



Ireland

## “Feeding in” and “Feeding out”, and Integrating Immigrants and Ethnic Minorities

A Study of National Policies

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*November 2006*



On behalf of  
**European Commission**  
DG Employment, Social Affairs and Equal Opportunities



# 1. Chapter 1 Feeding In and Feeding Out

## Overview/Summary

The two strategies are closely co-ordinated. They fit relatively well together and also with what is arguably the lead process in Ireland, the recently agreed 10-year social partnership programme: *Towards 2016*. While I hesitate to say that the reduction of social exclusion is a strong motivating thrust of the NRP, the two documents contain many of the same proposals and many of the relevant proposals made in the NRSSPSI have been incorporated into the NRP. This is a positive development and reflects the co-ordinated planning process being undertaken in Ireland. As one might expect, the NRP is most active on and in tune with the second objective of the NRSSPSI – access to quality work and learning opportunities.

To the extent that there are gaps between the NRP and the NRSSPSI, I identify these as lying in the amount of attention devoted in the NRP to two of the four key objectives in the NRSSPSI: improving access to quality services, the integration of immigrants. Access to quality services is not developed in the NRP despite its relevance to employment issues and economic development. Neither is the integration of immigrants, another key objective of the NRSSPSI, treated in any great detail by the NRP. Immigrants apart, the target groups identified by the NRSSPSI are present in the NRP. For these and other reasons, I would adjudge that there is a good deal of consistency in terms of a) overlap between the objectives and key measures of both, and b) the absence of either contradictions between them or aspects in the NRP that might act to increase social exclusion.

Whether there are synergies between the two processes depends on how one understands 'synergies'. While there are overlaps and the two share some processes, the achievements on jobs and growth on the one hand and social inclusion on the other will be effected by parallel processes rather than a unified one.

In terms of the contribution that economic and employment policies might make to social cohesion/inclusion, I consider that the NRP reinforces and generally endorses the current direction being taken in relation to social inclusion policy and objectives. As mentioned above, there are good grounds to consider that the two documents as co-ordinated, especially in terms of making the benefit system more effective from an activation perspective and in targetting groups furthest from the labour market for activation. However beyond this, it is difficult to see the NRP as having an independent positive impact on social inclusion.

In the period since the first semester report (May of this year), there have been no developments that indicate a change of course in Ireland's economic situation or in major policy orientation.

## 1.1 Feeding in Analysis

### *1.1.1 Governance: Stakeholders' involvement/consultation in the NRP*

To prepare the NRP a co-ordinating group was established, chaired by the Department of the Taoiseach. The Departments of Finance and Enterprise, Trade and Employment had lead roles in the process as the Departments with lead responsibility for the main policy areas under the Lisbon process. These Departments liaised with other relevant Departments in respect of material under the various headings of macro-economic, micro-economic and employment guidelines. The Department of Social and Family Affairs was consulted about pension reform, welfare reform and making work pay measures,

the Department of Justice, Equality and Law Reform made inputs on gender equality and the Office of the Minister for Children on childcare.

The main consultation with stakeholders was effected through the social partnership process. During the negotiations with the social partners leading to *Towards 2016*, it was agreed that these negotiations served as appropriate engagement on the key areas of progress under the Lisbon Strategy, and that the outcome of the negotiations would be reflected in the first annual progress report on implementation of Ireland's NRP. The social partners received a draft copy of the Progress Report and were invited to submit comments on it to the Department of the Taoiseach. These comments were considered in the final draft which was submitted to the European Commission in October 2006. As far as I can ascertain there was no formal consultation process engaged in with the social interests which are outside of the social partnership process.

### *1.1.2 Social Inclusion/Social Protection challenges*

The core links with the social protection and social inclusion process are rarely made explicit in the NRP. However, a linkage could be said to exist given that the two documents contain many of the same proposals and many of the proposals made in the NRSSPSI have been incorporated into the NRP. This is a major advance in the Irish case. Hence, in effect sections 4.3 and 4.4 reprise many of the proposals made in the NRSSPSI. Among the joint topics covered are the activation of the unemployed, lone parents, people with disabilities and Travellers, as well as gender-related and pension-related measures.

One group that might be identified as being considerably less emphasised in the NRP as compared with the NRSSPSI is immigrants (the integration of whom is one of the four primary objectives of the NRSSPSI). The NRP discusses these in terms of 'economic migration' (rather than as a target group). Moreover, the discussion in the NRP indicates that Ireland's approach to migrant workers is utilitarian given that the stated objectives of economic migration policy are: "firstly, increasing participation and upskilling the resident population; secondly, maximising the potential of European Economic Area (EEA) nationals to fill skills deficits; and thirdly, using employment permits to meet skill needs which cannot otherwise be addressed". The NRP gives insufficient recognition to the fact that there are labour-market-related measures, such as improved provision of and access to training and further education, that might be needed for this sector of the population. In addition, a strategy on growth and jobs in Ireland should contain a strategy on migrant labour given that this source of labour has been so important to the recent phase of Irish economic development, not least in acting to keep wage inflation down (Barrett 2005). While policy is becoming more proactive, up to now the selection of migrant workers has in effect been in the hands of employers (who apply for and are the holders of the work permits). One of the most notable features of recent migrant workers in Ireland has been their high levels of education vis-à-vis the resident population. The NRP gives the strong impression that migrant workers are but a minor consideration in the context of Ireland's strategy on growth and jobs. Hence, the question raised by the peer review on increasing labour supply through migration (carried out in 2005) is very pertinent: given that the current approach had been developed in the context of an unprecedented and sustained economic upturn in the Irish economy and labour market, one must ask how well-adapted the approach is to cope with the course of a full economic cycle, and how effectively Ireland would be able to deal with existing immigrants and further immigration in any future economic downturn ([http://pdf.mutual-learning-employment.net/pdf/05\\_ireland/Summary-PR\\_IE\\_Jun05.pdf](http://pdf.mutual-learning-employment.net/pdf/05_ireland/Summary-PR_IE_Jun05.pdf)).

The NRP also gives little explicit attention to the fourth social inclusion objective: to improve access to quality services. This is most present in the NRP's highlighting of the provision of childcare. The NRP more or less fails to consider the other policy or service domains which are discussed in the NRSSPSI

in relation to this objective – health, housing, income support services, transport and services in disadvantaged areas. These areas could have been considered for their implications for job growth and competitiveness.

Apart from these, the main way in which social inclusion-related issues are integrated into the NRP is in relation to employment participation and improving education and training. The NRP pursues a three-fold strategy in relation to the social inclusion aspects of employment: greater integration of specific groups into the labour market, improving incentives (viewed mainly in terms of taxation rates and the conditions attaching to some benefits) and continuing to improve supports (seen mainly in terms of child-care provision and gender equality measures). When it comes to education and skills upgrading as general policy goals, the NRP pursues also a three-fold strategy: putting in place a policy to increase the emphasis on lifelong learning, improving the range of existing training, including incompany training and attending to educational disadvantage and early school leaving. There are measures here that are likely to benefit vulnerable groups, e.g., the Workplace Basic Education Fund and the measures mentioned in relation to educational disadvantage and early school leavers and adult literacy.

The NRP refers only obliquely to social inclusion and social protection in its discussion of the outstanding challenges. As a term or concept, social inclusion hardly figures at all in the NRP and it is certainly not worked out in any depth in relation to the document's organising ideas (among which competitiveness, sustainability and continued structural reform dominate). In the introductory parts of the NRP, the most social reference is to "social equity and ensuring environmentally sustainable development as inter-related goals in securing improved quality of life and living standards for all". There is a section (1.6) in the introductory part which discusses social policy explicitly. In the text here the objectives as stated (or rather restated from *Towards 2016*) are quite social, e.g., "nurturing a complementary relationship between social policy and economic prosperity", "re-inventing and repositioning Ireland's social policies", "deepening capabilities, achieving higher social and economic participation rates and more successfully handling diversity including immigration". As the NRP goes on it is not always clear that these objectives are being addressed.

Of the social policy elements, both social protection and pensions feature, the latter quite strongly, but there is little or no reference to health. Social policy reform per se is not targeted, being discussed mainly in relation to work incentives and activating benefit recipients. It is clear that no major reforms are planned; instead the strategy is for a continuation of gradual reform. In this the NRP and the NRSSPSI are very similar.

As regards pensions, reference is made very early on to the major recent developments that have taken place. Those mentioned include the National Pensions Reserve Fund, the National Pensions Review (carried out this year), the commitment to the Publication of a Green Paper on Pensions Policy and the future financing of long-term care. In addition, older members of society are the only sector of the population to which specific reference is made in the discussion of the macroeconomic policy objectives.

In sum, as regards consistency between the two strategies, I adjudge there to be a good deal of consistency in terms of a) overlap between the objectives and key measures of both, and b) the absence of either contradictions between them or aspects in the NRP that might act to increase social exclusion. Overall, it is my conclusion that there is quite a strong series of linkages between the two strategies with the result that social issues have a presence in the NRP (subject of course to the clarification that social issues appear mainly in terms of how they pertain to the market and economic functioning and associated priorities). Whether there are synergies between the two processes depends on how one understands 'synergies'. While there are overlaps and the two will share some processes, the achievement of jobs and growth on the one hand and social inclusion on the other will be effected by parallel processes rather than a unified one.

## 1.2 Feeding out Analysis

There are proposals in the NRP which are likely to be positive from a social inclusion perspective, especially if one sees social inclusion in terms of inclusion in the labour market (which is the primary orientation of the Lisbon process). First, the general aim of fostering continued expansion of the labour market has some general spin-offs for social inclusion. Secondly, the intention to (continue to) target vulnerable groups for activation is also likely to contribute to the social inclusion objectives as set out in the NRSSPSI. Thirdly, the plans to continue the policy of making work pay will also have benefit for those in low-paying jobs.

However having said this, there are also developments that can be hypothesised to be if not negative then less than optimum from a social inclusion perspective. In this regard the main question is whether the NRP goes far enough. There are several aspects to this. One of the main factors associated with social exclusion in Ireland is financial shortage and need. Relative poverty rates are high by EU standards (although it should be noted that the official government approved measure used in Ireland is 'consistent poverty', a mix of income and relative deprivation, as its key poverty indicator). In the absence of significant tax reform and of increases in benefit levels the NRP places strong reliance on the labour market as a response to poverty. Secondly, questions must be raised about the policy of targeting the groups furthest from the labour market. Given the very buoyant labour market situation that has prevailed in Ireland for at least 10 years now, it is highly likely that those who continue to remain outside employment are in this situation either because of some exigency (family responsibilities, illness or disability) that is not easily changed or because they represent a 'hard core' in terms of need or abilities. The efficacy of the measures proposed has to be questioned in this context. While there is definitely greater targeting and also, as mentioned above, a pathway approach is gradually being put in place in Ireland, the limits of these kinds of strategies in the context of the scale of the 'problems' that they are trying to address and indeed the fact that Ireland has reached near full employment must also be recognised.

### 1.2.1 *Employment Creation*

Policy makers in Ireland keep a close eye on the volume of employment and a range of agencies continue to target job creation and entrepreneurship and innovation. Job creation policy is carefully managed, especially in terms of regional and sectoral dispersion as well as skill levels and occupational concentrations and balance. All of this is overseen by the national social partnership process which has been institutionalised in Ireland for the very purpose of effecting an atmosphere and set of practices that 'manage' the different interests involved. One of the characteristic features of labour market policy in Ireland is that it has had a strong orientation to the supply side - investment in human capital has been a key driver of economic development policy in Ireland for many decades. However, it must be said that the social partnership process has had a strong thrust towards social issues, including poverty and social exclusion, and that some groups representing the interests of those who are marginalised have been part of the process (although participation has been quite a conflict-ridden experience for the voluntary sector as a whole (Shaw 2005)). The underlying logic of the policy approach followed in Ireland is that it has been largely assumed that the main benefits of job creation will 'trickle down', especially if those most marginalised from the labour market are 'assisted' to become economically active.

Active labour market programmes are now a major part of the Irish labour market policy landscape. As I pointed out in my first semester report this year, there are at present some 38 different labour market

and social inclusion programmes, involving some eight government departments and 13 different agencies as well as a range of non-statutory bodies. A recent report by the National Economic and Social Forum (NESF) (2006) on labour market programmes made a number of key recommendations that are relevant to both the NRP and the NRSSPSI. One of the most significant recommendations is for a *National Strategic Framework* to ensure the coherence and integration of the €1,000 million per annum currently being expended on labour market and social inclusion policies aimed at tackling the problems of labour market vulnerability. It was specifically recommended that this framework should encompass the NRP guidelines. In the view of the NESF the Framework should aim to facilitate improved interagency work at the local level and ensure the mainstreaming of best practice at the local level into the development of national policies. In addition, it was suggested that action needs to be taken on the eligibility criteria for active labour market programmes which, according to the NESF, vary considerably and are not always framed in terms of a person's employability problem(s). The NRP did not respond to these specific recommendations. Significant progress towards instituting a pathway approach could be made if another recommendation of the NESF were taken up. This is for a 'Personalised Action Plan' to be developed and put in place for each person, especially those who are most marginalised from the labour market, detailing the supports they will receive (from all service providers) and their own obligations and incentives in availing of them. However details of such a plan are to be included in the next National Development Plan, which was being agreed as this report was being written.

The extent to which the combination of wages, tax exemptions and in-work and family benefits ensures that people moving into employment are also moving out of poverty is a big issue in relation to the NRP (and also the NRSSPSI). The National Economic and Social Council (NESC) (2005) and the National Economic and Social Forum (NESF) (2006) both point out that significant poverty traps remain in the social welfare system, by virtue of the too rapid withdrawal of a person's secondary benefits on taking up work. In the view of the NESF, this has been exacerbated by the growing complexity of the means-tested benefits system and lack of indexation of household means-tested income disregards before secondary benefits are lost. A number of disincentives/anomalies were identified, including the fact that rent supplement is available only to those receiving benefits and is withdrawn upon taking up employment and that the earnings disregards attaching to continued receipt of welfare benefits while employed have not been raised to reflect the growth in costs or general earnings. While the NRP plans to make withdrawal of benefits less severe, it does not address these fundamental issues.

### *2.1.2 Economic Growth*

In relation to economic growth, questions have to be raised about the impact of both infrastructure policies and tax policies. In regard to infrastructure, my general worry is about too little targeting in the NRP on those who are worst off and the areas in which they live. However one has to be careful here in that the National Development Plan is likely to propose such targeting – it has done so in the past – and so one should not rush to judgement in this regard. This notwithstanding, the failure of the NRP to treat access to quality services as a matter of real relevance to labour market policy and job creation is something of an opportunity lost.

There is also the matter of taxation policy which the NRP indicates is not going to undergo significant reform in Ireland. While there are many benefits to a low income tax regime, it does raise questions about the effectiveness of the taxation system as a mechanism of income redistribution. With a gini-coefficient at around .3, Ireland is an example of how economic growth has cohabited with rising income inequality. While recent budgets were progressive, this was mainly because they granted higher than average increases to welfare recipients rather than because of taxation reforms. Although a large proportion of low-income earners do not pay tax and there is a commitment that persons earning the

national minimum wage should remain outside of the tax net, the extent to which economic growth is increasing the resources of those on the lowest incomes and reducing income inequalities is limited.

In terms of the contribution that economic and employment policies might make to social cohesion/inclusion, the NRP reinforces and generally endorses the current direction being taken in relation to social inclusion policy and objectives. As mentioned above, there are good grounds to consider that the two strategies are co-ordinated, especially in terms of making the benefit system more effective from an activation perspective and in targetting groups furthest from the labour market for activation. However beyond this, it is difficult to see the NRP as having an independent positive effect on social inclusion. Apart from some targetting of vulnerable groups and attention to training and low pay, the NRP evinces almost no consideration of its impact on jobless households, income distribution or poverty levels in general.

### 1.3 Analysis questions per (relevant) guideline of the NRP implementation report

*GL14 To create a more competitive business environment and encourage private initiative through better regulation*

Some awareness of corporate social responsibility of business is evident but it is buried quite deeply. The matter comes up only in relation to regulation, and in particular regulation impact assessment, to which discussion in this section of the NRP is more or less limited. RIA is being introduced gradually in Ireland and the text points out that the Irish version of RIA is integrated in that it requires an analysis of the business, social and environmental costs, benefits and likely impacts.

*GL17 Implement employment policies aiming at achieving full employment, improving quality and productivity at work, and strengthening social and territorial cohesion*

Specific reference to and discussion of this objective is missing from the Irish text.

*GL18 Promoting a lifecycle approach to work*

⇒ *GL 2 To safeguard economic and fiscal sustainability as a basis for increased employment*

*GL19 Ensuring inclusive labour markets*

*GL21 Promote flexibility combined with employment security and reduce labour market segmentation, having due regard to the role of social partners*

⇒ *GL 5 To promote greater coherence between macroeconomic, structural and employment policies*

⇒ *GL 9 To facilitate the spread and effective use of ICT and build a fully inclusive information society*

These guidelines are all discussed together in a part of the text which is organised around two main points of discussion: activation and greater integration of specific groups into the labour market.

Even though a life cycle approach was adopted in the latest social partnership agreement and is an organising frame of the NRSSPSI, it is not generally used as a guiding frame in the NRP. The main evidence of a lifecycle approach is in the emphasis placed on the provision of childcare on the one hand and measures supporting a longer working life for those aged 55 years and over on the other. By comparison, both the NRSSPSI and *Towards 2016* were organised around three life phase-specific groups: children, people of working age and older people.<sup>1</sup> Indeed, *Towards 2016* set out a ten-year vision and a set of policy goals in relation to each group, together with priority actions.

<sup>1</sup> The NRSSPSI also spoke in terms of a fourth target group – people with disabilities – but this makes little sense in terms of a life cycle approach because people with a disability are spread across age groups.

As regards the question of whether the NRP contains measures to promote modern social protection systems, including pensions and healthcare, sufficient to meet challenges identified in the NRSSPSI, the answer is a qualified 'no'. The main reason to give a negative judgement is the virtual absence of any reference in the document to healthcare and other services, especially in the context of the emphasis placed by the NRSSPSI on improving access to quality services.

It is true that the document recognises an interaction between the social protection system and the labour market. Moreover, this is a relationship that is targeted for action by the NRP – especially in regard to tempering disincentives in the benefit system and targeting particular groups of social welfare recipients for activation measures. However, the main concerns of the NRP lie elsewhere.

The NRP does devote considerable attention to older workers and the well-being of the elderly. The document has quite a strong and consistent thrust towards increasing employment retention among older workers. One of the measures for persons over 65 years is the raising (in the 2006 Budget) of the exemption limits for income tax for this age group. In addition, older workers are to be targeted in the 'preventive process' (which engages with the unemployed in order to assist their progress towards participation in employment, training or active labour market programmes). Older workers are also being targeted for training (especially in-company training) purposes. More generally, the NRP makes reference to the fact that *Towards 2016* contains a commitment to promoting a change of mindset among both employees and employers to encourage older workers to remain in employment.

The reconciliation of work and family life is addressed only indirectly and this is mainly through the childcare-related measures which have been targeted for extensive development in the recent past and are once again being prioritised under *Towards 2016*. There is a new National Childcare Strategy 2006-2010 which targets both childcare provision and childcare-related training. Financial supports to families with children have also been increased, including the introduction of an early childcare supplement (which goes to all families with children under 6 years irrespective of their income or particular childminding arrangements). It is therefore a universal measure, very much in line with governmental preference for a universal as against a targeted approach to child welfare. Another development that is relevant to reconciliation is the National Framework Committee for Work-Life Balance which, under *Towards 2016*, will "continue to support and facilitate the development of family friendly policies aimed at assisting the reconciliation of work and family life at the level of the enterprise".

In regard to the question of whether the NRP contains measures promoting an inclusive labour market, there are two points of significance. First, the NRP focuses on the inclusion of those furthest from the labour market. In this regard attention is turned mainly on placement in employment/training schemes and the removal of benefit-related disincentives (especially those associated with benefit withdrawal). The groups targeted for this purpose are the unemployed, those with disabilities, lone parents and Travellers. One could say that over time a pathway approach towards employment is being put in place, with programmes such as Youthreach and the Bridging/Foundation programme which, designed to enable early school leavers to access the labour market, cater for some 4,600 persons annually. The unemployed and their needs receive considerable attention in the NRP, including the plan for the national employment service (FAS) to undertake activation measures with those who have been three (as against six at the present time) months on the unemployment rolls. A second way in which the NRP will work to make the labour market more inclusive is the focus to be given to improving the rights compliance regime. Relevant developments here include the establishment of a new, statutory office dedicated to employment rights compliance (the Office of Director for Employment Rights Compliance, or ODERC), increasing the number of Labour Inspectors from 31 to 90 by end-2007, greater coordination among organisations concerned with compliance, new requirements in respect of record keeping, enhanced employment rights awareness activity, the introduction of a new and more user friendly system of employment rights compliance, increased resourcing of the system; and higher

penalties for non-compliance with employment law. These are all positive and should help to effect improvements in the situation of those who are most vulnerable in the labour market, including migrant workers.

The NRP makes no reference to poverty apart from the use of the term poverty traps (in section 4.3.6). There are some measures mentioned in it which will have an effect on reducing poverty however. Notable mentions here include increasing the old-age pension rates, the plan to raise the national minimum wage again from January next year and the commitment to keep the lowest paid out of the tax net. Overall however, the NRP could not be said to be informed by a social inclusion orientation in that it contains few if any egalitarian measures and operates with an underdeveloped sense that the measures proposed could or should be put in the service of reducing social exclusion and inequality. To give an example: childcare could have a significant impact on the problems associated with social exclusion if it were better targeted on the needs of low-income sectors of the population. It is difficult to see how the planned measures will reach the poorest sectors of the population; any effect is likely to take place through trickle down processes rather than direct measures targeting them, with the exception of some activation measures and also those relating to educational deprivation.

The NRP does refer to both tax and benefit reforms to improve incentives and make work pay. The strategy of 'making work pay' is again foregrounded and is to all intents and purposes the sole approach. This suggests that there is no major reform planned for the taxation system and therefore that the low income tax/high indirect tax regime is going to continue in Ireland. Among other things, this means that the social welfare system will bear a high burden of income redistribution. In its references to the social welfare system, the main measures in the NRP target the links between welfare and work. The strategy of increasing incentives to and the ease with which benefit claimants can procure an income from employment is the centrepiece here. In this and other ways the NRP is consistent with the strategy pursued in Ireland to date. The policy is to rely on a growing use of tapered withdrawal of benefits as people take up employment or self-employment. The benefits that are mentioned here include disability allowance and blind pension, the back to work allowance (which is for the unemployed), and the one-parent family payment. Reference is also made to the welfare payment that augments the income of the low paid, the Family Income Supplement. In general, the measures mentioned are in line with the Social Inclusion objective of "necessary resources to live in accordance with human dignity" and they are also in line with the general tenor of the revised Lisbon Strategy in terms of enabling or compelling people to treat the market as their primary source of income.

In its discussion of adaptability, the NRP devotes considerable attention to workplace organisation and working conditions and labour law. Although it contains a number of proposals regarding adaptability, the intention to increase the adaptability of labour markets is not pursued all that strongly or consistently. The NRP's primary concern with 'adaptability' is discussed in relation to workers on the one hand and the social welfare system on the other. Although some reference is made to measures to encourage flexibility in the retention of older workers, one could not say that the NRP offers a concerted strategy on flexibility as such. The main orientation of the NRP is to the supply side. Among other things, this means that there is no real attempt to tackle the issue of employment flexibility or how it might be combined with security. It must be said that in the context of high labour market demand at present in Ireland, flexibility is not a major issue. However, planning should be for the long-term and flexicurity as a concern of policy does have a role in Ireland, and should be more actively considered as a way of increasing female labour force participation and also as part of a wider strategy for reconciling work and family life.

There is a reference to inclusion and an inclusive society under the discussion on guideline 9. Here reference is made to the intention to produce another Knowledge Society Action Plan, the third. From the information given, it does not appear that there will be any targeting of low income sectors of the

population, however, although the need to provide for “greater inclusiveness” is mentioned in this context. This is an area where low-income groups could be targeted, for example on e-inclusion and computer access and literacy. Overall, it must be said that few if any measures are known at this stage which will serve to make ICT use, and the information society in general, either inclusive or a vehicle of social inclusion.

*GLs23-24 Expand and improve investment in human capital, Adapt education and training systems*

Traditionally in Ireland education and training policies have not been inclusive. But there has been attention to this in recent years. Especially important in this regard is the DEIS (Delivering Equality of Opportunity in Schools) initiative which, introduced in 2005, is centrally focused on tackling disadvantage in and through the educational system, working systematically through the different levels of educational provision (apart from third-level). As a long-term strategy, this will take time to realise its objectives however. In the mean time and notwithstanding other initiatives, a wide access to education and training in Ireland is not assured and there is a body of evidence to indicate that those from the poorest sectors of society find it difficult to progress to third level especially. The difficulties of migrants, including migrant workers and asylum seekers and refugees, is also to be highlighted in this respect (see Part 2 of this report). Against this backdrop, the NRP focuses on increased provision for the educational inclusion programme, in-company training, the skillnets training programme (a network-based training programme for enterprises), the recently-established Workplace Basic Education Fund and training for enterprise.

As regards the policy response towards reducing significantly the number of early school leavers, the NRP indicates some increase in the resources to be devoted to this area. In particular, as well as increasing the funding to DEIS, funding will be made available for an additional 1,000 places in Youthreach and second chance education by 2009 and for an increase of 6% per annum in the adult literacy programmes. These are significant, and very welcome. However, the absence of a significant commitment towards improving the access of the low income and marginalised sector to third-level education is disappointing. Again though here it is important not to be premature in reaching a conclusive judgement since the forthcoming National Development Plan (due later this year) and the National Skills Strategy (due in 2007) are likely to have a strong focus on upskilling, retraining and lifelong learning.

Overall the NRP can be said to have a focus on women. The main plank of its strategy is to target women as workers, especially by increasing childcare provision and mainstreaming the ETW, the gateway process for female returnees to the labour market. In addition, the measures mentioned cover reducing the gender gap in wages and addressing the barriers and obstacles that women experience in participating in education and training. However, these are not pursued in any depth. To the extent that the NRP is oriented to gender rather than just women, its most significant element is the stated intention to give effect to a gender mainstreaming strategy. The establishment of gender mainstreaming arrangements in government departments is mentioned in this context and is to be welcomed. This is to be part of the forthcoming National Women’s Strategy 2006-2015. The Strategy will be the main vehicle by which poverty and social exclusion issues relating to women as a vulnerable group will be tackled and will contain 20 key objectives and over 200 planned actions under three key themes:

- Equalising socio-economic opportunity for women;
- Ensuring the wellbeing of women;
- Engaging as equal and active citizens.

It should be noted that the table in the annex was not filled out in the Irish report.

## 2. Integration of Immigrants

Given the volume of policy, research and other initiatives in regard to immigrants underway in Ireland at the present time, this chapter covers only major relevant initiatives. It was compiled on the basis of a range of secondary sources, mainly official documents. All the relevant government departments, agencies and some NGOs were contacted, in the initial search for information and also in a request to validate the information. There was considerable non-response and those that did respond tended, with a few exceptions, to point to information that was of a general nature rather than specific to different aspects of the integration of immigrants.

### 2.1 Background

As is now well known, Ireland's transformation has been rapid and profound. What might be less well-known is that immigration has been a vital part of that transformation. Starting in the late 1990s, Ireland underwent what for it was a novel experience - a significant inflow of migrants, both workers and asylum seekers. As the process intensified and as Ireland's continued economic expansion came to depend more on migrant labour, policies around labour immigration and integration have had to be developed in a relatively short period of time. Given the relative cultural homogeneity of Ireland heretofore, multiculturalism in an Irish context especially means a focus on the inter-relationships between migrants and asylum seekers/refugees on the one hand and the indigenous population on the other.

Recorded net migration became positive in 1997 and reached over 53,000 in 2005 (year ending April in each case). As Ruhs (2004) puts it: Ireland reached its migration 'turning point' only in the 1990s, making it the last EU member state to become a country of net immigration. Data from the Central Statistics Office (CSO) suggest that over the course of the last two decades there has been approximately a fourfold rise in gross inward migration - from an estimated annual number of 17,200 in 1987 to 86,900 in 2006. At the same time estimated outward migration has fallen.

The return migration of Irish people is significant in this, although it has been falling over time. Between 1996 and 1999 such migration accounted for over half of all recorded migrants but the share had fallen by 2006 to about 20%. CSO estimates indicate that the largest share of migration to Ireland consists of nationals of other EU countries. Immigration in Ireland is a phenomenon closely associated with EU enlargement. Until the 2004 enlargement took place, estimated migration of this nature in Ireland was relatively stable and its share fell in subsequent years with the rise in migration from other countries (including the accession states). In the year following enlargement to April 2005, there was an estimated increase of almost 23,000 (to 33,500) in the migration of EU 25 nationals—other than UK nationals—to Ireland. The estimates for 2005 suggest that almost 80% of non-Irish migrants to Ireland in that year (40,400 people) were nationals of the EU 25. One can narrow it down even further though - around two-thirds of the EU nationals migrating to Ireland in the year to April 2005 were estimated to be nationals of the New Member States (NMS). In that year these NMS nationals represented over half (52%) of the total estimated non-Irish migration to Ireland, while 13.5% of non-Irish migrants were UK nationals and 14% were nationals of the other 13 EU countries. The trend in migration is determinedly upwards. The most recent data on population from the *Quarterly National Household Survey* estimates that net migration in the year 2005-2006 was 69,900, the highest figure recorded since the series of annual migration estimates began in 1987 (CSO 2006).

Among the various categories of non-EU nationals coming to Ireland in recent years, the great majority have been workers, followed by asylum seekers and students. The number of persons seeking asylum in Ireland increased dramatically from 362 in 1994 to 11,634 in 2002, before falling again to 4,323 in

2005 (which is equivalent to just over 7% of estimated immigration (excluding Irish people)). Asylum seekers are not permitted to work, but those whose applications are successful and become recognised as refugees acquire full employment and social rights. Of those who claim asylum status, almost 90% are not successful in their claim. At the end of 2004, there were 7,201 refugees in Ireland and the combined number of asylum seekers and refugees was 10,897 (UNHCR, 2006, cited in NESCS 2006a: 12).

As one might imagine, the increase and change in the composition of migration to Ireland have had a significant impact on the character of the workforce, and even the population. Migrant workers now account for 8.5% of the total Irish labour force, one of the highest proportions in the EU. A substantial share (almost 40 per cent for the period 2001 to 2005) of the estimated growth of employment in recent years has consisted of non-Irish people. Among the sectors of the economy which most rely on employing migrant workers, and nationals of the EU 10 in particular, are the hotel and catering industry and the manufacturing and construction sector (and the agricultural sector to a lesser extent). Turning to the population, the share of foreign-born persons living in Ireland rose from 6% in 1991 to over 10% in 2002 (including about 1.3% born in Northern Ireland). During the same period, the share of residents born outside the EU 15 increased from 1% to 3%. Comparing Ireland to other EU countries underlines how rapid have been the changes. During 1990 - 1994, Ireland was the only country among the member states of the EU 15 with a negative net migration rate whereas between 1995 and 1999 Ireland's average annual net migration rate was the second highest in the EU 15, surpassed only by that of Luxembourg (Ruhs 2004).

As stated above, people mainly migrate to Ireland for employment - of the estimated 271,300 people not having Irish nationality aged 15 years and over resident in Ireland at the start of 2006, almost 73% are in the labour force (NESCS 2006a: 20). A particularly high share (90%) of the resident EU 10 population aged over 15 years is estimated to be in the labour force, suggesting that Ireland's migration is effectively labour migration. On the basis of data analysed by Barrett et al (2006) on immigrants to Ireland between 1993 and 2003, they appear to be a particular group. As well as coming from particular regions of the EU, inbound migrants have considerably higher educational qualifications than the resident population. Over half of immigrants were estimated to have third-level qualifications, compared to a quarter of the native population. The share of immigrants who have at least completed second-level education was estimated at 85%, compared to 67% of Irish-born people. The bulk of migrants arriving in Ireland during the 1990s were skilled workers but, more recently, there has been an inflow of migrants into less-skilled occupations. The non-Irish migrant workforce is still predominantly made up of young people without dependants (NESCS 2006b).

The extent of illegal or irregular migration to Ireland is unknown. The recent consultancy study carried out for the NESCS (2006b) suggests that illegal work is likely to be more pervasive than illegal entry. This same research reports a range of estimates of illegal migrants, running from 15,000 to 50,000. In recent years, Ireland has passed a number of laws aimed at combating illegal immigration. The Immigration Act 1999 provides for deportation of non-Irish in violation of Ireland's immigration laws. The Illegal Immigrants (Trafficking) Act 2000 bans the smuggling and trafficking of illegal immigrants and the Immigration Act (2003) prohibits the carrying of a passenger who does not have proper immigration documents. The Employment Permits Acts 2003 and 2006 provide for financial penalties or imprisonment of employers and workers who do not comply with them. In addition, state benefits to illegal migrants have been restricted (e.g., the payment of rent assistance was restricted in 2003).

Among the recent policy developments has been The Criminal Law (Trafficking in Persons and Sexual Offences) Bill, approved by Government in July 2006, which introduces new specific offences of trafficking persons into, through or out of Ireland for the purposes of sexual exploitation, labour exploitation or removal of organs. It fully complies with the criminal law provisions of the relevant

international instruments, that is, the EU Framework Decision combating trafficking in persons, the UN Protocol on trafficking and the Council of Europe Convention on trafficking (CAHTEH). The Government will be asked to sign the Council of Europe Convention on Action Against Trafficking in Human Beings. It is also intended, as part of the new Immigration legislative framework, to provide a clear policy statement setting out how these cases will be managed once it is established that trafficking has taken place.

## 2.2 Policy Orientation and Policy Development

As the previous paragraph indicates, there has been a significant evolution of Ireland's immigration policies since the late 1990s. Relevant initiatives have included the creation of the Irish Naturalisation and Immigration Service, a new 'one-stop shop' for applications for entry to the country, the circulation in April 2005 by the Department of Justice, Equality and Law Reform of a discussion paper which outlines policy proposals on a comprehensive immigration and residence Bill, and the introduction of a new policy on labour migration and work permits (as expressed in the Employment Permits Act 2006).

Taking an overview, Ireland's approach to immigration has tended to be pragmatic. A human capital approach has dominated (Lentin and McVeigh 2006). As the labour market expanded Ireland operated a migration regime that was a) focused on labour, b) demand led, and c) liberal in that there were few if any restrictions. For example, no quotas were in operation as regards work permits and Ireland was one of the few EU 15 member states to grant citizens of the 10 new EU member states free access to its labour market immediately upon EU enlargement on May 1, 2004. Alongside this there has been development of the Irish citizenship regime. A Supreme Court judgement in January 2003 removed the automatic right to permanent residence for non-national parents of Irish-born children. The *ius solis* principle was replaced by decision making on a case-by-case basis, taking into account such factors as the length of stay of families in Ireland, their circumstances, and the 'general requirements of the common good.' This ruling occurred in the height of Ireland's asylum seeking period, at a time when many believed that the asylum system and citizenship laws were being abused (Ruhs 2004). In early 2004, the government proposed a referendum to remove the constitutional guarantee of citizenship for children born to non-national parents in Ireland. The citizenship referendum, held on June 11, 2004, was overwhelmingly accepted, with a 79% vote in favour of the change. The legislation to put this into effect took effect in January 2005. The law introduced a general rule for non-national parents of children born in Ireland before Jan 1<sup>st</sup> 2005 to the effect that they are not 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. In addition, certain types of lawful, but temporary, residence in Ireland will not count towards reckonable residence: these are periods spent as an asylum-seeker or on foot of a permission given for the purposes of study only. Parents who are granted permission to remain are allowed to remain for an initial period of two years. During this period they are permitted to work or to engage in business in the state. They are expected to make every effort to become economically viable during this period. The renewal of their permission, which may be extended for a further three years, is subject to their being economically viable.

Integration policy is developing in Ireland but on a gradual basis. As Barrett (2005: 12) points out much of the policy discussion in Ireland has concentrated on issues of admission rather than integration. Labour migration constitutes the core of the Irish policy response, although policy is also active on other fronts – especially residency and racism. In terms of the task facing policy, the picture of what life is like for migrants in Ireland is being gradually pencilled in by research. The recent NES (2006b) and other sources are very helpful in this regard. Barrett et al (2006) show that the jobs held by migrant workers do not fully reflect their (generally high) level of education. They also find that 14% of migrant workers are affiliated to a trade union, compared with 40% of Irish workers. There is also some (very new)

evidence suggesting strong pay inequalities between residents and migrants. As yet unpublished research by Alan Barrett of the Economic and Social Research Institute indicates that migrants from the EU 10 are earning 45% less than Irish-born people of the same age, education and work experience (*Irish Times*, October 14<sup>th</sup> 2006). This is in contrast to migrants from the UK, USA and Australia whose earnings are on a par with those of Irish-born people. Other research, especially that of Hughes and Quinn (2004), suggests that immigrants tend to be socially isolated, living and mixing mainly among members of their own community or other migrant groups. Other than these studies, evidence on the situation of migrants is mainly anecdotal in nature.

### *2.2.1 Policy on Labour Migration*

As is customary in the EU, Ireland's labour immigration regime makes a distinction between persons from within and outside the European Economic Area (EEA). EEA nationals, who form the bulk of inward migration to Ireland, enjoy the unrestricted right to migrate and take up employment in Ireland, as long as they can prove that they are economically self-sufficient. For non-EEA nationals, there are three major types of employment permits: work permits; work visas and work authorisations for the temporary employment of skilled workers in sectors suffering from severe labour shortages; and permits for intra-company transfers (suspended since 2002 and currently administered on a case by case basis).

While Irish employment legislation does not discriminate between Irish workers and migrant workers on the basis of race, it is my impression that migrant workers form a 'second sector' in Ireland. Most non-EU/non-EEA nationals who have legally taken up full-time employment in Ireland since the late 1990s were admitted under the work permit system. Issued to employers rather than migrant workers, work permits are not transferable, valid for one year and able to be renewed on an annual basis. Work permits were in the past an important entry route for workers from the accession states, but following enlargement they have declined in significance. Thus, work permits now play a modest role in the context of Ireland's estimated new inward migration flows. Since EU enlargement policy the work permit system has been made more restrictive. From late 2004, no applications for new work permits for employment in low-skilled or low-waged occupations have been accepted.

The government is in the process of introducing a permanent labour migration programme and a new skills based migration policy. The Employment Permits Act 2006 provides the framework for this. One of the key elements of the new system is the issuing of 'Green Cards'. In Ireland, unlike the USA where possession of a Green Card provides one with the right to permanent residence, a Green Card will be a permission which provides the right to apply for long-term residency after two years. The Green Card will be limited to high-paying occupations and those where skill shortages have been identified. A work permit system will continue for a very restricted list of occupations with salaries up to €30,000 and for those occupations above €30,000 not eligible for Green Cards. In addition, work permits will be granted initially for two years. Both the employer and employee are to be eligible as applicants but the permit will in all cases be issued to the employers. Penalties for breaches of the legislation are also envisaged and the work permit will be accompanied by a summary of the principal employment rights of employees.

The new social partnership agreement - *Towards 2016* – goes a considerable distance in agreeing measures to improve the rights and conditions of migrant workers, especially in its measures which are designed to improve compliance with employment rights. It sets out a model of what an effective employment rights compliance system should cover. Included here is the promotion of entitlements, with special emphasis on workers from overseas. Secondly, under *Towards 2016*, it has been agreed that economic migration policy will ensure that all workers will be allowed to apply for and reapply for their own employment permit, and there is a commitment towards adequate safeguards to protect workers' rights in relation to the application for employment permits. Permit applications will not be approved for

wages that are below the REA/ERO rates or the National Minimum Wage, whichever is appropriate. In addition, it has been agreed that there will be consultation with the social partners in determining included and excluded categories of staff/skills for eligibility for work permits. Employment permit holders may transfer to another employment in cases of unfair treatment; and spouses of employment permit holders who are granted residence in Ireland may be granted an employment permit. The new agreement also prioritises the needs of migrants working in a domestic setting. The Labour Relations Commission is being asked to draw up a code of practice for those employing people in such settings. The agreement makes a commitment to have this code in place by the end of 2006. No specific reference is made to migrant workers, who form an increasing proportion of domestic workers, in this context. In any case, the voluntary nature of the agreement falls short of what the Migrant Rights Centre has called for: the setting up of a Joint Labour Committee for this area so as to achieve a statutory basis for implementing recognised terms of employment.

While these measures are welcome some problems remain. For example, it is not clear whether the new measures are a sufficient response to a situation where higher-skilled immigrants are exposed to the risk of being 'locked into' arrangements with their employer, which constrains their mobility within the labour market and is an effective underusage of skills. A further problem identified by the second recent NESC report (2006b) on the topic is not addressed either. This is that Ireland's work permit regime contains no measures to ensure return of migrants when their permit expires, and limited procedures to monitor return. Consequently, it is possible that there are many non-EEA migrants in Ireland whose work permits have expired. The numbers are unknown. The report notes that, given that those who are on temporary work permits for over five years are eligible to apply for citizenship, Ireland's temporary work permit policies are effectively a first step toward permanent residence status through naturalisation. For this and other reasons, the NESC argues that Ireland needs to view its labour migration policies more centrally in its overall immigration goals and policies.

The Immigration and Residence Discussion Document makes a wide range of relevant proposals. These include, inter alia, a new legislative basis for the visa system, improvements in customer service, and a review of the need for re-entry visas by those with a valid Irish residence permit. It also proposes clearer admission procedures of migrants for a variety of purposes, the use of residence permits to establish entitlements to public services and the introduction of a new long-term resident status for those already legally resident for more than five years in the country. In addition, it is proposed to institute cooperation and coordination across the public service to combat irregular immigration and people trafficking and smuggling and to introduce a single procedure for the consideration of asylum and other protection claims. Overall though, it must be said that Ireland still lacks a permanent immigration programme. Concern has also been expressed about the absence of a clearly defined lead agency to develop migration policy (NESC 2006b).<sup>2</sup>

### *2.2.2. Policy on Family Reunification*

One important and large matter is that of family reunification. With the exception of refugees and EU citizens, there are currently no legislative provisions governing migrants' entitlements to family reunification in Ireland. The situation as regards family reunification varies according to status of the

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<sup>2</sup> The Department of Justice, Equality and Law Reform retains general responsibility for immigration policy and regulates admission and residence in Ireland, while the Department of Enterprise, Trade and Employment is responsible for economic migration policy, processes all applications for work permits and assesses future foreign labour needs. However, there are many other government departments and agencies involved in the immigration system, such as the Department of Foreign Affairs, which processes entry visas, the Garda National Immigration Bureau, which controls Ireland's borders, and the Department of Social and Family Affairs which is responsible for social assistance for migrants.

migrant. Non-visa required migrant workers are entitled to be joined by their family members as soon as they come to Ireland. Only visa required nationals must apply for pre-clearance because of their perceived increased immigration risk. All migrant workers are entitled to be joined by their eligible family members. The timeframe under which unification can take place is based primarily on the migrant workers status and economic position. Working visa holders and permit holders employed in those professions covered by the working visa scheme may be joined by their families as soon as they come to Ireland. Other work permit holders may be joined by their family members after one year provided their earnings are sufficiently high to disqualify them from eligibility for the Family Income Supplement (FIS). However all documented migrant workers are eligible for family reunion after three years irrespective of whether or not they qualify for the FIS.

Organisations working with migrant workers have called for a statutory entitlement to family reunification (Immigrant Council of Ireland 2006; MCRI 2006). The NESC (2006a: 146) expresses concern that this is not regulated as an integral part of an overall migration policy. Looking at the history of measures to date, the Council concludes that developments in this area have been uneven and have been driven by pressures to deal with individual components rather than with the issue as a whole. There are anomalies in current arrangements - the conditions under which the family members of refugees can join them are more transparent than those for Irish nationals. However, these and other matters are raised in the discussion document on Immigration and Residence in Ireland, circulated in 2005 (Department of Justice, Equality and Law Reform 2005). This document proposes to deal with the matter through secondary legislation or practice instructions. The document also states that the spouse and minor children (under 18 years) are the family members that qualify for reunification. The admission of other family members will be covered by schemes made by the minister and the issue of non-marital partnerships and same-sex relationships will be considered as will a sponsorship scheme to allow unmarried children over 18 years to join their family members. In addition, the Employment Permits Act 2006 allows Green Card holders (previously work visa holders) to bring their spouse and family with them immediately and grants the spouse the right to work without a work permit. The Migrant Rights Centre (2006: 85) expresses the fear that this will institutionalise a two-tiered system.

While the regularisation of this area is to be welcomed as are some of the proposals, various concerns have been expressed. One is about relying on secondary legislation and practice instructions – in a context where the Minister already has large powers of discretion. The NESC (2006a) points out the powerful benefits of primary legislation, especially the fact that it gives rise to stronger entitlements and to arrangements whose stability and visibility aid transparency and accessibility. The Human Rights Commission is more trenchant on the issue, together with the National Consultative Committee on Racism in Ireland (NCCRI), calling for the ratification and incorporation of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families into Irish law. The NCCRI's (2006) key conclusions and recommendations in relation to the discussion document focused, inter alia, on the importance of interculturalism as a guiding principle and overall objective, the need for an integration strategy, the resourcing of migrant-led support groups, codification of rights and entitlements of migrant workers, the benefits of an immigration ombudsman and a regularisation scheme for undocumented workers. There have been developments on the funding of migrant-led support groups. The Tánaiste and Minister for Justice, Equality and Law Reform established this year a €5 million fund to support integration work among legally resident immigrants. Of this €3 million will be directed to non-government organisations and €2 million will be made available for designated Partnership Companies under the Fund for Partnership Initiatives to Support the Integration of Legally Resident Immigrants.

### 2.2.3 Employment Issues

Ireland has tended to respond to the gap between evolving legislation and policy in the field and practice in terms of general anti-discrimination measures. The equality legislation in place since 1998, and updated in 2004 to effect the transposition of the new directives, prohibits direct and indirect discrimination across nine grounds. These are: gender, marital status, family status, sexual orientation, religion, age, disability, race and membership of the Traveller community. Direct discrimination is defined as less favourable treatment than another is, has been or would be treated and has to be based on membership of one of the grounds. The legislation also includes a prohibition on discrimination by association, a prohibition on sexual harassment and a prohibition of victimisation. Under the equality legislation, the 'race' ground covers race, colour, nationality and ethnic or national origin and the Traveller ground provides protection against discrimination experienced by the Traveller community. The number of cases referred to the Equality Tribunal under the race ground increased from 43 (over 14 % of all cases) in 2002 to 85 (over 23%) in 2003. Under the Traveller Community ground the number of employment related cases decreased from 4 (of 300) in 2002 to 3 (of 361) in 2003.

The Employment Equality Acts 1998 – 2004 apply to all aspects of the employment relationship from access to employment to post employment.<sup>3</sup> They also apply to a broad range of employees and other bodies.<sup>4</sup> The Acts also extend to the self-employed, partnerships, people employed in another person's home. It is important to note in the present context that the Equality Act 2004 introduced a new exemption on the ground of nationality. It purports to allow a broad range of public authorities to treat certain non-nationals differently on the basis of their nationality, who are outside the State (or unlawfully present in it for the purposes of the Immigration Act 2004) or in accordance with any provision or condition made by or under any enactment and arising from his or her entry to or residence in the State.

In terms of measures being taken to fill the gap between legislation and practice, one relevant initiative is the plan of the employment social partners, IBEC and ICTU, to develop tool kits on how to address workplace discrimination against migrants. These toolkits will be available to employers and trade unions across the EU, and globally through the ILO framework, and will serve as practical tools for the integration of migrant workers.

As regards monitoring the application of the equality Directives, the Directives (2004/43/EC, 2000/78/EC and 2002/73/EC) are not directly applicable in Ireland, but are transposed into domestic law by the Equal Status Acts 2000 to 2004. The Equality Authority has a role in keeping the workings of the Employment Equality Acts under review and making proposals in this regard to the Minister for Justice, Equality and Law Reform.

As far as I have been able to ascertain, companies are not formally linked into debates on integration, although the representative association - Irish Business and Employers Confederation (IBEC) - is a social partner and so is party to all debates and initiatives in this context. However, a further representative association, the Chambers of Commerce, is also a social partner, providing a link into the process for all major companies. Private sector employers, represented by IBEC, are also included on the Working Group on Equality Proofing which draws together diverse representatives from the social partners and relevant government departments and agencies to develop equality proofing and integrated proofing (equality, gender and poverty proofing) in both the public and private sectors.

<sup>3</sup> Aspects of employment that are covered include: advertising, equal pay, access to employment, vocational training, work experience, terms and conditions of employment, promotion or re-grading, classification of posts, dismissal and collective agreements

<sup>4</sup> Full-time, part-time and temporary employees, public and private sector employment, vocational training bodies, employment agencies, trade unions, professional and trade bodies

In terms of corporate social responsibility, the main formal initiative appears to be a High Level Experts' Group on CSR which meets regularly and is especially involved in raising awareness of corporate social responsibility. One relevant activity here is the EPIC project, being undertaken by Business in the Community Ireland. This is described under the good practice section at the end of the report.

#### *2.2.4 Education and Training*

In relation to education, the NRSSPSI points out that a range of supports has been made available to schools, based upon the number of pupils from a non-Irish background, including a total of more than 800 language support teachers in 2006, at primary and post-primary level. In addition it is planned to remove the cap on the number of language support teachers to be employed in any one school, currently set at two per school. There are many other initiatives underway, including the Delivering Equality of Opportunity in Schools programme (effectively a social inclusion process for education), the incorporation of diversity into the curriculum at first and second levels and the offering of training to teachers on cultural awareness and equality issues on an in-service basis. Many measures are also planned – including the commitment in *Towards 2016* to prioritise migrants receiving an English language service (ESOL) for the purposes of the additional resources to be devoted to the general national literacy service.

Moving on to higher education, the fact that third-level colleges charge full fees to most long-term residents, including migrant workers, no matter how long they have been in the country, constitutes a significant access barrier. A very recent piece of research draws attention to the difficulties for migrants in accessing higher education (Pobal 2006). Focusing especially on non-EU or EEA nationals, it identified the following barriers: lack of information, high fees, inconsistency in fees charged and in entry requirements, social welfare traps and barriers, lack of recognition of qualifications and prior learning, lack of an adequate level of English. These findings are supported by other research (e.g., McEinri 2006). Among the recommendations made are that educational integration should be part of a wider policy on the integration of non-EU residents, the need for a source of clear and consistent information on the educational entitlements of non-EU nationals resident in Ireland and the need to implement a nation-wide policy on teaching English as a second language in schools. At the present time, provision of affordable English classes is infrequent and migrant workers are not considered eligible for state-sponsored tuition (MCRI 2006: 60).

As regards training, the official position is that the national employment service (FÁS) assists immigrants to achieve appropriate vocational qualifications and provides technical English training as part of this. However, migrant workers on work permits are not entitled to access FÁS services. A recent study by the Homeless Agency found that the most frequently-cited service need by EU Accession Country nationals in Ireland was to find employment or for those already in work to find quality employment (Homeless Agency 2006). More generally, there is little or no prioritising of immigrants or their needs for training and development and almost no outreach. Given problems associated with language, obtaining information and so forth, it is unlikely that migrants will find their way to the services without outreach. The new social partnership agreement – *Towards 2016* – contains an agreement on the need for a concerted effort to increase the levels of workplace learning and skills but makes no specific provision within this for migrant workers. The latest NESC report on migration (NESC 2006a) specifically recommends that migrants in lower-paid work would on certain conditions have the right to undertake training to support upward mobility. In terms of recognising the skills and qualifications of migrant workers, there is no established system of recognising qualifications obtained outside Ireland and for establishing their equivalence in an Irish context. The National Qualifications Authority has set

the objective to “have a fully functioning and well-known international recognition service established by winter 2008” (National Qualifications Authority 2006).

### *2.2.5 Housing*

The assessment of the need of individuals for public housing does not require any specific migrant or immigrant status but depends on the housing policy of individual local authorities.

Figures available, as reported in NESC (2006b: 131), suggest that growing numbers of people from the new EU 10 member states are principally homeless because of income and work related problems, including exploitative work situations, poor information concerning work opportunities and the high cost of living in Dublin in particular. The numbers are small, however. It is estimated that at any one time between 35 and 85 new EU 10 member state nationals were accessing homeless services in Dublin in September 2005, although this was considered to be an under-estimation of the problem (Homeless Agency 2006). Nationals from new member states are not included in the official definition of who is homeless in Ireland. In addition, the NESC (2006b) reports that the habitual residency condition (see below), although principally focused on entitlements to social welfare benefits, has been applied broadly to include other services such as homeless related services, including temporary accommodation and local authority housing. In particular, homeless and housing providers are often unable to provide support services or must restrict services because of ineligibility for rent allowance (which falls under the Supplementary Welfare Allowance regime) and which is generally provided to homeless people to pay for temporary accommodation. Specific policy initiatives emerging from the National Action Plan against Racism (NPAR) (see section 2.2.7) include the building of an intercultural dimension into key housing and related policy instruments, with reference to equality and diversity policy; measures to address housing inequalities that impact on cultural and ethnic minorities and an equitable approach to the housing of asylum seekers; improved data and participation in consultations related to accommodation policy and provision.

### *2.2.6 Social Welfare Services*

While non-EEA employees are officially entitled to the same full range of statutory employment rights and protections as Irish and other EEA workers, one important exception relates to access to certain social welfare benefits. The Social Welfare (Miscellaneous Provisions) Act, 2004 introduced a habitual residence condition as a precondition for any person claiming certain social assistance payments, including unemployment assistance and child benefit. The residence condition requires a claimant for social assistance, regardless of nationality, to be 'habitually resident' in Ireland or the rest of the Common Travel Area (United Kingdom, Channel Islands and the Isle of Man). Where a person does not have such residence for a continuous period of at least two years, there is a presumption that the condition is not satisfied unless the contrary is shown. In all instances, the deciding officer considers the five criteria set down in ECJ case law which include: duration and continuity of residence, employment prospects, reasons for coming to Ireland, future intentions and centre of interest (e.g., family, home connection). Subsequent to its introduction and on foot of concerns expressed by the Commission about contravention of Community Law, clarifications were incorporated into the relevant guidelines concerning the overriding application of EU legislation to EU nationals who are workers and have a history of working in the State. This means that they may become eligible for Child Benefit and Supplementary Welfare Allowance without the need to satisfy the habitual residence condition. These changes notwithstanding, many concerns have been expressed about the residence condition (MCRI 2005). For example, in a submission to the government on its impact, the NCCRI noted that confusion over the application of this rule has led to many migrants being wrongly refused welfare payments, not

least because some deciding officers believed that work permit status was irreconcilable with habitual residence (NCCRI 2005). An internal administrative review of the operation of the habitual residence condition was set up in 2005 and was recently completed. The findings of the review are expected to be published shortly.

### *2.2.7 Information, Communication and Cultural Issues*

Cultural rights, particularly as they pertain to ethnic minorities, are still in their infancy in Ireland. At this stage the main responses to cultural issues have been oriented to putting in place a broad-ranging equality infrastructure and a plan against racism.

A National Action Plan against Racism 2005-2008 (NAPR), introduced in 2005, is an important general plank in Ireland's approach to cultural diversity and integration. The Plan rests on a thorough and well-worked out framework and sets out an 'intercultural framework' to combat racism on the one hand and to develop a more inclusive intercultural society on the other. The plan has five objectives:

- 1. Protection: Effective protection and redress against racism;
- 2. Inclusion: Economic inclusion and equality of opportunity;
- 3. Provision: Accommodating diversity in service provision;
- 4. Recognition: Recognition and awareness of diversity;
- 5. Participation: Full participation in Irish society.

It proposes a 'whole-system approach' involving four key strategies: Mainstreaming: linking with existing policy processes and infusing intercultural/anti-racism approaches into all relevant policy areas; Targeting: specific policy priorities, and additional resources, to meet the needs of specific groups; Benchmarking: progress through targets, timescales and data; Engagement of key stakeholders, including bodies involved in policy making, the social partners, specialised bodies, local communities and groups representing cultural and ethnic minorities.

The plan sets out the outcomes expected to be achieved under each of the framework objectives and an executive office has been specifically created to oversee the implementation of the plan ([www.diversityireland.com](http://www.diversityireland.com)). Specific social policy initiatives that are signalled for development through the plan cover the planning of services and the mainstreaming of targeted policy initiatives in the areas of education, health, social services and childcare and accommodation. In the area of policy development there are specific mechanisms to integrate the needs of migrants into macro economic and social policy planning, although concerning migrant workers this is to be "consistent with the requirements of policy on immigration, employment and equality". Overall, the plan calls for the reasonable accommodation of diversity and positive action in the design and implementation of policies, programmes and organisational practices. The plan has a strong integration content and has proved successful in initiating important integration initiatives. Among its relevant developments has been the commissioning of research to consider the introduction of a statutory positive duty on public authorities to promote equality of opportunity (a strategy that has proved effective in Northern Ireland). Since the Plan is in its early stages of operation its achievements and effectiveness cannot be judged at this stage.

One other development that is important to note is the plan to set up, within the new Irish Naturalisation and Immigration Service (INIS), a new integration unit which will coordinate and lead a broader brief for the integration of all legally resident migrants. This goes beyond the existing brief of the Reception and Integration Agency which is confined to refugees and those with leave to remain. Part of the remit of the new integration unit will be to develop integration policy with appropriate stakeholders. While this policy will build on the NAPR and be based on many of the principles of the Plan, the structuring and funding

of integration policy is to be based on the notion of the mainsteaming of services to the broader population of a new Irish community consisting of both newcomers and the existing indigenous population. While the new unit within INIS will promote, facilitate and encourage the delivery of a broader range of services to assist integration, (and indeed a new €5M Integration Fund is being used by INIS in this context, mentioned under 2.2.2 above), the services themselves will be funded and delivered through mainstream state departments and agencies. Within such delivery mechanisms, it is anticipated that considerable emphasis will be placed on local structures to coordinate and maximise the effectiveness of integration services in any particular area.

As part of the development of a framework for the new integration unit in INIS, the Reception and Integration Agency are involved in organising a number of strategic studies in areas which will act as major leverage points for the integration of legally resident immigrants. These include looking at national arrangements for the provision of English language training for adults and national interpretation and translation facilities. The Reception and Integration Agency are also focusing on the review of funding for minority ethnic groups being carried out under the auspices of the NAPR and will be organising a pre-strategy seminar in the area of information provision for immigrants. All of these studies will feed into the development of integration policy throughout 2007. The development of such policy will be further assisted by a new cross-departmental group which will be established under the chairmanship of the Department of the Taoiseach.

### *2.2.8 Some Target Groups*

#### Ethnic Minorities

Travellers are Ireland's indigenous minority ethnic group, comprising around 24,000 people (or 0.6% of the total population) according to the 2002 Census. Travellers have a distinct culture and way of life that is reflected in their customs, their tradition of nomadism and the importance of the extended family. Public opinion surveys show that Travellers are subjected more than any other group to racist attitudes (NCCRI 2006).

Travellers' living conditions and life expectancy have been revealed time and again to be well below those of the settled population. As it stands, Travellers are not explicitly recognised as an ethnic group by legislation in Ireland, especially for the purposes of the UN Convention on the Elimination of Racial Discrimination (CERD), despite the fact that the CERD committee in its concluding observations of March (2005) encouraged work to concretely achieve this (CERD 2005). Up to the relatively recent past, service provision for Travellers was guided by the 341 recommendations of the Task Force on the Travelling Community (published in 1995) (McEinri 2006: 111). Although they were not prioritised as a target group by the NRSSPSI, the NRP, following *Towards 2016*, indicates that an integrated approach to providing services and supports to Travellers will be developed, with particular attention given to integrating them into employment (including the novel idea of provision of work placements in the civil service).

#### Women

It should be noted that the Equality for Women measure of the NDP forms a key contribution towards the goal of promoting the development of a more equal society by promoting, monitoring and implementing the right of equal treatment and the accommodation of diversity, having regard to gender. There is a special focus in the measure on women who experience high levels of disadvantage and migrant women are included in that category, whether as refugee applicants, migrant workers or as dependent spouses of migrant workers.

Some NGOs express considerable concern about the situation of migrant women. The NCCRI (2006) in its response to the discussion paper on immigration and residence concludes that, up to now, there has been insufficient focus on the inclusion and protection of women from minority ethnic groups in Ireland. Both the NESC (2006b: 124) and the Migrant Rights Centre (MCRI 2006) point to the habitual residency condition as making life more difficult for migrant women, for example leaving women in marginal and excluded situations, especially those who have childcare responsibilities and those who experience domestic violence, effectively unable to claim services and benefits for themselves and their children. Another relevant issue is the situation of 'spouse dependent visa holders' (most of whom are women). Such spouses' rights depend on the relationship with their spouse continuing. It is difficult for them to change status from spouse dependent to work permit holder (MCRI 2006: 58). There are also risks of deskilling for these women and indeed of economic and social marginalisation. Some measures are being taken however – it is planned that spouses of migrant workers living in Ireland for over three years will have the right to work without a work permit while those in the country for between one and three years will be able to work if they secure a work permit.

The key concerns that the NCCRI identifies include:

- Racially motivated crime affecting women and children;
- Concerns about trafficking;
- Exploitation of women migrant workers, including domestic workers;
- Access to English language supports;
- Focus on Traveller women.

### Asylum Seekers and Refugees

Specific social policy issues affecting this group concern the right to work, education and training, and supports for women asylum seekers with children. In particular, as the NESC (2006b) points out, the Irish policy of dispersal, often locating people in rural areas and small towns, has raised a number of social policy challenges, concerning access to social networks, healthcare, language classes and interpretation services, childcare and other supports. In terms of accommodation and social support an Asylum Seekers Unit provides a community welfare service to non-Irish nationals and specific clinics with a dedicated service for refugees and asylum seekers have been established by the service. The Reception and Integration Agency operates 70 accommodation centres across the country for asylum seekers who are provided with full board and accommodation and pocket money whilst waiting for a decision on their status. Asylum seekers are provided with a range of entitlements, including schooling for children between the ages of six and 16 years, English language and literacy supports provided within an adult education context and measures to include asylum seekers in local community and cultural activities. They also have their health needs provided for by the Health Board in the area in which they reside and on the same basis as the indigenous population. However, as asylum seekers they have no rights to work or further education and they must exist on a sum of 'pocket money'. They receive a supplementary welfare allowance payment of some €19 per adult and €9.60 per child weekly, which has not been raised since first introduced in 2000. Ireland has opted out of the EU-wide 'Reception Directive' (Lentin and McVeigh 2006: 47).

### 2.2.9 Issues in Need of Further Attention

As the NESC (2006b: 118) points out, Ireland has up to now experienced the more positive impacts associated with migration, especially because migrants tend to be young and unaccompanied by family members. But over time such positive economic effects may fade somewhat as migrants begin to consume the same services – health, education and welfare – as the rest of the local population. While Ireland has been developing a policy response to migrant labour and other issues associated with migration, the country still lacks a co-ordinated policy on migration as a whole, even though this is receiving attention. Integration is not provided for on a statutory basis and, as the Migrant Rights Centre (2006: 33) points out, beyond the emerging administrative structures, which are primarily linked to migrant workers and refugees, it is not clear how the integration process in Irish society will be funded or structured. *Towards 2016* contains some significant developments however, not least a commitment to developing a comprehensive strategy for all legally resident immigrants following consultation with relevant stakeholders including the social partners which will build on and be linked with progress already achieved in the areas of social inclusion and anti-racism. The recent NESC (2006a) report on migration policy in Ireland gave an idea of what such a policy might look like, suggesting that Ireland clarify its approach by focusing simultaneously on three broad goals: economic and social development; the rule of law; and the integration of migrants into economic, social, cultural and civic life. It also recommended that migration policy should be defined broadly, going beyond matters of entry and the eligibility of migrants for social services to embrace labour market policies, social policies, measures to ensure the integration of migrants and quality public administration. In addition to this the ‘usual’ attributes of good policy – consultation, engagement with users, regular monitoring and review – need to be put in place as well. The National Action Plan against Racism is exemplary in many respects, especially those pertaining to good governance, but of course it is only part of a comprehensive response.

There are many ongoing initiatives which provide a context and an opportunity to address integration issues if only they were seen as such. One example is the Taskforce on Active Citizenship which has just been set up and which has the remit to consider ways in which people in Ireland play an active role as members of their community and the factors that influence this. In addition there are many provision-oriented initiatives which should as a matter of course consider the needs of immigrants and ethnic minorities. These include the bodies set up under the national social partnership agreement for example, such as the Housing Forum and the National Framework Committee for Work-Life Balance Policies. Efforts to involve migrants are especially important at local and regional levels.

Thirdly, one must mention the information gaps. McEinri (2006: 115) points to the virtual absence of data in intercensal periods and to the paucity of information on, for example, EU/EEA migrant workers and citizens other than those from EU 10 countries and the number of ‘foreign’ students, spouses of migrant workers present in the country. Although there is an increasing amount of research activity, we still lack core information on the experiences and needs of migrants. There is limited knowledge in the policy sphere about how long migrants stay in Ireland, what their job trajectories are, their health, housing and familial situations and the scale and movements into and within the country.

Another large issue concerns the treatment of migrant workers in the context of the next planned EU enlargement. It has recently been announced that work permit or quota restrictions will be introduced. While there are good reasons for such a policy, not least the fact that problems might arise in relation to the common travel area between Ireland and the UK if one government were to introduce restrictions and the other not. However, one wonders whether the broader implications of the policy approach have been thought through. This will lead to a further rung of stratification in Ireland’s treatment of migrant workers and one wonders where it fits into a broader policy on integration.

## Examples of good practice

### Emerge

Emerge is a development partnership comprised of partners from Cork, Dublin and Galway. It is funded by the EU EQUAL Community Initiative. The aim is to develop methodologies for the development and expansion of ethnic minority businesses and to assist ethnic minority enterprises (EME) in overcoming business obstacles in the regulatory and cultural environment.

The specific objectives which the project works towards in order to achieve the overall aim are as follows:

- To raise awareness of the barriers faced by EMEs among mainstream support services and agencies;
- To develop a best practice model of training for EMEs and to inform the target group on ways to develop their businesses and break into mainstream markets;
- To improve the support infrastructure for EMEs in the pilot areas and to develop a strategy for integrating EMEs into mainstream business networks;
- To create open communication channels with mainstream financial institutions in order to improve the situation regarding access to finance for EMEs;
- To inform policy in this area and contribute to achieving national and EU targets as set out in various agendas and to mainstream the successful outputs of the project;

Emerge has established a nationally coordinated and locally delivered training programme to address some of the specific needs of ethnic minority entrepreneurs. It has also sought to mainstream new routes of communication to the wider enterprise support infrastructure and to work closely with mainstream financial institutions and government agencies to create more open communication channels. See website: [www.equalemerge.ie](http://www.equalemerge.ie).

### Fáilte Ireland cultural diversity strategy and implementation plan

Fáilte Ireland, in conjunction with the tourism sector, has produced a report on the challenges of integration, including the issue of language fluency, for the tourism sector (Fáilte Ireland, 2005). This could serve as a template for other industries. This report provides the Irish tourism and hospitality industry with two sets of resources: a comprehensive approach to the effective management of a culturally diverse workforce and knowledge of how to successfully integrate employees from different ethnic, religious and cultural backgrounds into this working environment and wider Irish society.

The report provides clear recommendations for creating positive culturally diverse workplaces, and describes the implementation of those recommendations that are already underway. The implementation plan summarises actions to be taken to meet each strategy and goal, allocates responsibility for implementation and projects, and sets out the timelines for such actions. A number of actions have already been completed or are underway, including project planning/discussions with stakeholders. The report also includes practical materials for use by members of the Irish tourism and hospitality industry, including sample training materials, tips for overcoming language barriers and examples of communication products.

[http://www.failteireland.ie/publications\\_archive](http://www.failteireland.ie/publications_archive)

## **Business in the Community Ireland EPIC Project**

Business in the Community Ireland (BICI), a non profit, business driven network, specialising in advice and guidance to leading companies in Ireland on corporate responsibility and corporate community involvement, has just set up a new project called EPIC (Employment for Parents of Irish Born Children), which is a collaborative partnership between state agencies, NGOs and the business sector

EPIC is a positive action pilot project which responds to the change in citizenship law which affects the non-Irish born parents of children born in Ireland before Jan 1<sup>st</sup> 2005. As mentioned under section 2.2, following the change in legislation which came into effect on Jan 1<sup>st</sup> 2005, a scheme was introduced to grant residency to those individuals in this situation. This residency was granted as a form of temporary leave to remain in the state, to be reviewed after two years. The applicant must at that stage demonstrate that they have taken steps towards being economically independent in the state in order to maintain residency.

A total of 18,000 people have been given leave to remain on this basis, of whom 6,000 are lone parents who had previously sought asylum in the state. This group has very specific needs in terms of meeting the economic viability criteria, as well as all the other needs relating to integration issues. For this reason, it was decided to develop a project that will support people in this group to access employment, training and education. The project will also work with employers in order to ensure there were no unnecessary barriers to accessing suitable employment.

A model for an employment project for vulnerable groups has been successfully implemented by BICI through the Linkage programme and it was proposed to develop a similar model for this target group.

### **Overall Objective**

To assist the target group, particularly lone parents, to take steps to ensure economic viability to remain in Ireland and to promote access by them to quality employment, training and education.

EPIC is funded by the Department of Justice, Equality and Law Reform and part-financed by EU Structural Funds.

### **Specific Objectives of the Pilot Project**

- Prepare and support parents of Irish born children, particularly lone parents, to be able to access quality employment, training or education;
- Provide sustainable access for the target group to quality employment, training or further education;
- Develop a gender-sensitive model of effective engagement with this client group

Among the activities are English language orientation for employment training courses, life skills training, work skills audits, employment or further education placement intervention, psychosocial support service for especially vulnerable clients, volunteer mentoring, ongoing monitoring and evaluation.

As well as activating links with companies already involved with BICI, the project operates on the basis of close relationships with a number of state agencies and NGOs.

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