 2011-12, was -21,400 in 2013-14.

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 over 60,000 in the twelve months to 2014. 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 – to 11,600 in 2013-14, at which point they accounted for less than one in five immigrants.

Table 2: Estimated Immigration by Nationality, 1996 – 2014

	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
2004	16.7	7.4	13.3	0.0	21.1	58.5
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
2011 ¹	19.6	4.1	7.1	10.1	12.4	53.3
2012 ²	20.6	2.2	7.2	10.4	12.4	52.7
2013 ²	15.7	4.9	7.4	10.9	17.1	55.9
2014 ²	11.6	4.9	8.7	10.0	25.5	60.6
%						
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
2004	28.5	12.6	22.7	0.0	36.1	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
2011 ¹	40.4	6.1	13.7	21.3	19.1	100.0
2012 ²	42.8	6.0	14.8	22.2	14.4	100.0
2013 ²	28.1	8.8	13.2	19.5	30.6	100.0
2014 ²	19.1	8.1	14.4	16.5	42.1	100.0

Notes: ¹ Census of Population; ² Preliminary

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

Available at www.cso.ie.

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 four years 2010-2014. Immigration from the Rest of the World, i.e. from outside the EU, declined with the Recession, but increased to over 17,000 in 2012-3, and to 25,500 in 2013-14, accounting for 42% of all immigrants in that year.

Table 3: Estimated Immigration by Country of Origin, 2008 and 2014

<i>12 months to April:</i>	<i>2008</i>		<i>2014¹</i>	
	000	%	000	%
UK	19.4	17.1	9.7	16.0
Old EU 13	14.5	12.8	11.2	18.5
New EU 12	45.5	40.1	9.8	16.2
Australia	7.1	6.3	3.6	5.9
Canada	2.0	1.8	1.2	2.0
USA	5.0	4.4	2.6	4.3
Rest of World	20.0	17.6	22.4	37.0
Total	113.5	100.0	60.1	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 2013-14. Similar to the patterns in immigration by nationality, the share of immigrants from the New EU member states (NMS) fell sharply, from 40% to 16%. The number of immigrants from the Rest of the World (excluding the EU, Australia, Canada and the USA) increased somewhat, mainly in 2014, and their share of all immigrants increased to 37%. 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.

In terms of age distribution, all of the increase in immigrant numbers in 2013-14 relates to those aged between 15 and 44 years. Those aged 25-44 years currently constitute well over half of the total inflow and another quarter of the gross inflow relates to young people aged 15-24 years. About 13% of inward migrants in 2014 were children aged less than 15 years.

Table 4: Estimated Immigration Flows classified by Age, 1991-2014

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
2011 ¹	6.1	14.6	26.9	4.3	1.3	53.3
2012 ²	7.9	14.6	25.6	4.1	0.6	52.7
2013 ²	9.3	12.9	28.6	4.6	0.4	55.9
2014 ²	7.8	15.9	33.0	2.8	1.1	60.6
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
2011 ¹	3.1	6.4	13.6	2.2	0.7	26.0
2012 ²	3.2	6.0	13.3	1.9	0.5	25.0
2013 ²	3.9	6.3	15.4	2.4	0.1	28.2
2014 ²	3.0	6.8	16.9	1.1	0.4	28.2
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
2011 ¹	3.0	8.2	13.3	2.1	0.7	27.2
2012 ²	4.6	8.6	12.3	2.2	0.1	27.8
2013 ²	5.4	6.6	13.2	2.2	0.3	27.7
2014 ²	4.8	9.1	16.1	1.7	0.7	32.4

Notes: ¹ Census of Population; ² Preliminary

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

Other Indicators of Immigration

PPSN Allocations

Table 5: Personal Public Service Numbers Issued by Nationality, 2003-2014

	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 ¹	32.0	37.3	69.3

Source: www.welfare.ie.

¹ January-May only.

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 154,000 in 2008 and 67,800 in 2011, although it increased to 85,600 in 2013.

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.¹⁰⁹ The analysis shows that in 2012 38.7% of foreign nationals with new PPSNs issued in that year had employment activity during the year, a slight increase on the equivalent rate in 2011. However, only 24% of those who were allocated a PPSN in 2007 were in employment at some stage during 2012.

Visas

During 2013, 95,000¹¹⁰ entry visa applications were received, an increase of 8% on 2012 figures. Some 91% of all applications for entry visas were approved.¹¹¹ The main

¹⁰⁹ Central Statistics Office (2014). *Foreign Nationals: PPSN Allocations and Employment, 2007-12*. Available at www.cso.ie.

¹¹⁰ Department of Justice and Equality (2014). *Annual Report 2013*. Available at www.justice.ie.

country of nationality of persons applying for such visas during 2013 were India (16%), Russia (15%), China (11%).¹¹²

Inflows of Workers from Non-EEA Countries

It is possible to derive information on the trends in the numbers of non-EEA nationals¹¹³ 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*.¹¹⁴ 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.¹¹⁵

¹¹¹ Irish Naturalisation and Immigration Service (January 2014). 'Immigration in Ireland – 2013 in Review.' *Press Release*. Available at www.inis.gov.ie.

¹¹² Department of Justice and Equality (2014). *Annual Report 2013*. Available at www.justice.ie.

¹¹³ EU citizens and citizens of Norway, Iceland and Liechtenstein do not require Employment Permits in order to take up employment in Ireland.

¹¹⁴ It was previously based on the *Aliens Act 1935*.

¹¹⁵ 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.

Table 6: Employment Permits Issued and Renewed, 1993-2013

Year	Permits Issued	Permits Renewed	Total Permits Issued (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

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

Until this century the number of workers entering the country with employment permits was small, and did not change very much over the years. Many of those involved tended to be skilled and working in multinational enterprises, in the medical sphere or in a self-employed capacity in the catering area. However, as Table 6 shows, 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. Just under 4,000 employment permits were issued in 2013.

Certain categories (green cards, intra-company transfers) saw overall increases year-on-years. The number of green cards increased by 45% (all new permits), with intra-company transfers showing increases in both new permits (15%) and renewals (24%). Spousal/Dependant permits fell by 56% year-on-year, with decreases in permits for training (9%, albeit small figures) and work permits (down by 23 overall%).

Table 7: Employment Permits by Type, 2010-2013

Year	Type of Permit	New	Renewal	Total
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.

Table 8: Employment Permits Issued and Renewed by Country of Nationality, 2003-2013 (Major Sending Countries)

	2003	2007	2008	2009	2011	2012	2013		
							<i>New</i>	<i>Renewals</i>	<i>Total</i>
Australia	1,149	808	410	193	59	59	44	11	55
Bangladesh	1,038	666	277	180	41	25	16	5	21
Brazil	1,554	1,173	601	297	162	186	86	30	116
Canada	304	348	212	135	90	94	67	24	91
China	1,593	1,188	661	411	253	217	160	48	208
Egypt	277	171	79	39	20	24	45	3	48
India	1,030	4,069	3334	1788	1646	1389	1157	253	1,410
Israel	22	175	100	26	39	45	28	17	45
Japan	209	208	65	50	36	45	70	10	80
Malaysia	1,030	797	549	462	182	109	73	8	81
Mexico	49	125	30	14	11	8	24	4	28
New Zealand	658	484	224	127	48	28	23	9	32
Nigeria	84	138	151	57	47	32	21	5	26
Pakistan	830	813	362	194	113	71	102	19	121
Philippines	4,042	3,885	2,210	1426	753	307	110	101	211
Russian Federation	1091	404	172	70	67	54	71	28	99
South Africa	2,468	1,461	752	406	122	80	50	29	79
Thailand	549	486	235	146	57	21	24	14	38
Turkey	466	222	108	43	60	77	54	15	69
Ukraine	2,866	1,412	487	248	100	91	57	27	84
United States of America	961	1,209	867	553	495	528	481	102	583
Zimbabwe	262	216	111	45	19	9	7	4	11
Total	47,551	23,604	13,567	7,962	5,200	5,200	3,034	829	3,863

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

Table 8 shows the number of employment permit holders from 2003 to 2013 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, and with a few exceptions, mainly relating to the advanced industrial societies, the number of employment permits issued to citizens of most countries in the table declined between 2008 and 2013 in the context of high unemployment in the Irish labour market. The majority of permits issued during 2013 (over 75%) were new permits.

Refugees and Asylum Seekers

The number of persons entering Ireland as asylum seekers or persons seeking refugee status has declined quite rapidly in recent years following legislative and administrative changes taken to cope with the huge increase in the number of applicants from less than 40 in 1992 to a peak of 11,600 in 2002 (Table 9). This number fell sharply in subsequent years with a fall of about 60% (or 7,000) between 2002 and 2005. There were 946 applications for asylum in Ireland in 2013, representing the lowest level since 1995 and a decrease of 92% from the peak number of applications in 2002.

Table 9: Asylum Seekers 1992-2013

Year	Number of Applications
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>

ORAC received applications for asylum from 24 Unaccompanied Minors in 2013.¹¹⁶ This represented 2.1% of all applications for asylum. ORAC referred 34 persons to the Team for Separated Children in the course of the year. 17 of these were reunited with their families, 9 were deemed to be adult, 6 are being processed as unaccompanied minors.¹¹⁷

¹¹⁶ Office of the Refugee Applications Commissioner (February 2012). *Monthly Statistical Report December 2011*. Available at www.orac.ie.

¹¹⁷ Office of the Refugee Applications Commissioner (March 2014).

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.¹¹⁸ 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 – 2013

Ranking	2009		2010		2011		2012		2013	
1 st	Nigeria	570	Nigeria	387	Nigeria	182	Nigeria	162	Nigeria	129
2 nd	Pakistan	257	China	228	Pakistan	175	Pakistan	105	Pakistan	91
3 rd	China	194	Pakistan	200	China	142	DR Congo	58	DR Congo	72
4 th	DR Congo	102	DR Congo	71	DR Congo	70	Zimbabwe	49	Zimbabwe	70
5 th	Zimbabwe	91	Afghanistan	69	Afghanistan	67	Albania	46	Malawi	55
6 th	Georgia	88	Ghana	57	Zimbabwe	66	Sth Africa	33	Algeria	51
7 th	Moldova	86	Cameroon	56						
8 th	Somalia	84	Moldova	56						
9 th	Ghana	82	Georgia	53						
10 th	Iraq	76	South Africa	53						
All others		1,059		709		588		503		478
Total		2,689		1,939		1,290		956		946

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

¹¹⁸ 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 10 shows that in 2013 Nigeria continued to be the country of stated nationality of the largest number of applicants for asylum (129) and accounting for 14% of all applications. In contrast, during 2008 over a quarter of asylum applicants were of stated Nigerian nationality (at 1,009). From 2008 to 2012, nationals of Nigeria and DR Congo have been present in the top six nationalities of asylum seekers.

Table 11 shows a small decline of 5% in the number of appeals received by the Refugee Appeals Tribunal year-on-year during 2013. The largest decrease (42%) relates to those received under the EU Dublin Regulation. The number of substantive appeals increased by 14% while accelerated and Dublin II appeals decreased by 38%.

Table 11: Asylum Appeals Received by Type 2012 and 2013

Procedure	2012	2013	% Change
Substantive/ Substantive 15 Day	451	513	14%
Accelerated	190	117	-38%
Dublin Regulation	45	30	-42%
Total	686	660	-5%

Source: *Refugee Appeals Tribunal (2014). Annual Report 2013. Available at www.refappeal.ie.*

Table 12 shows that during 2013, Nigeria continued to be the main stated country of nationality for applicants for appeal and accounted for 15% of all cases. Nigerian nationals also represented the highest proportion of applicants in the case of substantive 15 Day appeals (12%), followed by Pakistan (11%), DR Congo (11%), Afghanistan (7%) and Zimbabwe (6%). In the case of accelerated appeals, the highest representations of applicants were from nationals of Nigeria (30%) and Pakistan (9%). The majority of applicants were from Bangladesh (20%) and Afghanistan (17%) in the case of appeals under the EU Dublin Regulation.

Table 12: Total Asylum Appeals Received by Main Country of Origin 2010- 2013

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

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

Note: Rounding takes place.

During 2013, some 78% of asylum applications were made at the Office of the Refugee Applications Commissioner (ORAC) and 19% were made at a port of entry (airport).

Some 1,122 cases were finalised by ORAC during 2013, and a total of 248 first instance applications remained outstanding at year end. A total of 144 determinations were made under the Dublin Regulation.¹¹⁹

A total of 604 appeals were completed by the Refugee Appeals Tribunal during the year, including cases relating to the Dublin Regulation. Some 473 cases were finalised under substantive 15 day appeals, 116 under accelerated appeals and 15 related to appeals under the Dublin Regulation under new and older procedures during 2013.¹²⁰ A total of 96% of the recommendations made by the Refugee Applications Commissioner under manifestly unfounded and accelerated decisions were affirmed during 2013, and 93% of all recommendations relating to decisions under the Dublin Convention/Regulation

¹¹⁹ Office of the Refugee Applications Commissioner (February 2012). *Monthly Statistical Report December 2011*. Available at www.orac.ie.

¹²⁰ Refugee Appeals Tribunal (2014). *Annual Report 2013*. Available at www.refappeal.ie.

were upheld.¹²¹ Some 661 appeals were on hand at 31st December 2013.¹²² ORAC received 7 judicial reviews during 2013 and was a respondent in 154 ongoing legal challenges.¹²³ A total of 81 judicial reviews against decisions of the Refugee Appeals Tribunal were filed during the year, and the Tribunal had 812 active judicial reviews on 31st December 2013.¹²⁴

Table 13: Refugee Recognition Rate 2005-2013

	2005	2006	2007	2008	2009	2010	2011	2012	2013
Total ORAC Recommendations*	4,407	3,646	2,982	3,234	2,708	1,333	1,111	767	710
Total RAT Decisions	3,916	1,866	1,732	2,321	3,253	2,689	1,239	651	569
Positive ORAC Recommendations	455	397	374	293	98	24	61	67	128
“Positive” RAT Decisions**	511	251	203	293	266	129	71	45	54
Total Decisions/ Recommendations	8,323	5,512	4,712	5,555	5,961	4,022	2,350	1,418	1,279
Total Positive Decisions/ Recommendations	966	648	577	586	364	153	132	112	182
Recognition Rate ORAC	10.3%	10.9%	12.5%	9.1%	3.6%	1.8%	5.5%	8.7%	18.0%
Recognition Rate RAT	13.1%	13.5%	11.7%	12.6%	8.2%	4.8%	5.7%	6.9%	9.5%
Overall Recognition Rate	11.6%	11.8%	12.2%	10.5%	6.1%	3.8%	5.6%	7.9%	14.2%

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”.

¹²¹ *Ibid.*

¹²² *Ibid.*

¹²³ Office of the Refugee Applications Commissioner (2014). Annual Report 2013. Available at www.orac.ie.

¹²⁴ Refugee Appeals Tribunal (2014). Annual Report 2013. Available at www.refappeal.ie.

Table 13 provides estimated refugee recognition rates for the period 2005 to 2013 based on published statistics from the Office of the Refugee Applications Commissioner (ORAC) and the Refugee Appeals Tribunal (RAT). Some 128 positive recommendations were made at first instance during 2013, with 54 appeals granted at second instance. The refugee recognition rate in Ireland during the year was 12.4%, almost double that of the 2012 figure and relating mainly to a proportional increase in positive first instance decisions during 2013. 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. The problem of double counting cases persists. 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 years.

A total of 534 applications for subsidiary protection were submitted during the year, mainly by nationals of Nigeria (127 applications), DR Congo (46), Pakistan (44), Zimbabwe (34) and Albania (24). Some 604 decisions were made with 31 grants, representing a 5.1% recognition rate and mainly to nationals of Syria (7 grants), Pakistan (6 grants) and Somalia (6 grants).¹²⁵

Other Categories of Permission to Remain in the State

Resettlement

In 2013, Ireland continued to participate in the UNHCR-led Resettlement Programme for vulnerable refugees. Ireland joined the UNHCR-led resettlement scheme in 1998 and some 1,104 vulnerable persons were resettled as 'programme refugees' between 2000 and 2013. Some 76 persons were resettled during 2013.¹²⁶ During the year 4 medical cases (19 persons) (including one medical case from Syria) were admitted, 2

¹²⁵ Irish Naturalisation and Immigration Service, November 2014.

¹²⁶ www.integration.ie. Excluding persons relocated and detailed below.

persons arrived to join other family members resettled in 2012 and 24 DRC refugees arrived from refugee camps in Tanzania. One further DRC family of 6 approved for resettlement in 2013 was unable to travel from Tanzania due to the expected arrival of a child in early January. During 2013, 31 Afghan refugees also arrived from Syria under an EU funded Preparatory Action for Emergency Resettlement. This was in addition to the annual resettlement quota. Due to unforeseen delays in arranging transfer of both the Afghan and DRC refugees to Ireland, two new babies were born to the families awaiting transfer, with a further baby due in January 2014. Ireland relocated 3 Somali families (10 persons) from Malta to Ireland for permanent resettlement during 2013. This was noted by OPMI as a gesture of solidarity with the Maltese authorities who were experiencing exceptional pressures on their asylum system. The three families were resettled in the same town as the three other Somali families also admitted from Malta in 2012 and were linked to service providers, children are attending school and adults are participating in language and pre-employment courses.¹²⁷

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 will 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 may apply for ('sponsor') up to four¹²⁸ vulnerable close family members most at risk to join them in Ireland on a temporary basis for up to two years. Persons admitted under the Programme will be entitled to work, establish a business, or invest in the State; a key condition is that they should 'not become a burden on the

¹²⁷ Office for the Promotion of Migrant Integration (December 2013).

¹²⁸ Up to four of their most vulnerable family members, two of whom should be prioritised by the sponsor for admission in the first instance. 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

State'¹²⁹. A six week period was announced for applications under the Programme. At the time of announcement of the Programme, it was noted by the Minister for Justice and Equality that the Irish government had committed to accepting up to 90 Syrian refugees under the UNHCR Resettlement Programme during 2014, and that 'almost all Syrians who have applied for asylum in Ireland since the start of the conflict in Syria in March 2011 have been declared to be refugees' under the national asylum procedure. At the date of announcement, the Irish State had provided €19.3m in financial assistance for Syria and the wider region, bringing its overall funding commitment to the crisis to €26m from 2011 to year end 2014.¹³⁰

Some 2 'recovery and reflection' residence permissions and 2 'temporary residence permissions' were granted during 2013 under the *Administrative Immigration Arrangements for the Protection of Victims of Human Trafficking*.¹³¹

Family Reunification

A total of 415 applications for family reunification were received by the Irish Naturalisation and Immigration Service (INIS) during 2013, with 178 approvals (at an approval rate of 31.8%) mainly to nationals of Somalia (70 grants), Afghanistan (27), Syria (20), Pakistan (22) and Iraq (21). There were 381 refusals/withdrawn cases.¹³² Overall, the Office of the Refugee Applications Commissioner (ORAC) received some 162 family reunification applications in 2013, a decrease of 21.4 % on the figure for 2012.¹³³

Leave to Remain

During 2013 a total of 1,759 submissions to remain in Ireland under Section 3 of the *Immigration Act 1999* were made, with 2,648 decisions made. Some 922 permissions to remain were granted, mainly to nationals of Nigeria (201 grants), DR Congo (73), Zimbabwe (51), China (49), Ghana (38).

¹²⁹ 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

¹³⁰ *Ibid.*

¹³¹ Anti-Human Trafficking Unit, Department of Justice and Equality (March 2014).

¹³² Irish Naturalisation and Immigration Service (November 2014).

¹³³ Office of the Refugee Applications Commissioner (2014). Annual Report 2013. Available at www.orac.ie.

3.2 Outward Migration

With the recession, emigration increased, to 89,000 in the year to April 2013 but declined somewhat to just under 82,000 in the following 12 months.

Table 14: Estimated Emigration Flows by Country of Destination, 1996-2014

End April	UK	Rest of EU 15	EU 12 ¹ NMS	Australia ²	Canada ²	USA	Other ³	Total
Persons	<i>1,000s</i>							
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
2112 ⁴	19.0	14.4	9.6	18.2	3.0	8.6	14.4	87.1
2013 ⁴	21.9	11.5	14.2	15.4	5.3	6.2	14.4	89.0
2014 ⁴	17.9	16.2	8.7	10.0	4.7	6.9	17.5	81.9
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
2112 ⁴	10.8	7.1	5.0	10.9	1.9	4.7	8.6	48.9
2013 ⁴	11.5	4.4	7.5	7.7	2.6	3.3	7.9	44.9
2014 ⁴	9.3	7.2	5.3	4.8	3.3	3.3	8.9	42.0
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
2112 ⁴	8.2	7.3	4.6	7.4	1.1	3.9	5.8	38.2
2013 ⁴	10.4	7.1	6.7	7.7	2.8	2.9	6.5	44.0
2014 ⁴	8.7	9.0	3.4	5.2	1.4	3.6	6.6	39.9

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, 2006-2014

	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
2012 ¹	46.5	3.5	11.2	14.8	11.1	87.1
2013 ¹	50.9	3.9	9.9	14.0	10.3	89.0
2014 ¹	40.7	2.7	14.0	10.1	14.4	81.9
	%					
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
2012 ¹	53.4	4.0	12.9	17.0	12.7	100.0
2013 ¹	57.2	4.4	11.1	15.7	11.6	100.0
2014 ¹	49.7	3.3	17.1	12.3	17.6	100.0

Source: Central Statistics Office (2013). *Population and Migration Estimates, April 2013*. Available at www.cso.ie.

¹ Preliminary

Table 15 shows outward migration by nationality. In the twelve months to 2014, emigration of Irish nationals dropped from almost 51,000 to just over 40,000, which represented about 50% of total emigration. Other than Irish, the largest emigrating nationalities are from the old pre-enlargement EU countries and outside the EU. Some 14,000 citizens of the older pre-enlargement EU Member States (excluding Ireland and the UK) emigrated in 2013-14. This represents over 30% of the estimate of their population as of April 2013 (see Table 19 below), and there has been a steady decline in this population sub-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: just over 10,000 nationals of the EU NMS emigrated in the year to 2014, the smallest number in many years.

Table 16: Estimated Emigration Flows classified by Age, 1991-2014

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
2012 ¹	4.9	35.8	39.5	5.6	1.2	87.1
2013 ¹	6.8	34.8	41.0	5.7	0.7	89.0
2014 ¹	6.0	33.5	37.6	3.4	1.5	81.9
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
2012 ¹	2.3	17.4	24.7	3.8	0.6	48.9
2013 ¹	3.9	15.1	22.5	3.1	0.4	44.9
2014 ¹	2.2	15.8	22.3	1.4	0.4	42.0
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
2012 ¹	2.6	18.4	14.8	1.8	0.6	38.2
2013 ¹	2.9	19.6	18.5	2.6	0.4	44.0
2014 ¹	3.8	17.7	15.3	2.0	1.1	39.9

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 41% of emigrants in the year to April 2014 were in the 15-24 year age group, and another 46% of the gross outward movement relates to those aged between 25 and 44 years, a repeat of the pattern in the

previous year. There has also been some increase in the numbers of children aged less than 14 years emigrating, suggesting an increase in emigration of family units.

Return Migration

In 2013, almost 2,250 persons were removed from Ireland. Some 1,890 persons were refused leave to land in Ireland at ports of entry and returned to the place from which they had come. There were 1,726 orders deportation orders signed under Section 3 of the *Immigration Act 1999*, with 209 persons removed from Ireland under the same piece of legislation. The main country of nationality of deportation orders effected in 2013 related to Nigeria (54), China (23), Mauritius (16), Albania (15) and Pakistan (12).¹³⁴ Some 66 EU nationals were transferred on foot of an EU Removal Order under the *European Communities (Free Movement of Persons) Regulations 2006 and 2008*.¹³⁵

A total of 84 transfer orders were effected following positive determinations by the Office of the Refugee Applications Commissioner (ORAC) under the EU Dublin Regulation, an increase on comparable 2012 figures when 70 such transfers took place.¹³⁶

A total of 425 persons were assisted to return home voluntarily during 2013, with 340 persons in receipt of voluntary return and reintegration assistance from the International Organization for Migration (IOM) office in Dublin and 86 availing of administrative assistance from the Irish Naturalisation and Immigration Service (INIS).¹³⁷ The main country of nationality of persons availing of administrative assistance was Malaysia (29 persons), Brazil (11), Libya (5), Mauritius (5), Ukraine (5) and Israel (4). The main country of nationality of persons applying to IOM for assistance was Brazil (118 persons), China (49), Mauritius (48), Moldova (47) and South Africa (15). Applications were mainly received under the IVARRP programme (313) and VARRP (82). IOM Ireland provided assistance to some 68 persons under the VARRP programme,¹³⁸ with 272 vulnerable irregular migrants meeting specific vulnerability

¹³⁴ Irish Naturalisation and Immigration Service (November 2014).

¹³⁵ Irish Naturalisation and Immigration Service (March 2014).

¹³⁶ Office of the Refugee Applications Commissioner (2014). Annual Report 2013. Available at www.orac.ie.

¹³⁷ Irish Naturalisation and Immigration Service (November 2014).

¹³⁸ The Voluntary Assisted Return and Reintegration Programme (VARRP) is eligible for non-EEA nationals pending or failed asylum seekers, who are at any stage of the process prior to a deportation.

criteria availing of assistance under the IVARRP programme¹³⁹ to return home and avail of reintegration assistance. The main country of nationality of persons receiving assistance from IOM Dublin were Brazil (106 persons), China (46 persons), Mauritius (42 persons), Moldova (40 persons), Georgia and Malawi (10 persons respectively).¹⁴⁰

¹³⁹ The IVARRP is open to vulnerable irregular migrants presenting with a range of specific vulnerabilities.

¹⁴⁰ IOM Dublin (March 2014).

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 2013, to an estimated 4,609,600 in April 2014 (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.

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

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

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>	<i>Net</i>
		<i>(i.e. births less deaths)</i>	<i>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 numbers declined during the Recession, to 550,400 in 2010, but recovered slightly to 564,300 in 2014. 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 230,000 in 2014. The number of immigrants from other European countries has immigrants fallen from over 52,000 in 2010 to 43,000 in 2014, a sharp decline of 27%. Nationals from the Rest of the World (outside Europe) have increased in number since 2010 – to over 180,000 (or almost 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.

Table 19: Total Population 2006 to 2014 Classified by Nationality

	2006	2008	2010	2012	2013	2014
	<i>1,000s</i>					
Irish	3802.4	3909.5	3994.7	4035.0	4038.6	4045.3
Total Non-Irish	430.6	575.6	560.0	550.4	554.5	564.3
UK	115.5	117.9	115.9	113.0	113.4	114.9
Old EU 13	43.8	50.8	52.4	45.5	43.2	38.1
EU New Member States	132.5	247.7	233.0	229.4	228.6	230.7
Rest of World	138.8	159.2	158.7	162.5	169.3	180.5
Total Population	4232.9	4485.1	4554.8	4585.4	4593.1	4609.1
	<i>%</i>					
Irish	89.8	87.2	87.7	88.0	87.9	87.8
Total Non-Irish	10.2	12.8	12.3	12.0	12.1	12.2
UK	2.7	2.6	2.5	2.5	2.5	2.5
Old EU 13	1.0	1.1	1.2	1.0	0.9	0.8
EU New Member States	3.1	5.5	5.1	5.0	5.0	5.0
Rest of World	3.3	3.5	3.5	3.5	3.7	3.97
Total Population	100.0	100.0	100.0	100.0	100.0	100.0

Source: Central Statistics Office (2013). *Population and Migration Estimates, April 2013*.

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 107,435 permissions were registered at the end of 2013, mainly to nationals of Brazil (12,929), India (11,726), China (9,874), USA (7,670) and Nigeria (6,606).

Table 20: All Valid Permits Issued by Reason on 31st December 2012, 2013

	2012	2013
Family reasons	22,836	22,597
Education reasons	35,028	38,680
Remunerated activities reasons	20,461	18,555
Refugee status	1,963	969
Subsidiary protection	64	90
Other reasons	39,929	26,544
Total	120,281	107,435

Source: Eurostat.

Table 20 shows that there was a drop of 10% in permits valid on the 31st December 2013 year on year. Of interest, the number of non-EEA nationals registered for education reasons rose by a similar percentage.

Table 21 shows that the majority of valid permits issued on 31st December 2013 were to Brazilian nationals (12,929), an increase of almost 20% on the previous year's figure. A significant number of permits were issued to nationals of Venezuela, with 2,413 valid at year end 2013. Some 713 were valid on 31st December 2012.

Table 21: Country of Nationality of Valid Permits Issued on 31st December 2012, 2013

Country of Nationality	Number	Country of Nationality	Number
	2013		2012
Brazil	12,929	India	13,691
India	11,726	Nigeria	11,341
China (including Hong Kong)	9,874	Brazil	11,041
United States	7,670	China (including Hong Kong)	10,466
Nigeria	6,606	Philippines	8,118
Philippines	5,676	United States	7,754
Pakistan	5,036	Pakistan	6,479
Malaysia	3,770	Malaysia	3,723
South Africa	2,829	South Africa	3,346
Venezuela	2,413	Ukraine	2,609

Source: Eurostat.

Change of Immigration Status

Table 22: Change of Immigration Status, 2013

<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>			19	16	15
<i>Education Reasons</i>		802		464	425
<i>Remunerated Activities</i>		211	202		673
<i>Other Reasons</i>		517	164	394	

Source: Eurostat.

Table 22 shows changes in immigration status during 2013. A total of 3,902 persons changed status during the year – a decrease of almost 20% on comparable figures for 2012 when 4,782 status changes occurred. Most overall changes of status saw a change from education status, and the largest single move saw from education reasons to family reasons.

A total of 50 persons changed from family reasons to other statuses, with the majority – 19 – for education reasons. Some 1,691 persons changed from education reasons, with the majority changing – 802 – for family reasons. A total of 1,086 persons changed from remunerated activities, with the majority – 673 – to ‘other reasons’. Some 1,075 persons changed from ‘other reasons’, with the largest single category – 517 – on the grounds of family reasons.

Naturalisation

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. A total of 18,990 applications for naturalisation were received during 2013 with 29,412 decisions approved during the year (at a rate of 97.6%, and 716 refusals). Overall, some 24,263 certificates of naturalisation were issued during 2013, mainly to nationals of Nigeria (5,792), India (3,009), Philippines (2,486), Pakistan (1,807) and Ukraine (695).¹⁴¹ Some 18,000 persons attended 18 citizenship ceremonies in 2013.¹⁴²

In March 2014 Ireland issued its first declaration of statelessness under the 1954 Convention relating to the Status of Stateless Persons.¹⁴³

¹⁴¹ Irish Naturalisation and Immigration Service (November 2014).

¹⁴² Irish Naturalisation and Immigration Service (January 2014). ‘Immigration in Ireland – 2013 in Review’. *Press Release*. Available at www.inis.gov.ie.

¹⁴³ The Irish Times (28 March 2014). ‘Ireland gives legal status to first ‘stateless’ resident.’ Available at www.irishtimes.com.

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 2011.¹⁴⁴

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. There are now signs of recovery. Total employment increased by 1.8% between Q2 2012 and Q2 2013 and by another 1.6% over the following year to Q2 2014. Unemployment fell from 15% in Q2 2012 to 11.8% in 2014.

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, resulting in the country languishing in recession until well into the second half of the decade.¹⁴⁵ By 1986 the unemployment rate had reached over 17%. This created a sharp divergence in labour market conditions between Ireland and other countries. 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.

¹⁴⁴ Duffy, D., Durkan, J., and Casey, E. (2012). *Quarterly Economic Commentary, Autumn 2012*. Available at www.esri.ie.

¹⁴⁵ Earlier SOPEMI reports contain more detailed descriptions of these events.

Table 23: Annual Estimates of Total Numbers at Work, Unemployed and Net Migration, 1983-2014

<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	1333	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	1508	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

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.

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 2008.¹⁴⁶ The slowdown was initially apparent in the construction sector, which had expanded disproportionately in recent years: in 2007 over 20% of male workers were in the construction sector. The international credit crisis undermined house prices, which had inflated very rapidly in recent years. Government revenues have been 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 has 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. 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 weak recovery in employment, which increased by less than 2% annually between 2012 and 2013, net emigration continued in 2013-14.

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.¹⁴⁷

¹⁴⁶ Barrett, A., Kearney, I. and O'Brien, M. (2008). *Quarterly Economic Commentary, Summer 2008*. Available at www.esri.ie.

¹⁴⁷ 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,

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.

Table 24: Employment by Nationality, 2004–2013

	2004 Q4	2007 Q4	2012 Q4	2013 Q4	2004-07	2007-12	2012-13
	<i>1,000s</i>				<i>% change</i>		
Irish	1735.1	1814.5	1579.9	1626.2	4.6	-12.9	2.9
Non-Irish	164.4	341.5	269.2	283.6	107.7	-21.2	5.3
of which:							
UK	43.6	56.8	46.5	49.8	30.3	-18.1	7.1
EU-13	27.3	32.4	29.1	27.7	18.7	-10.2	-4.8
EU NMS	40.9	171.3	125.9	130.2	318.8	-26.5	3.4
Other (non-EU)	52.6	81.0	67.7	75.9	54.0	-16.4	12.1
Total Persons	1899.5	2156.0	1848.9	1909.8	13.5	-14.2	3.3
	<i>%</i>						
Non-Irish	8.7	15.8	14.6	14.8			

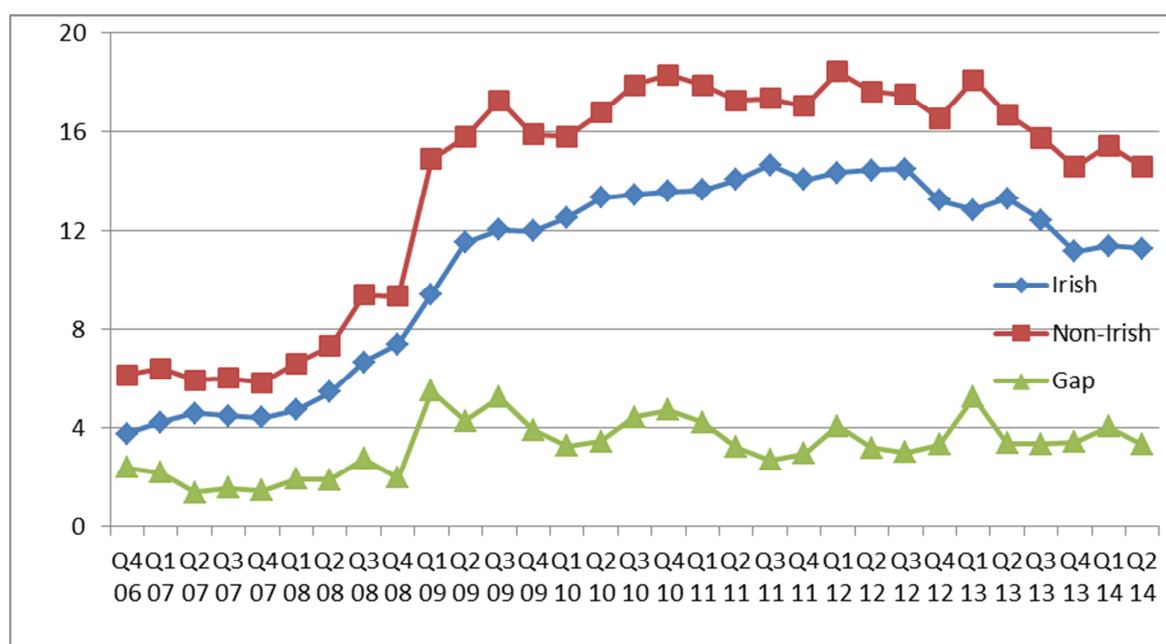
Source: Central Statistics Office (various years). *Quarterly National Household Survey*. Available at www.cso.ie.

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).

In the more recent context of sluggish economic growth, total employment increased by over 3% between the end of 2012 and 2013. Employment among Irish natives increased by 3% and among non-Irish by over 5%. The rate of growth was greatest (12%) among those from outside the EU, reflecting demand for skills in short supply among Europeans, and among UK nationals (7%). Employment of nationals of the older EU countries (other than UK) continued to decline.

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 1). 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 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.

Figure 1: Unemployment Rates, Irish and Non-Irish Nationality, 2004–2014



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

Table 25: Unemployment Numbers and Rates by Nationality, 2007 and 2013

	2007		2013	
	1,000s	% Rate	1,000s	% Rate
Irish Nationals	83.4	4.4	206.3	11.2
Non-Irish Nationals	21.2	5.8	48.3	14.6
<i>of which:</i>				
UK	4.6	7.5	10.2	18.4
EU-13	3.2	9.8	3.1	10.1
EU NMS	10.3	5.7	21.8	14.3
Other	5.1	5.9	12.4	14.0
Total Persons	104.6	4.6	253.2	11.7

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

In late 2013 UK nationals had the highest unemployment rate over 18%. Unemployment among nationals of the EU NMS at 14% was close to that among those from outside of the EU.

Table 26: Migration by Principal Economic Status

	Immigrants <i>Status in the quarter prior to April</i>				Emigrants <i>Status in the quarter prior to departure</i>			
	2009	2011	2013	2014	2009	2011	2013	2014
	1,000s				1,000s			
At work	33.7	23.2	22.2	22.6	41.3	36.2	36.5	28.9
Unemployed	15.7	9.7	7.5	6.8	10.8	15.2	17.2	12.3
Student	9.8	9.0	11.0	16.2	12.5	17.6	20.2	29.0
Other	10.1	5.2	6.0	7.3	5.1	6.5	8.3	5.7
Total	69.1	47.1	46.6	52.8	69.7	75.4	82.2	75.9
	%				%			
At work	48.8	49.3	47.6	42.8	59.3	48.0	44.4	38.1
Unemployed	22.7	20.6	16.1	12.9	15.5	20.2	20.9	16.2
Student	14.2	19.1	23.6	30.7	17.9	23.3	24.6	38.2
Other	14.6	11.0	12.9	13.8	7.3	8.6	10.1	7.5
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Source: Central Statistics Office (2014), *Population and Migration Estimates, April 2014*.

The CSO presents a new analysis of the Principal Economic Status of Immigrants and Emigrants in the 2014 *Population and Migration Estimates*. Among immigrants, in relation to whom status is measured in the quarter prior to April 2014, there has been a striking increase in the proportion of students, from 14% of all immigrants in 2009 to over 30% in 2014. The proportion at work has fallen somewhat from 49% to 43%, as has the proportion unemployed – from 23% in 2009 to 13% in 2014, suggesting that new immigrants may now be better prepared to compete for jobs in the Irish labour market than they had been in the early years of the Great Recession.

Among emigrants, in relation to whom status is measured in the period prior to departure, there has also been a substantial increase in the proportion of those who had been students – up from 18% in 2009 to 38% in 2014. The number of emigrants who had previously been students has been increasing steadily since 2009, raising concerns about possible loss of human capital. Whether such emigrants might return to Ireland in a context of economic recovery remains to be seen. Substantial numbers of emigrants had been at work prior to departure, although this has trended down over time. The numbers of emigrants who had been unemployed prior to departure fluctuated considerably over the period for which we have data, although the broader picture is that this group has constituted a minority – never more than 21% - of total emigration.