



# **EUROPEAN MIGRATION NETWORK**

## **ANNUAL POLICY REPORT ON ASYLUM AND MIGRATION STATISTICS FOR IRELAND (2006)**

**CORONA JOYCE**

2008

*Research Study Prepared for the European Migration Network*

The opinions presented in this report are those of the Irish National Contact Point of the European Migration Network and do not represent the position of the Irish Department of Justice, Equality and Law Reform or the European Commission Directorate-General Freedom, Security and Justice.

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# 1. INTRODUCTION

This report provides an analysis of statistics relating to migration and asylum in Ireland and is the fourth in the current series. The legally-resident population in Ireland<sup>1</sup> grew steadily during the period in question to reach just over 4.2 million in January 2006. This growth has been driven both by net immigration and natural increase. In addition, immigration flows reached a high of 109,500 in the twelve months between April 2006 and April 2007. The main migration and asylum-related event of interest in 2006 centred on the emergence of new immigration, residence and protection legislation. A proposed Scheme for an Immigration, Residence and Protection Bill was published during the year and sought to codify legislation related to most elements of immigration and asylum systems such as visas; entry into the State; residence permits and registration requirements; removal and protection. For the first time a definition of a ‘foreign national’ was proposed as being with reference to third-country nationals from outside the European Union. A category of statutory long-term resident status was also proposed.

The *Employment Permits Act 2006* was also enacted in the period. This legislation provided an enabling structure for a new employment permits system which was subsequently introduced in 2007.<sup>2</sup> The system includes three main elements: a type of “Green Card” for higher paid occupations where there are skills shortages; a re-established Intra-Company transfer scheme; and a revised work permit scheme for non-green card occupations.

During 2006 it was announced that nationals of Romania and Bulgaria would continue to require work permits after the accession of their countries to the EU in 2007. In 2006 the *Spousal Work Permit Scheme* was extended to the spouses of all employment permit holders

A *Census of Population* took place in April 2006 and included, for the first time, questions regarding the ethnicity or cultural background of those living in the State.

Regarding asylum figures, and in line with European trends, first-time asylum application figures decreased in Ireland during 2006. However, there was an increase in both the number of overall decisions made and the number of positive decisions taken on asylum applications at first and second instance. There was a year-on-year decrease in the number granted Leave to Remain. With regard to significant asylum administrative policy and case law events during 2006, in March the Minister for Justice, Equality

<sup>1</sup> Special calculation supplied by the CSO.

<sup>2</sup> The data provided in the current report therefore reflect the system as it existed before January 2007.

and Law Reform announced that the Refugee Appeals Tribunal would publish a “selection of legally important decisions”, with some decisions to be published on an ongoing basis in the future, following a legal challenge to the practice of not publishing such information.

There was a year-on-year decrease (7.9 per cent) in employment permits<sup>3</sup> issued during 2006 when 26,611 such permits were issued. The number of employment permits (work permits, visas and authorisations) issued by the Department of Enterprise, Trade and Employment have decreased each year since a high of 48,162 in 2003. Employment permits decreased steadily since 2003 to a low of 26,611 in 2006. Work permit data is presented which shows that the number of work permits issued decreased post-accession 2004, and that a large proportion of the holders of those permits came from non-EU Eastern Europe or the Philippines. Unfortunately, available data on residence permits is very limited as is the analysis in that section.

Over 7,000 applications for citizenship were received in 2006, representing an increase of 55 per cent on the 2005 figure and almost five times the number of applications made in 2001.

There was a decrease of almost a quarter (23.7 per cent) in removed non-Irish nationals in 2006 in comparison to 2005. Regarding Transfer Orders under the EU Dublin II Regulation, there was an increase both in the number of Orders signed (30.5 per cent) and effected (42.1 per cent) during 2006. The number of voluntary returns effected in 2006 fell by almost a third (32.2 per cent) from 2005.

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## 1.1 Methodology

The majority of the data supplied in this National Report have been supplied by Eurostat and where other sources have been used this is marked below the relevant table. Data is not available on all of the requested items including residence permits and numbers of removals comparable with previous years. It is not yet possible to obtain data fully consistent with the Migration Statistics Regulation.

<sup>3</sup> During 2006 employment permits comprised work permit renewals; new permits; work visas and work authorisations.

## 2. ASYLUM

The most significant policy-related development with regard to asylum in Ireland during 2006 concerned the publication of a Scheme of new draft immigration, residence and protection legislation to cover visas; entry into the State; residence permits and registration requirements; removal and protection. (See Quinn, 2007 for further information). Figures for first time asylum applications continued to fall during 2006, and were at the lowest figure since 1997.

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### 2.1 Analysis and Interpretation of Asylum Statistics

#### 2.1.1 FIRST TIME ASYLUM APPLICATIONS

The number of first time asylum applications decreased slightly in 2006 from 2005, and remained much lower than preceding years.

Table 1 shows that over the period 1997 to 2002 the number of people seeking asylum at first instance under the 1951 Geneva Convention in Ireland increased significantly to a high of 11,634. Since 2003 asylum applications have decreased each year, with the number of first-instance applications for asylum falling by over 60 per cent (62.9 per cent) between 2002 and 2006. First-time asylum applications in 2006 were at the lowest level since 1997.

**Table 1: First-time Asylum Applications 1997-2006**

	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
Number of first applications	3,883	4,626	7,724	10,938	10,325	11,634	7,900	4,766	4,323	4,314

*Source: Office of the Refugee Applications Commissioner.*

**Table 2: First Asylum Applications by Main Countries of Citizenship, 2006**

<b>Total</b>	<b>4,314</b>
Nigeria	1,038
Sudan	308
Romania	289
Iraq	215
Iran	205
Georgia	171
Others	2,088

*Source: Office of the Refugee Applications Commissioner.*

Table 2 shows the main citizenship groupings of first-time applicants for asylum during 2006 and reflects a decrease in applications made by Nigerian nationals (data supplied in Joyce, 2008) by 18 per cent from 2005 to 2006. Applications from nationals of Sudan and Romania decreased during 2006 (by 51.7 per cent and 24.3 per cent respectively); applications from nationals of Iran and Georgia increased during this time (1.4 per cent and 14 per cent respectively). First-time applications by nationals of Iraq were not included within the main citizenship grouping during 2005; during 2006 some 215 first asylum applications were made by Iraqi nationals, representing almost 5 per cent (4.9 per cent) of all applications. While trends in first asylum applications per stated citizenship may be difficult to interpret, it is worth noting the continuation of administrative asylum application procedures with regard to prioritised cases and accelerated processing arrangements. As discussed in Quinn 2006, in January 2005 measures (based upon amendments to the 1996 Refugee Act contained in the 2003 Immigration Act) to speed up both the asylum and deportation process in respect of prioritised cases were announced with nationals of Nigeria, Romania, Bulgaria, Croatia and South Africa subject to accelerated processing arrangements since that date.<sup>4</sup> Bulgaria and Romania will accede to the EU in 2007.

**Table 3: New Asylum Applications by Age Group and Sex, 2006**

Age Groups	Male	Female	Total
<b>Total</b>	<b>2,875</b>	<b>1,439</b>	<b>4,314</b>
0-17	:	:	964
18-35	:	:	2,658
36-55	:	:	652
55+	:	:	41

*Source: Office of the Refugee Applications Commissioner.*

Two-thirds of new asylum applications received during 2006 were male (2,875). The majority of applications were received from those in the '18-35' age group (2,658 applications), with applications representing minors (aged '0-17' years) comprising the second largest grouping with 964 individuals. It is important to note that applications from this minor grouping may represent applications made by minors accompanied by adults.

<sup>4</sup> In addition, in November 2004, the Minister for Justice, Equality and Law Reform designated Croatia and South Africa as safe countries of origin, with effect from 9th December 2004. Applicants for asylum from these countries must rebut the presumption that they are not in need of refugee protection and the Refugee Appeals Tribunal (RAT) makes decisions on the basis of papers alone rather than with an oral hearing.

**Table 4: Asylum Applications by Unaccompanied Minors, 2006**

Age Groups	Male	Female	Total
<b>Total</b>	:	:	
0-13	:	:	
14	:	:	:
15	:	:	:
16	:	:	:
17	:	:	:
Age unknown			
<b>Total</b>	:	:	131 <sup>5</sup>

Source: Office of the Refugee Applications Commissioner.

There was an increase in applications from unaccompanied minors between 2005 and 2006, from 96 to 131 respectively (an increase of 36.4 per cent year on year). As discussed in Joyce, 2008 this yearly fluctuation may reflect either changed migratory flows or may be a reflection of a change to administrative procedures concerning the automatic placement of unaccompanied minors within the asylum system as a means of regularising status.

### 2.1.2 FIRST AND FINAL POSITIVE DECISIONS IN 2006

The overall number of asylum decisions increased during 2006 (by 18.2 per cent, from 5,242 to 6,194), as did specific positive decisions (by 42.4 per cent, from 455 to 648). The proportion of positive decisions to total decisions has increased slightly from 8.6 per cent in 2005 to 10.4 per cent in 2006. Of the 648 positive decisions in 2006, over 60 per cent were granted at first instance. Unfortunately, there are limited data available for the citizenship of people accorded positive decisions and no data available for breakdown by citizenship of those accorded negative decisions. As discussed in previous reports in this series we can speculate that the continuing trend of higher proportion of positive determinations year-on-year in 2006 is partly a result of changed migration flows.<sup>6</sup>

**Table 5: Total Number of Asylum Decisions 2004-2006**

	2004	2005	2006
Total	6,898	5242	6194
Positive decisions	430	455	648
Negative decisions	6,468	4787	5546
Other non-status decisions	:	:	:

Source: Eurostat; Office of the Refugee Applications Commissioner.

<sup>5</sup> A breakdown of asylum applications made by unaccompanied minors according to age grouping is not available.

<sup>6</sup> See Quinn, 2008 and Joyce, 2008 for further discussion on this topic.

**Table 6: Total Number of Positive Decisions (First Instance) by Type and Country of Citizenship, 2006**

	Total	Geneva Conv. Stat. Granted	Humanitarian Status and all other types of subs. protect.	Other
TOTAL		397	160*	:

Source: Eurostat; Office of the Refugee Applications Commissioner.

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

Some 160 persons were granted 'Leave to Remain'<sup>7</sup> during 2006, a decrease of almost a quarter from 207 instances of positive granting of Leave to Remain Status in 2005. As discussed above, the European Communities (Eligibility for Protection) Regulations 2006 (S.I. No. 518 of 2006) came into force on 10 October 2006, and were intended to give effect to the 'Qualification Directive' (Council Directive 2004/83/EC), which seeks to ensure that Member States apply common criteria for the identification of persons in need of international protection.<sup>8</sup> Section 2(1) of these Regulations provides the criteria for eligibility for subsidiary protection. While specific figures regarding the granting of subsidiary protection status during the remainder of 2006 have not been released in the public domain, in May 2008 the Irish government noted in a Parliamentary Question<sup>9</sup> that a total of four instances of subsidiary protection had been granted between October 2006 and May 2008.

In July 2006, 65 Iranian Refugees were resettled in Ireland under the United Nation's Refugee Resettlement Programme. This group was the first of a total group of 180 Iranian refugees who are due to be resettled in Ireland.

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

Figures regarding a change in status regularly granted to particular citizenship groups were not available for 2006.

## 2.2

### Contextual Interpretations

#### 2.2.1 NEW OR AMENDED LAWS EFFECTIVE IN 2006

A Scheme for an Immigration, Residence and Protection Bill was published during 2006, creating much discussion.<sup>10</sup> The proposals for this legislation were far reaching covering most elements of immigration and asylum systems such as visas; entry into the State; residence permits and

<sup>7</sup> The status of 'Leave to Remain' in Ireland was the closest equivalent to subsidiary protection available in Ireland prior to October 2006. After this date, a category of 'subsidiary protection' status was enacted; the status of 'Humanitarian Leave to Remain' also remained.

<sup>8</sup> See Quinn *et al.*, 2008 for further discussion on this topic.

<sup>9</sup> Dail Debate Vol.654 No.1 of 13 May 2008, Question 491.

<sup>10</sup> This Scheme was eventually published as the Immigration, Residence and Protection Bill 2007, and with amendments in January 2008 as the Immigration, Residence and Protection Bill 2008.

registration requirements; removal and protection. It was as much the omissions from the Scheme as the provisions that stimulated debate. NGOs and other interested parties welcomed some provisions, such as the proposed introduction for the first time of a statutory long-term resident status, but were critical of others, such as proposed introduction of identity cards and restrictions on non-Irish nationals' right to marry. Many commentators regretted the absence of family reunification structures or measures to address trafficking. (Quinn, 2007)

The Heads of a *Criminal Law (Trafficking in Persons and Sexual Offences) Bill* were published in June 2006 in which The Palermo Protocol's definition of human trafficking was adopted in this draft legislation.<sup>11</sup> The recruitment, transportation, transfer, harbouring or receipt of a child is considered trafficking regardless of whether the perpetrator used any of the means listed above. The Protocol states that the consent of a victim of trafficking in persons to the intended exploitation is irrelevant where any of the means listed above have been used. The published Bill would have the effect of implementing two EU Framework Decisions – the Framework Decision on Combating Trafficking in Human Beings (for the purpose of labour and sexual exploitation) and the Framework Decision on Combating the Sexual Exploitation of Children and Child Pornography.

The *European Communities (Eligibility for Protection) Regulations, 2006* were signed into Irish law in October 2006. They represent an interim measure to give effect in Irish law to the provisions of Council Directive 2004/83/EC on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted, otherwise known as the Qualification Directive. It is expected that the forthcoming Immigration, Residence and Protection Bill will incorporate the Qualification Directive into primary legislation. The Directive means that people who are seeking protection in Ireland, but who may not meet the refugee definition will be able to apply for “subsidiary protection”. Under the current system subsidiary protections claims will be considered by the Department of Justice, Equality and Law Reform after an application for refugee status is determined. There is currently no appeals mechanism. In general terms, such protection may be available to a person who does not qualify as a refugee but who, if returned to his or her country of origin, would face a real risk of suffering serious harm as defined for the purpose of the Directive.

Legislative developments also include the signing into law of the *European Communities (Free Movement of Persons) Regulations 2006* which give effect in Irish law to Directive 2004/38/EC. The Directive widens the definition of a family member. The admission of partners of European Union citizens who are in a durable relationship is facilitated and a new status of permanent residence for European Union citizens and their family members after five years residence in the State is created.

<sup>11</sup> See Quinn, 2007 for further discussion.

### **2.2.2 PROCEDURAL CHANGES EFFECTIVE IN 2006**

In July 2005 the High Court ruled that unsuccessful applicants for asylum who wish to bring appeals to the Refugee Appeals Tribunal (RAT) are entitled to have access to previous rulings. The RAT had previously declined to supply the asylum applicants with copies of decisions made by the Tribunal. (See Quinn, 2007 for further information). The Refugee Appeals Tribunal subsequently appealed to the Supreme Court and, in July 2006, the Supreme Court ruled that the Tribunal must make its decisions available to applicants for asylum who are bringing an appeal.<sup>12</sup> In March 2006, however, the Minister for Justice, Equality and Law Reform announced that the Refugee Appeals Tribunal would publish a “selection of legally important decisions” and that some decisions will be published on an ongoing basis in the future.

### **2.2.3 EUROPEAN/INTERNATIONAL FACTORS EXPLAINING CERTAIN CHANGES REGARDING ASYLUM TRENDS IN 2006**

The decline of first-time asylum applications in Ireland during 2006 (the lowest level since 1997) is in line with the decrease of asylum seekers in the 50 European and non-European industrialised countries as identified by UNHCR.<sup>13</sup> The 25 countries of the European Union received 53 per cent fewer requests in 2006 compared to 2002, while Europe as a whole<sup>14</sup> registered a 54 per cent decline. In Europe (as well as in the 25 EU countries), the number of asylum-seekers in 2006 was the lowest in 20 years.

It is also worth noting decreased asylum flows year-on-year from 2005 from nationals of Romania, which may possibly be related to anticipation of EU Accession in January 2007.

<sup>12</sup> *Opesytan, Fontu, Atanasov -v- Refugee Appeals Tribunal & Attorney General* [2006] IESC 53.

<sup>13</sup> UNHCR, 2007. *Asylum Levels and Trends in Industrialized Countries, 2006*. Geneva: UNHCR. Available from: <http://www.unhcr.org>

<sup>14</sup> ‘Europe’ as defined by the UNHCR ‘Asylum Levels and Trends in Industrialized Countries, 2006’ consists of 50 industrialized countries excluding Australia, Canada, Japan, Republic of Korea, New Zealand and the United States.



# 3. MIGRATION

The legally-resident population<sup>15</sup> in Ireland has grown steadily during the period in question to reach just over 4.2 million in January 2006. This growth has been driven both by net immigration and natural increase. Immigration flows reached a high of 109,500 in the twelve months between April 2006 and April 2007. Previously, the period between 2001 and 2003 had seen a decline in immigration to 58,500. As discussed in Quinn, 2007 this decline may have reflected tightening immigration policy and a decline in asylum applications.

## 3.1

### Analysis and Interpretation of Migration Statistics

#### 3.1.1 MIGRATION FLOWS

Significant increases in immigration flows occurred in 2006: high rates of both immigration and emigration were recorded. This reference period (April 2006 to April 2007) saw a net migration of 67,300, with recorded immigration reaching a high of 109,500. Recorded emigration also continued to increase, from 36,000 in 2005 to 42,200 during 2006 (an increase of 17.2 per cent). Figures released by the Central Statistics Office (CSO) in 2008 showed figures revised in light of Census 2006 data for preceding years, 2002 to 2006 inclusive.<sup>16</sup>

**Table 7: Migration Flows 1999-2006**

	1999	2000	2001	2002	2003	2004	2005	2006
Legally resident population (1st January)	3,734,901	3,786,931	3,838,942	3,897,000	3,963,636	4,027,732	4,109,173	4,209,019
Recorded immigration	52,600	59,000	66,900	60,000	58,500	84,600	107,800	109,500
Recorded emigration	26,600	26,200	25,600	29,300	26,500	29,400	36,000	42,200

Source: Eurostat, CSO.

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

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

#### 3.1.2 POPULATION BY CITIZENSHIP IN 2006

A Census of Population took place in April 2006. Substantial efforts were made to increase participation of immigrant and minority ethnic communities, including distribution of census information in 16 foreign

<sup>15</sup> Special calculation supplied by the CSO.

<sup>16</sup> Revisions first published in Central Statistics Office, 2007a.

languages and the holding of seminars and public awareness events. Advertisements were published in Polish, Chinese, Lithuanian, Russian, Yoruba, Chinese, Urdu and Swahili. The Census form was also translated into several languages.<sup>17</sup> In addition an ethnicity question was included in the Census for the first time. The categories included in the question were developed in consultation with the Equality Authority, the National Consultative Committee on Racism and Interculturalism (NCCRI) and Pavee Point, along with relevant government departments but proved to be controversial in some quarters.<sup>18</sup> (see Quinn, 2007 for further information)

**Table 8: Population by Main Groups of Citizenship, 2006**

Total Population	4,172,013
Nationals	3,706,683
Other EU(-24) Nationals	275,775
of which EU-10 Nationals	
Non-EU-25 (3rd country) nationals of which future EU-2 Nationals	143,958
Most important third country nat.:	:
Nigeria	16,300
USA	12,475
China	11,161
Philippines	9,548
India	8,460
Romania	7,696
South Africa	5,432
Pakistan	4,998
Russia	4,495
Brazil	4,388
Others	59,005

Source: Central Statistics Office.

Census 2006 showed that non-Irish nationals who were present and usually resident in the State increased from 224,000 to 420,000. The fastest growing categories were EU Nationals (apart from Irish or UK nationals), along with Africans and Asians. In overall terms, non-Irish nationals made up 10 per cent of the usually resident population that indicated a nationality in April 2006.<sup>19</sup> Over 610,000 usual residents, representing 14.7 per cent of the total, were born outside the State, with EU 25 (excluding Ireland) accounting for nearly 440,000 (10.5 per cent) of the total.<sup>20</sup> Of this number, third-country nationals (non-EU-25 nationals) constituted 143,958 – 3.5 per cent of the overall recorded population.

Nigerian nationals showed the largest single-grouping of non-EEA nationals (16,300, or 0.39 per cent of the overall population), followed by

<sup>17</sup> Forms are available on the Central Statistics Office (CSO) website, [www.cso.ie](http://www.cso.ie)

<sup>18</sup> The Irish Times. 2006. "Skin colour query sours the Census". Available at [www.irishtimes.ie](http://www.irishtimes.ie)

<sup>19</sup> CSO, 2007c. Principal Demographic Results. Available at [http://www.cso.ie/census/Census2006\\_Principal\\_Demographic\\_Results.htm](http://www.cso.ie/census/Census2006_Principal_Demographic_Results.htm)

<sup>20</sup> Ibid.

nationals of the USA (12,475, representing 0.29 per cent of the overall population); China (11,161, representing 0.26 per cent of the overall population); the Philippines (9,548, representing 0.22 per cent of the overall population); India (8,460, representing 0.20 per cent of the overall population); Romania (7,696, representing 0.18 per cent of the overall population); South Africa (5,432, representing 0.13 per cent of the overall population); Pakistan (4,998, representing 0.11 per cent of the overall population); Russia (4,495, representing 0.10 per cent of the overall population); and Brazil (4,388, representing 0.10 per cent of the overall population).

### 3.1.3 ANNUAL TOTAL OF FIRST ISSUING OF RESIDENCE PERMITS IN 2006

Irish data does not fit easily into the categories supplied in Table 9 in which only employment permits are represented for 2004 and 2005. Data on Certificates of Registration from the Gardaí (police) may be helpful in supplementing the data on employment permits.

**Table 9: Annual Total Number of Residence Permits Issued According to the Main Categories for Migration (Excluding Seasonal Workers), 2004-2006**

	2004		2005		2006	
	Pos. decisions		Pos. decisions		Pos. decisions	
	Total	Sub-total	Total	Sub-total	Total	Sub-total
Total	:		:		:	144,090
Family formation/reunification	:		:		:	
		- spouse	:	:		:
		- children < 18 years	:	:		:
		- other family members	:	:		:
Study	:		:			
		- pupils	:	:		
		- students	:	:		
Employment	:		:			
		- self-empl. Persons	:	:		:
		- employed persons	34,710*	28,909*	26,611	
Other categories	:		:		:	

Source: Department of Enterprise, Trade and Employment; Department of Justice, Equality and Law Reform.

Some 144,090 Certificates of Registration, referring to new registrations and renewals, were issued during 2006 - an increase of 9.04 per cent on 2005 figures. A Certificate of Registration is issued by the Garda National Immigration Bureau (GNIB) to lawfully resident non-Irish and non-EEA nationals who expect to stay in the State for more than three months. It verifies that the person has registered with their registration officer. The Certificate of Registration contains the person's photo, registration number, relevant immigration stamp, and an expiry date. A certificate of registration card contains one of a number of different immigration stamps. A breakdown per category of stamp is available as follows:

- Stamp number 1: issued to non-EEA nationals who have an employment permit or business permission. During 2006, 29,872 such stamps (newly issued and renewals) were issued.
- Stamp number 2: issued to non-EEA national students who are permitted to work under certain conditions. During 2006, 29,426 such stamps (newly issued and renewals) were issued.
- Stamp number 2A: issued to non-EEA national students who are not permitted to work. During 2006, some 3,630 such stamps were issued (newly-issued and renewals).
- Stamp number 3 is issued to non-EEA nationals who are not permitted to work. During 2006, some 16,004 such stamps (newly-issued and renewals) were issued.
- Stamp number 4 is issued to people who are permitted to work without needing an employment permit or business permission: Non-EU EEA nationals; Spouses and dependants of Irish and EEA nationals; People who have permission to remain on the basis of parentage of an Irish child; Convention and Programme refugees; People granted leave to remain; Non-EEA nationals on intra-company transfer; Temporary registered doctors; Non-EEA nationals who have working visas or work authorisations. During 2006 some 61,928 such stamps (newly-issued and renewals) were issued.
- Stamp number 4 (EU FAM) is issued to non-EEA national family members of EU citizens who have exercised their right to move to and live in Ireland under the European Communities (Free Movement of Persons) Regulations 2006. People holding this stamp are permitted to work without needing an employment permit or business permission, and they can apply for a residence card under the 2006 Regulations. During 2006 some 916 of 'EU FAM' stamps were issued (newly-issued and renewals).
- Stamp number 5 is issued to non-EEA nationals who have lived in Ireland for at least eight years and who have been permitted by the Minister for Justice, Equality and Law Reform to remain in Ireland without condition as to time. Holders of this stamp do not need an employment permit or business permission in order to work. During 2006 117 such stamps (newly-issued and renewals) were issued.
- Stamp number 6 can be placed on the foreign passport of an Irish citizen who has dual citizenship, and who wants their entitlement to remain in Ireland to be endorsed on their foreign passport.<sup>21</sup> During 2006 11 such stamps (newly issued and renewals) were issued.
- An additional 4 stamps A and B were also issued as with 2,182 listed as 'unrecorded'.

<sup>21</sup> Quinn, Stanley, Joyce, O'Connell, 2008. Handbook on Immigration and Asylum in Ireland 2007. Dublin: ESRI.

**Table 10: Employment Permits Issued 2002-2006**

	2002	2003	2004	2005	2006
Employment Permits issued	42,498	48,162	34,710	28,909	26,611

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

There was a year-on-year decrease (7.9 per cent) in employment permits<sup>22</sup> issued during 2006 when 26,611 such permits were issued. The number of employment permits (work permits, visas and authorisations) issued by the Department of Enterprise, Trade and Employment have decreased each year since a high of 48,162 in 2003. Employment permits decreased steadily since 2003 to a low of 26,611 in 2006. As discussed in previous reports in this series, this steady decrease in permits issued may be attributable to the EU-10 Accession in May 2004 and an Irish labour migration policy of sourcing labour at first instance from within the European Union. Further information on work permit issuance per sector and nationality is available in section 5.2.

## 3.2 Contextual Interpretations

### 3.2.1 MAIN TRENDS AND MOST IMPORTANT DEVELOPMENTS IN THE AREA OF MIGRATION POLICY DURING 2006

The *Employment Permits Act 2006* was enacted in the period. This legislation provided an enabling structure for a new employment permits system which was subsequently introduced in January 2007. The key features of the system included a type of “Green Card” for occupations where there are skills shortages, which will be for a restricted list of occupations in the annual salary range from €30,000 to €60,000 and for a more extensive list of occupations in the annual salary range above €60,000; a re-established Intra-Company transfer scheme for temporary trans-national management transfers; a revised Work Permit scheme for non-green card occupations in the €30,000 to €60,000 annual salary range and for a very restricted list of occupations up to €30,000, where the shortage is one of labour rather than skills. This new employment permits system further develops Ireland’s policy of limiting non-EEA labour migration to areas of skills or labour shortages that cannot be met from within the EU. The data provided in this current report reflect the system as it existed before January 2007.

In October 2006 the Minister for Enterprise, Trade and Employment announced that nationals of Romania and Bulgaria would continue to require work permits to work in Ireland after the accession of their countries to the EU on 1 January 2007. The Minister said that this decision was influenced by the substantial flows of immigrants from the ten new EU Member States post accession in 2004.

<sup>22</sup> During 2006 employment permits comprised work permit renewals; new permits; work visas and work authorisations. Group permits were not included. The work visa and work authorisation programme was introduced in 2000 to facilitate the recruitment of non-EU nationals in the areas of information and computing technologies, construction professionals, and a broad range of medical, health and social care professions. See Quinn and O’Connell, 2007 for further information.

During 2006 the *Spousal Work Permit Scheme* was extended to the spouses of all employment permit holders. Some NGOs have expressed concern that take-up of this scheme has been low because the spouses of migrants have found it difficult to secure employment due to what may be a lack of awareness on the part of employers regarding the scheme. The Department of Enterprise, Trade and Employment records show that 1,718 spousal work permits were issued in 2006, 1,168 were issued in 2005 and 739 were issued in 2004.

During 2006 the re-entry visa office transferred from the Department of Foreign Affairs to the Irish Naturalisation and Immigration Service (INIS), which is under the aegis of the Department of Justice, Equality & Law Reform.

### **3.2.2 EXISTING CATEGORIES OF ADMISSION OR NON-ADMISSION IN 2006**

Categories of admission of non-EU nationals for which data is available are categorised according to 'Certificates of Registration' (as outlined above), and include work permit holders and work visa/authorisation holders. Other categories of admission on which data are not freely available include: student migration, family reunification/formation; and self-employment.

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

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

### **3.2.3 EUROPEAN/INTERNATIONAL FACTORS EXPLAINING CERTAIN CHANGES/CONTINUITY REGARDING MIGRATION IN 2006**

As discussed earlier, notable European developments during 2006 included the signing into law of the *European Communities (Free Movement of Persons) Regulations 2006* which give effect in Irish law to Directive 2004/38/EC. The *European Communities (Eligibility for Protection) Regulations, 2006* were also

signed into Irish law to give interim effect to the provisions of *Council Directive 2004/83/EC* otherwise known as the Qualification Directive.<sup>23</sup> As referenced in Joyce, 2008, Ireland was one of just three countries, along with the UK and Sweden, to allow free access of EU-10 nationals to the national labour market in 2004. This meant that nationals of these countries ceased to require work permits to access the Irish labour market on 1 May 2004.

<sup>23</sup> See Quinn, 2007 for further discussion on this topic.

# 4. REFUSALS, APPREHENSIONS AND REMOVALS

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

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## 4.1 Analysis and Interpretation of Statistics

### 4.1.1 DEVELOPMENTS/TRENDS PERTAINING TO THE NUMBER OF REFUSALS IN 2006 IN COMPARISON TO THE PREVIOUS YEAR

**Table 11: Total Number of Refused Non-Irish Nationals During the Period  
2001-2006**

	2001	2002	2003	2004	2005	2006
Number of refused aliens	5,504	5,647	5,826	4,763	4,807	5,885*

*Source: Eurostat; Department of Justice, Equality and Law Reform.*

*\*Figures for refused non-Irish nationals during 2006 refer to 'Asylum Seekers and Persons Removed at Irish Ports'.*

During 2006 some 5,885 non-Irish nationals (including asylum seekers and persons removed at Irish Ports) were refused entry to Ireland.

### 4.1.2 DEVELOPMENTS/TRENDS PERTAINING TO THE NUMBER OF APPREHENSIONS OF ILLEGALLY- RESIDENT THIRD-COUNTRY NATIONALS IN 2006 IN COMPARISON TO THE PREVIOUS YEAR

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

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

*Source: Eurostat.*

No data is available on the number of apprehended non-Irish nationals for 2003, 2004, 2005 or 2006.



### 4.1.3 DEVELOPMENTS/TRENDS PERTAINING TO THE NUMBER OF REMOVALS IN 2006 IN COMPARISON TO THE PREVIOUS YEAR

**Table 13: Annual Totals of Removed Aliens During the Period 1997-2006<sup>24</sup>**

	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
Number of removed aliens	:	:	6	187	365	521	591	599	396	302

*Source: Department of Justice, Equality and Law Reform.*

There was a decrease of 23.7 per cent in removed aliens in 2006 in comparison to 2005. Regarding Transfer Orders under the EU Dublin II Regulation, there was an increase both in the number of Orders signed (30.5 per cent) and effected (42.1 per cent) during 2006. The number of voluntary returns effected in 2006 fell by almost a third (32.2 per cent) from 2005.

**Table 14: Transfer Orders Signed and Effected 2004-2006**

	2004	2005	2006
Transfer Orders Signed	238	426	556
Transfer Orders Effected	65	209	294

*Source: Department of Justice, Equality and Law Reform.*

**Table 15: Voluntary Returns Effected 2005-2006**

	2005	2006
Voluntary Returns effected	335	227

*Source: Department of Justice, Equality and Law Reform.*

### 4.1.4 REFUSED, APPREHENDED, AND REMOVED MIGRANTS IN 2006 BY MAIN COUNTRIES OF CITIZENSHIP

**Table 16: Total Removed Aliens by Main Countries of Citizenship, 2006**

Country of Citizenship	Total
Total	302
Romania	96
Nigeria	80
China	37
Moldova	20
South Africa	10
Others	59

*Source: Department of Justice, Equality and Law Reform.*

<sup>24</sup> Figures for removed third-country nationals refer to the number of Deportation Orders effected and may not necessarily relate to Deportation Orders signed in the same year.

Total removed aliens by main countries of citizenship include removals made under Deportation Orders. Table 16 shows that during 2006, Romanian nationals constituted the largest single grouping of removed nationals (31.7 per cent of overall removals), followed by Nigerian nationals (26.4 per cent of overall removals).

Information on refused and apprehended migrants by main countries of citizenship in 2006 is not available.

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## 4.2 Contextual Interpretations

### 4.2.1 NEW OR AMENDED LAWS INFLUENCING ILLEGAL IMMIGRATION IN 2006

*The Europol (Amendment) Bill* 2006 was published in September and enacted in December 2006.<sup>25</sup> The new Act has the effect of giving force of law to three Protocols to the Europol Convention which have a number of functions including to clarify certain powers in relation to participation in Joint Investigation Teams and to streamline certain elements of the internal working of Europol. (Quinn, 2007)

### 4.2.2 PROCEDURAL CHANGES INFLUENCING ILLEGAL IMMIGRATION IN 2006

An Garda Síochána and Irish Naturalisation and Immigration Service (INIS) signed a contract for the development of a new electronic fingerprint system in November 2006. The project includes the replacement of the Garda Technical Bureau central fingerprinting system to meet new requirements; the replacement of manual fingerprinting facilities in the Office of the Refugee Applications Commissioner (ORAC) for asylum seekers with an electronic system; the introduction for the first time of a capability for the Garda National Immigration Bureau to take the fingerprints of all non-EEA nationals on registration in the State; the provision to GNIB of facilities to take prints at air and sea ports and to provide a mobile fingerprinting capture and search capability (Quinn, 2007)

### 4.2.3 EUROPEAN/INTERNATIONAL FACTORS EXPLAINING CERTAIN CHANGES/CONTINUITY REGARDING ILLEGAL ENTRY IN 2006

No relevant developments took place during 2006.

<sup>25</sup> Europol is the European Union Law Enforcement Organisation established to improve co-operation in efforts to combat international organised crime.

# 5. OTHER DATA AND INFORMATION AVAILABLE

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## 5.1 Citizenship Applications

During 2006 figures regarding the number of applications for citizenship were released. Over 7,000 applications were received in 2006 representing an increase of 55 per cent on the 2005 figure and almost five times the number of applications made in 2001. The average processing time for such applications is currently two years.<sup>26</sup>

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## 5.2 Labour Market and Employment

As discussed in section 3.1, work permit issuance and renewals during 2006 showed both a year-on-year decrease from 2005, and a continuing pattern of decrease as from 2003. Quinn, 2007 discusses in detail the policy announced by the Irish Department of Enterprise, Trade and Employment in the lead up to the accession to the EU of the new Member States on 1 May 2004 (and in accordance with the EU Accession Treaty) of encouraging employers to source their potential work permit requirements from the expanded pool of labour available in the EU-25 countries.

Table 17 demonstrates the number of work permits issued and renewed by nationality, and provides a breakdown of main countries of citizenship of permits issued to non-EEA nationals.

<sup>26</sup> Dáil debates. Written Answers, 31st January 2007.

**Table 17: Work Permits Issued and Renewed by Nationality, 1998-2006<sup>27</sup>**

Country, Region	1998	2000	2002	2003	2004	2005	2006
	Number						
USA, Canada	1,645	1,851	1,096	1,265	1,196	1,363	1,373
Australia	312	768	1,116	1,149	908	927	879
India	446	644	845	1,030	1,253	1,724	2,166
Japan	248	176	197	209	235	221	214
Pakistan	224	468	840	830	846	822	769
Philippines	63	991	3,255	4,042	4,301	4,172	3,850
South Africa	178	637	2,273	2,468	2,031	1,834	1,719
EU 10 States	240	5673	13725	16606	5290	260	171
Other Eastern Europe	292	2,351	8,562	9,974	7,978	6,800	5,552
Other Countries	2,068	4,447	8,412	9,978	10,029	9,011	8,161
Total	5,716	18,006	40,321	47,551	34,067	27,134	24,854

Source: Department of Enterprise, Trade and Employment

**Table 18: Work Permits Issued and Renewed by Sector, 1998-2006<sup>28</sup>**

Sector	1998	2000	2001	2002	2003	2004	2005	2006
No.								
Agriculture	70	2,980	5,714	6,248	7,242	3,721	2,139	1,952
Industry	705	1,750	3,119	3,094	3,376	2,174	1,680	1,676
Services	4,941	13,276	2,7613	30,979	36,933	28,172	23,317	21,179
Medical, Nursing	620	1,360	2,252	2,883	2,709	2,469	2,683	2,852
Catering	607	3,920	9,129	10,306	11,548	8,306	6,976	5,842
Education	298	370	480	610	759	717	726	798
Domestic	59	200	521	788	944	772	684	631
Entertainment/Sport	264	771	1,142	1,027	1,172	1,191	1,175	1,261
Other Services	3,093	6,655	14,089	15,365	19,801	14,716	11,073	9,795
Total	5,716	18,006	36,446	40,321	47,551	34,067	27,134	24,854

Table 18 demonstrates classification of employment permits issued to non-EEA nationals according to sector of activity engaged in. Taking figures regarding 2006 into account, increases (year-on-year from 2005) in the numbers of work permits issued to sectors of 'Medical, Nursing', 'Education' and 'Entertainment/Sport' took place. Data for 2006 also indicates that the downward trend in the issuing of work permits for the agricultural sector is continuing – a reversal on a record high of 7,242 issued in 2003. This may possibly be explained by the subsequent EU-10 accession in May 2004.

<sup>27</sup> Quinn, Stanley, Joyce, O'Connell, 2008. Handbook on Immigration and Asylum in Ireland 2007. Dublin: ESRI.

<sup>28</sup> O'Connell, P.J., 2008. International Migration and Ireland, 2007. OECD Continuous Reporting System on Migration (SOPEMI).

**Table 19: PPSN Numbers Allocated 2002-2005 and those Recorded as Employed in 2006<sup>29</sup>**

	<b>PPSNs Allocated 2002-2005</b>	<b>Employment in 2006</b>	<b>% Employed in 2006</b>
United Kingdom	64,647	19,677	30.4
EU 15 (excl IE and UK)	77,704	23,790	30.6
EU16 to EU25	183,472	121,815	66.4
USA	10,334	1,868	18.1
Rest of World	111,085	51,566	46.4
<b>Total foreign nationals</b>	<b>447,242</b>	<b>218,716</b>	<b>48.9</b>

*Source: CSO, 2007, Foreign Nationals: PPSN Allocations and Employment, 2002-2006.*  
www.cso.ie

Table 19 demonstrates a cross-matching of figures released by the CSO in late 2007 and referring to cross-matching of numbers of Personal Public Service Numbers (PPSN) allocated and taxation paid by non-Irish nationals. The Irish Department of Social and Family Affairs issues PPSN numbers which are necessary for employment. The new analysis conducted by the CSO compares PPSN allocations and employer end-of-year (P35) returns to the Revenue Commissioners for non-Irish nationals and reveals the extent to which those allocated PPS numbers took up and retained insurable employment over time.<sup>30</sup> The analysis shows that just under half of those allocated a PPSN between 2002 and 2005 had employment activity in 2006. For those allocated a PPSN in the earlier period (i.e. the year 2002) about one in three had some level of insurable employment in 2006. This reflects a pattern of declining employment participation over time and may be due to return migration. For example, almost 60 per cent of those allocated PPS numbers in 2002 were recorded as having been in employment in 2002. This proportion employed fell to 53 per cent in 2003, to 41 per cent in 2004 and to 35 per cent in 2005.<sup>31</sup>

<sup>29</sup> Ibid

<sup>30</sup> Central Statistics Office, 2007b. Foreign Nationals: PPSN Allocations and Employment, 2002-2006. Dublin: Central Statistics Office.

<sup>31</sup> See O'Connell, P.J., 2008 for further discussion on this topic.

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