

**The Irish Born Child Administrative Scheme for Immigrant  
Residency 2005 (IBC/05) -**

The impact on the families of status holders seven years on.

**New Communities Partnership Position Paper**

Research carried out on behalf of the New Communities Partnership (NCP)

by

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## Executive Summary

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Historically, children born in Ireland were granted Irish citizenship by right, regardless of the status of their parents. These children were seen to be entitled to the care and protection of their parents who were necessarily granted residency and given permission to engage in waged work in this country. This practice was subjected to a range of legislative interventions in late 1990s and early years of the present century, culminating in the referendum to enact the 27<sup>th</sup> amendment to the constitution of Ireland on 12<sup>th</sup> June, 2003 when the people of Ireland voted to restrict Irish citizenship to people born in the island of Ireland who had at least one parent who was either an Irish citizen or entitled to Irish citizenship. The resultant legislation - the Irish Nationality and Citizenship Act 2004, was introduced on 1 January 2005. From that date on, very many children born on the island of Ireland to immigrant parents were denied the birth right to Irish citizenship.

However, in response to concerns about the potential violation of the rights of Irish children in the event of them being forcibly repatriated from this country with their parents, new administrative arrangements were put in place for immigrant parents of Irish children who had been born before 1st January 2005. This scheme became known as the Irish Born Child administrative scheme for immigrant residency (known as IBC/05) and qualifying immigrants could apply for a renewable form of residency in Ireland based on their parentage of a child born in Ireland. Almost 17,000 people were granted residency under this scheme.

Applicants to this scheme were required to sign a formal statutory declaration accepting four conditions. These were: i) not to become involved in criminal activity; ii) to make every effort to become economically viable; iii) to take steps that would lead to employment; and iv) to accept that IBC/05 status “did not confer any entitlement or legitimate expectation of family reunification”. Some of these conditions have proved to be highly problematic. Specifically, IBC/05 families, if separated at the time of the birth of their Irish child, are forced to remain apart and the parent who is resident in their country of origin has neither right nor claim to family reunification with his family who were now living in Ireland.

This report charts some of the experiences of these status holders. The people who participated in this project spoke with great conviction about their experiences of living in Ireland under the scheme and in particular the long term impact it may have on their young children. Many topics were covered. This paper highlights only a small number of recurring issues specific to the holders of this status category. These are the impact that IBC/05 status has had on status holders’:

- i) ability to engage in paid work and earn a living, ii) family life and the welfare of children
- iii) interactions with statutory service providers in this country.

A paradox is found to lie at the very heart of the IBC/05 status category. People granted IBC/05 status in Ireland owe their continued residence to the fact that they are parents of, for the most part, young children. Equally, these people are required to be ‘economically viable’ so that they can support these children. However, the conditions attaching to IBC/05 status preclude many status holders from being able to engage with the waged labour force by virtue of the separation of families. IBC/05 status gives the legal right to work, but it effectively restricts people from engaging in that same essential work, as the conditions attaching to family life act to separate families and ensure that many status holders, a significant proportion of them women, are parenting alone in this country.

The IBC/05 status holders interviewed during this research struggle to raise their children in Ireland. Childcare presents a particular problem. Parents who are working in the waged labour force are often desperately keen to keep their jobs but are faced with the reality of not earning enough to pay for their children's childcare arrangements. Many simply retreat from the waged labour force in favour of a pattern of social welfare reliance, but some are forced to utilise less than satisfactory childcare arrangements in order to stay 'economically viable'. Both options are unpalatable and both carry the risk of significant harm being visited upon the person themselves and their families.

Other practical difficulties arise as well. Principal among which is the fact that IBC/05 status holders' enforced status as people parenting alone in Ireland is often not accepted by the social protection system in this country and IBC/05 status holders who correctly maintain they are in a stable relationship, albeit separated by a legislative process, are denied access to lone parent's payments, irrespective of need.

The IBC/05 administrative scheme has resulted in the separation of families and in denying many immigrant children growing up in this society, the benefit of being raised by both parents. Furthermore, the experience of poverty as a result of the inability to take up employment is very real for the beneficiaries of this scheme and the spectre of significant inter-generational downward mobility arises. Furthermore, there remains a high level of uncertainty as to the ultimate outcome of these parents' paths to long-term or permanent status in Ireland. It is hoped that the IBC/05 scheme is re-examined and reviewed so as to help smooth the integration of these legally resident third country nationals and also to enhance the protection of the rights of all children in the state and to further their better interest.

**1.1 Introduction**

**T**he migration patterns impacting on Ireland today are different to those that impacted on Ireland for most of the last decade. Specifically, the nature of the Irish population is nowadays moulded more by an outflow of people than by any equivalent in-flow of migrants. Nevertheless, the legacy of the period when Ireland was an attractive immigrant destination remains in place in this country and, irrespective of current migration patterns, a more multi-cultural and multi-ethnic population is present in Ireland today than at any time in our history (Watt and McGaughey, 2006: 15). For example, whilst refugee applications from ‘third country nationals’ have been declining steadily since 2005, large numbers of applicants are still awaiting a recommendation in 2012 and many people remain resident in this country with a renewable status.

Holders of the Irish Born Child 2005 (IBC/05) residential status are one such category of recent immigrant to Ireland. Under this status, immigrant parents of Irish children have been allowed to remain in this country as a result of their children’s ‘birth-right citizenship’, but their continuing residence remains subject to an ongoing legalistic process in this country. Close to 17,000 people were granted permission to remain in Ireland under this scheme in 2005.

When viewed in the context of inward migration to Ireland over the ten years between 1997 and 2007, the number of people granted IBC/05 status is quite small. However, an analysis of this particular legislative status category is warranted as it continues to condition the quality of many people’s lives in this country. It certainly is our contention that the IBC/05 scheme, whilst highly valued as a mechanism that ensures an individual’s continuing residence in Ireland, effectively conditions many people’s experiences of life in this country by enforcing the separation of families and creating an air of uncertainty and anxiety. In this way, we agree with Kofman’s (2002) assertion that migrant command and control structures at national level remain highly influential in modulating the individual’s experiences of life in a country.

**1.2 The Irish Born Child 05 Scheme for Immigrant Residency**

A comprehensive treatment of the conditions that prompted the institution of the IBC/05 scheme can be found in Coakley and Healy’s (2007) study of people with this status category in Ireland (see also, Coakley and Healy, 2011). Nevertheless, some key points are worth repeating here. Historically, children born in Ireland were granted Irish citizenship by right, regardless of the status of their parents (see, for example, Tormey, 2007: 70-71; Ryan, 2005: 11). As a result, parents of children born in Ireland were necessarily granted residency and given permission to engage in waged work, as a function of the Irish state’s recognition of the child’s right to the care and protection of his/her parents. This legislative practice was copper-fastened in 1998 when Article 2 of the Irish Constitution was changed to read: “It is the entitlement and birthright of every person born in the island of Ireland, which includes its islands and seas, to be part of the Irish Nation”, on foot of the signing of the ‘Good Friday Agreement between the governments of Ireland and the United Kingdom. This change to the Constitution coincided with a significant increase in the numbers of immigrants applying for residency in Ireland on foot of their child being born in this country (see Mulally, 2007: 32). In response to significant public disquiet, the government of the day brought two test cases before the courts in an effort to test the legitimacy of this practice. These test cases became known as the Lobe & Osayande case (the L & O Case) and whilst stating that the best interests of the child should be considered in all decisions, on 23<sup>rd</sup> January 2003 the Supreme Court of Ireland judged that the immigrant parents of Irish children had no automatic residency rights in

this country and that the care and company of parents could be accessed outside the country (Ryan, 2005: 12). As Bacik (2004: 45) states, these children would now “only be able to exercise their right to reside in Ireland if they (did) so in orphanages or foster homes, deprived of the care and company of their family”. The Government of Ireland accordingly ceased to accept applications for residency on the basis of an Irish born child and declared that the procedure for granting such rights would not apply to any cases that had not been processed by 19 February 2003 (11,493 cases). Furthermore, Ireland’s Department of Justice began to issue deportation notices to these people. By late 2003, up to 700 deportation notices had been issued to parents of Irish children. This development caused great distress (Human Rights Commission, 2003: 2, 6) and a referendum to amend the Constitution of Ireland was proposed.

The 27<sup>th</sup> amendment to the Constitution of Ireland aimed to change the wording of the Constitution to restrict citizenship to people born in the island of Ireland who had at least one parent who was either an Irish citizen or had at least three years reckonable residence prior to the birth of the child. This referendum was held on 12 June 2004 and the constitutional change was accepted by the Irish electorate (Ruhs, 2004). From the consequent coming into effect of the Irish Nationality and Citizenship Act 2004, on 1 January 2005, children born on the island of Ireland to immigrant parents no longer had a constitutional right to Irish citizenship [i].

However, in response to concerns about the potential violation of the rights of Irish children who had been deported with their parents, Ireland’s Department of Justice, Equality and Law Reform announced that new administrative arrangements were to be put in place for immigrant parents of Irish children who had been born before 1 January 2005 and qualifying people could apply for a renewable two year residency under the scheme, known as IBC/05 (Irish Born Child 2005). Applicants to this scheme were required to sign a formal statutory declaration and to accept four conditions. These were: i) not to become involved in criminal activity; ii) to make every effort to become economically viable; iii) to take steps that would lead to employment; and iv) to accept that IBC/05 status “did not confer any entitlement or legitimate expectation of family reunification”. This final condition has proved to be highly problematic. While it must be stated that family reunification has been problematic for many migrants to Ireland (see Cosgrave, 2006) IBC/05 parents have found this condition to be particularly difficult.

The IBC/05 permission to remain status is subject to renewal. IBC/05 status holders are required to provide details of their employment or voluntary work, of any further education, training or language courses, and of how they had financially maintained themselves and their families during their previous period of residence. All of those applying for renewals have to show that they had resided continuously in Ireland, either living with their Irish child or taking an active role in the child’s upbringing, and had to confirm that they had not been involved in criminal activity. The Department of Justice, Equality & Law Reform also indicated that it was aware of “the unique obstacles lone parents face in trying to get a job or take further education or training” with regard to the renewing of status and expressed that it did not wish to refuse a renewal on the basis that a single parent who was the primary carer of a child or children, was unable to obtain a job or access education or training (CADIC, 2005).

Whilst many of these status holders will inevitably apply for Irish nationality, the ultimate outcome of these parents’ paths to long-term or permanent status in Ireland remains highly uncertain.

### **1.3 Project Rationale**

As part of its commitment to work for the integration of legally resident third country nationals in the State, New Communities Partnership (NCP) commissioned this research to illustrate the experiences of immigrants still resident in Ireland with IBC/05 status. The creation of a baseline quantitative study was not our objective here. Rather, information on the daily rhythms of life in Ireland with IBC/05 status was sought in the hope that this would provide a useful insight into: i) how these populations are integrating into Irish society and ii) how they are making the transition from being a vulnerable minority reliant on specialised status, to fully active members of Irish society, as a whole.

As in previous studies, these objectives are firmly couched in a desire to allow the voices of the people themselves come to the fore. The immigrants interviewed during this research draw on a range of experiences and feelings and, on the whole, are forthright and thoughtful commentators on the experience of living in Ireland with IBC/05 status. As such, these commentaries articulate the experience of life in Ireland in a manner that is insightful at a level far beyond that which is possible to outline using, for example, official statistics. People's words are consequently foregrounded in the text at every opportunity. In so doing, and after Devlin-Trew (2005: 2), "the actual voices of migrants" are used in an effort to uncover meanings "beyond that which is available in a written text" .

### **1.4 Methodology**

A tri-partite methodology was employed.

#### *1.4.1 Phase 1 – Questionnaire Survey*

Initial base-line quantitative data was gathered using a social survey. This research was conducted by members of the immigrant communities resident in Ireland and was facilitated by New Communities Partnership. Ninety eight surveys were completed.

A desire to obtain information at a variety of geographic scales was central to this choice of method. It was important to elicit meaningful insights into people's lives at a local level, but comparisons were also required within and between the different study sites so as to ensure that a representative picture was drawn at national level. A focused question schedule was created for this purpose (see appendix 1). Both closed and open-ended questions were included and some biographical, behavioural and attitudinal data was collected. All participants were asked the same questions, ensuring that strongly replicable types of data were produced, but individuals were able to speak in their own words, ensuring that each individual experience was recorded as comprehensively as possible.

Initial analysis of this data was carried out using the SPSS statistical package. Basic categorisation and counting was used and a quantitative base was produced.



This type of quantitative fieldwork has a clear place in any exploration of the immigrant experience in Ireland and such methods can be harnessed by themselves, in a project of this type, to provide a sound empirical understanding of the target population's experiences (see for example Phelan and Kuon, 2005; Coakley and MacEinri, 2007a). However, there are limits to the use of such quantitative methods and questionnaire data of this type often needs to be reinforced through the use of more qualitative methods. Such qualitative methods allow the complex and often nuanced nature of the migratory experience and the layers of meaning attached to even the most everyday of experiences to be explored more completely than if quantitative methods were used alone (see, for example, Coakley and MacEinri, 2007b, Coakley and Healy 2007).

There are many different ways of producing such a qualitative dataset. Feldman *et.al.* (2008) for example used a series of surveys, semi-structured interviews and focus groups to produce an authoritative study of migrant experiences in Ireland as a whole, while MacEinri and Coakley (2006) and Coakley and MacEinri (2009) used semi-structured interviews and focus groups to examine the challenges and obstacles facing a range of different immigrant groups at a much finer level of analysis in Cork city and county. In this instance, the initial data produced by the questionnaire survey was contextualised using the focus group method and the detailed interview.

#### *1.4.2 Phase 2 – Focus Group Discussions (FGDs)*

Five FGDs were conducted in Dublin, Cork and Limerick. Thirty members of the target community participated in these sessions. The understandings that arose from initial data analysis (IDA) of questionnaire data were refined through the more nuanced conversational explorations offered by this research format. Broad patterns in the data were discussed, initial analysis was considered, and a right of reply was fostered among research participants.

It is important to note that the role of the focus group dialogue was to probe more deeply into patterns uncovered by initial survey work. Topics raised for discussion during focus groups were all anchored in the more quantitative data produced by preceding research. They thus represent a logical extension of the questionnaire research and are not best viewed as a stand-alone method. This clearly had implications for the types of data produced. Free-flowing discussions were central to this method but all these discussions were initiated out of data patterns already uncovered. New areas of inquiry can and do arise out of such discussions but only at the behest of focus group participants. The group dynamic then defined whether they were discussed at length or given only the most cursory consideration.

#### *1.4.3 Phase 3 -Detailed Interviews / Case Studies*

Eight detailed case studies were gathered and a small but highly nuanced data-set was built on top of this questionnaire / FGD data. All participants were interviewed in English and all interactions were recorded. These interactions typically took between one and two hours to complete and a highly detailed data-set was produced.

These interviews were influenced most strongly by specific developments in what is known as biographical/life-history research. This type of research seeks to use the actual voices of the participants to illustrate common experiences beyond that which is possible by an analysis of standard answers given to standardised questions. No question schedules were used and individual research participants are given the space to think and talk about their life experiences in whatever order makes sense to them. The migrant experience of life in Ireland and his/her understanding of that experience is therefore placed at the centre of the project. This is a key strength of the method.

The choice of this conversational approach was influenced by two realisations: i) people organise their memories differently and it is therefore difficult to access complex experiences using a standardised approach alone, ii) the very act of asking a question inherently structures the research dialogue and is to be avoided, if at all possible. Such an approach therefore provides a more complete picture of potentially nuanced life events than if more structured dialogues were followed. In this way, an attempt to understand the experiences of the research participants was sought, through the eyes of participants themselves (see Coakley and MacEinri, 2007 and Coakley and Healy, 2007 for a fuller consideration of the merits of this approach).

#### *1.4.4 Participant Selection*

The question of sampling is not a minor issue. Any accurate portrait of the IBC/05 population will necessarily be strengthened to the extent that those who participated in the study can be said to be typical. Equally, such a portrait will be weakened if it is not possible to make claims of representativeness. This sampling dilemma arises in virtually all studies of migrants in Ireland. Only a full-scale baseline study of the IBC/05 status population, or a study based on rigorous principles of random sampling, would enable this issue to be addressed in a scientifically acceptable way. A compromise was needed, as follows-

We researched three sites. These sites were chosen to reflect the geographically dispersed nature of the IBC/05 population in Ireland.

A large number of IBC/05 status holders reside in Dublin and effort was made to reflect this reality. Once outside the Greater Dublin Area (GDA), the target population is widely dispersed in nature. The sites chosen to act as bases for the field survey outside the GDA were chosen to reflect this dispersal. Relevant populations were targeted in Cork and Limerick. Cork city is an example of a city which, unlike Dublin, is small by international standards, but where the numbers of migrants are relatively significant. Limerick was taken as being illustrative of populations living in Ireland's regional centres and large county towns.

Within each area, rather than being selected randomly, research participants were targeted in a purposive manner and a rough "quota system was harnessed to ensure that all the people participating in the research were illustrative of the types of people likely to make up the population of immigrants living with IBC/05 status in Ireland. No pattern of random selection was followed and participants were invited to contribute to the research in an effort to ensure that as wide a spread of everyday experiences as possible were included in the sample. These participants were targeted through gatekeeping organisations. Some snowballing then occurred.

This research process cannot therefore make a claim to objectivity. It does however, assume that attempts to gain an in-depth understanding of attitudes, behaviors and interactions within a given social and cultural setting necessarily take time and that significant effort must be made to get 'inside' the social world of the subject group. This can be extremely time-consuming. Only a small number of these detailed case studies could be carried out, within the budgets and timelines associated with the research. This research is therefore open to claims of being unrepresentative. However, it is important to note that this project draws its validity not from the breadth of its reach but from the depth of each research dialogue and an authoritative illustration of the types of experiences common among the IBC/05 community in this country was produced in an effort to help inform future policy directions.

### 1.4.6 Research Ethics

The relationship between participants in a research project and the researcher carrying out the work / organisation funding the research, is often defined by notions of power and accountability. In the past, power differentials in research have meant that researchers/funders have been able to use the data generated in the field for their own purposes by not allowing research participants to impact on the nature of the project. Such research could not be deemed to impact positively on the experience of the people on the ground. Equally, there is a significant research fatigue among the communities under study. Immigrants to Ireland have been over-researched over the past 8-10 years. Much 'low-level' academic research has been carried out, and research on migrant communities has often not yielded positive impacts for the people concerned.

The current project was mindful of these issues but progressed on the understanding that:

- i) research, when carried out in an adequately grounded manner can positively impact on policy decision making and therefore on the IBC/05 community's access to societal resources,
- ii) research, in consultation with the IBC/05 community, can impact on community development and capacity building, at local level. In this way, a strongly ethical treatment of the issues was ensured and the project was positioned for the benefit of the relevant communities in Ireland.

### 1.5 Profile of Research Participants

In total, 136 people participated in this research. 98 people took part in the questionnaire survey. A further 30 people participated in the FGDs. Eight people consented to give detailed case-study style interviews. These people are resident in Dublin, Cork and Limerick and have mostly come to Ireland from countries in the continent of Africa. A small number of Asian people participated as well, as did one person from central Europe. Common countries of origin include: i) Nigeria, ii) Cameroon, iii) Ghana and iv) the Democratic Republic of Congo. However, people from South Africa, Russia, Philippines, Zimbabwe, Algeria, Angola, Togo, Kenya also participated in this study.

All participants are living in Ireland (9-10 years, on average). All have IBC/05 status on foot of their parentage of an Irish child, but our sample is dominated by women. Eighty four women participated in our questionnaire survey (85% of the total sub-sample here). This pattern is broadly replicated in the other sub-samples as well. Most people are aged between 35-44 years (67 people, two thirds of the questionnaire sample). People aged between 25-34 are reasonably common (24 people, 25% of the questionnaire sample). Fewer older people participated. Only seven questionnaire respondents are aged over 45 years.

Whilst numbers vary from person to person, the IBC/05 status holders who participated in the quantitative section of this study are the parents of two Irish children, on average. Equally, on average, these people state that they are the parent of a further one non-irish child, as well. In total, 63 people who participated in our questionnaire survey are the parents of a 'multi-status' family in Ireland (63 people).

Interestingly, whilst over 80% of those who participated in the research are either married or living with a partner, 40% of the questionnaire sample state that they do not live with the parent of their Irish child. Some 'natural wastage' may be at the heart of this pattern. The people with IBC/05 status have been resident in Ireland for a relatively long time. Relationships change and develop over such a length of time. Interestingly however, many of these people maintain that they remain in a relationship with the other parent of their Irish child but that the provisions of the IBC/05 status category that continue to deny family reunification rights to these status holders, effectively preclude them from co-habiting with that person. This is perhaps the most draconian element of

Ireland's migration management structures and does much to condition the experiences of these status holders in this country.

## **1.6 Report Structure and Chapter Outline**

Many personal experiences were recounted during the course of this research. Many research participants ranged far and wide and spoke eloquently about the experience of living in Ireland with IBC/05 residential status. However, NCP's purpose in producing this report was more modest in nature. We have not sought to paint a picture of migrant life in Ireland. We leave this to projects operating at a far greater scale than this. Rather, we have sought to highlight some of the key experiences arising out of this status category and point to some useful areas for further consideration.

An overview of IBC/05 status holders' engagement with the economic life of the country is contained in Chapter 2. Research participants show themselves to be extremely orientated towards activity in the waged labour market in this county. Equally however, a range of difficulties arise out of the conditions attaching to the IBC/05 status category. These are considered.

The impact that the IBC/05 status has on family life is examined in Chapter 3. Status holders were forthright in presenting their own family dynamic and in considering the impact that their status category has on their children's lives in this country. The separation of families is highlighted as a key area of concern – an area that impacts not only on the person present in Ireland with IBC/05 status but also on his/her children and their potential in the future.

Chapter 4 contains an overview of these status category holders interactions with Official Ireland. Interactions with statutory service providers feature particularly strongly here. Some comment is made about the wider organisational culture that exists in Ireland and on the effect that the sometimes lack of clear guidance has on the individual status holder and his/her family.

A conclusions / recommendations Chapter follows on from these thematically organised sections. The IBC/05 residential status category is deemed to have served a useful purpose in the lives of the immigrants who hold this status but some of the conditions attaching to the status are seen to be in need of very careful reconsideration.

## 2.

# Economic Activity

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### 2.1 Introduction

Anyone seeking to sustain a reasonable standard of living in Ireland must source employment in the waged labour force, but Irish society bestows the right to engage with this world of work on some migrants and not on others. Asylum seekers are one group who are precluded from activity in the waged labour market. Undocumented immigrants are another such group. Most other status categories are entitled to work (see, MCRI, 2008: 68-71, for an accessible and thorough consideration of issues pertaining to status category in general). Those who have successfully applied for and have been granted ‘refugee status’, under the 1951 convention, enjoy rights and entitlements that are largely equivalent to Irish citizens and can therefore engage fully with the waged labour force. Those not afforded the rights of a refugee but granted ‘leave to remain’ are also entitled to work in the waged labour force. Parents granted IBC/05 status in Ireland are one such group. Indeed, these status holders are actually required to do so as part of the conditions attaching to their status (see Coakley and Healy, 2007, Coakley and Healy, 2011).

Life in Ireland is expensive and the IBC/05 status holders who participated in this research are unsurprisingly motivated to work in order to earn enough money to sustain their lives and the lives of their families. 77% of all questionnaire respondents who have availed of opportunities to upskill and engage in further education since gaining their IBC/05 residency state that they were motivated to do so on foot of a desire to improve their job prospects in this country (42 people). More than this however, most of the people spoken to during this research recognise that the alternative to work in the waged labour force - reliance on social welfare - will not enable them to settle in this country as equals and forge a viable life for themselves and their families.

As Don, a West African father living in Balbriggan and working as a taxi driver in Dublin and Sean, a West African man currently living in Clondalkin state respectively

*“I want to work. Believe me, I don’t see any future in sucking the system” and “ever since I came to this country I have always tried to work. Maybe something selling newspapers maybe something just to make up”.*

Linda, a university educated mother of three, currently living in Limerick, succinctly sums this experience up when she states-

*“when you hear people making snide comments about how we prefer to take social welfare rather than to improve themselves, that is not acceptable because that is not the truth”.*

Unfortunately, many people with IBC/05 status find it difficult to find work in the waged labour force, especially work equivalent to their qualifications and experience (see, for example NASC, 2008: 23, for a broader consideration of this experience).

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<sup>2</sup> The IBC/05 scheme places obligations on beneficiaries to be economically viable and the renewal of this form of residence, was clearly stated to be contingent upon meeting this among other conditions upon which it was granted. Significant downstream benefits also accrue for those active in the waged labour force as well. It is well recognised, for example, that a person’s sense of self-worth is intimately connected to such activity. Moreover, a strong social dividend is garnered by the worker. The rhythms of working life ensure that workers meet and interact with people from outside their immediate family, and friends and acquaintances can be made. Waged work can therefore act as an important social outlet. Such activities are even more important for the migrant. As MCRI (2008: 87) states, language skills and cultural competencies” can develop out of this activity in the waged labour force. Furthermore, once in work, all immigrant workers are protected by legislation that seeks to guarantee workers’ rights and entitlements and a raft of statutory provisions and instruments control the quality of the work environment for everyone. Minimum rates of pay are controlled for example, while leave entitlements and provisions that police the termination of employment / unfair dismissal are also in place. For example, Ireland’s National Employment Rights Authority (NERA) allows for a prosecution through the courts to be initiated when breaches of workers’ rights are uncovered ([www.employmentrights.ie/](http://www.employmentrights.ie/)), Ireland’s Employment Equality Acts protect workers from discrimination on a range of grounds ([www.assistireland.ie](http://www.assistireland.ie)) and the full weight of the law can be brought to bear when instances of racist discrimination are uncovered ([www.NCCRI.ie](http://www.NCCRI.ie)).

## 2.2 The Impact of IBC/05 status on a person's ability to find waged work in Ireland

Only a relatively small number of research participants are gainfully employed in this country. 22% of the 98 people who participated in our questionnaire survey are employed on a fulltime basis, whilst a further 23 people are employed on a part time basis only. Consequently, 43% of our questionnaire respondents are unemployed. This is a worrying statistic and one worthy of some further consideration.

A possible explanation lies at the very heart of the IBC/05 status category itself. When asked to consider whether they have encountered any difficulties in the world of waged work, 64% of people who are engaged in waged labour in Ireland and who expressed a preference, stated that they are particularly challenged trying to arrange adequate childcare for their children whilst they are at work (21 of 33 workers who answered this question). One questionnaire respondent, a mother of four children between the ages of 10 and 15, is very clear when she states that the educational course that she undertook is of no use to her as she has to “*work at night to be available to the children at the day time 9 (sic). I (she) cannot use the qualification because of this*”. She currently works in an unskilled position in the service providing sector of the economy, even though she holds an accounting technician qualification from an Irish educational institution. The only other reasons given by more than a small number of people was the experience of racialised discrimination and lack of recognition of qualifications gained outside Ireland.

In this way, a paradox lies at the heart of the IBC/05 status category – one that remains unresolved to this day. IBC/05 requires that the status holder is ‘economically viable’ in Ireland but the people living here with this status category owe their continued residence to the fact that they are parents of, for the most part, young children and they are trying to engage with the waged labour force without the support of a partner and outside the familial support structures available to others. IBC/05 status gives the legal right to work – indeed it expects that the status holder will be ‘economically viable’, but it effectively precludes people from engaging in that same essential work, as the conditions attaching to family life act to separate families and ensure that many status holders (mostly women) are parenting alone in this country.

The following quote from Shannon an professional African woman living in Dublin, and active in the community development sector, is particularly illustrative of this experience. Shannon states -

*“How do you expect the person to be economically viable when a person has a baby to raise and is still trying to get into the work force? It is practically impossible. At the same time, the person is at a point where she can't even bring the family in to support taking care of the kids whilst she goes into the work. For to go and look for a job or even to better her education to get a better job in the future. So the mum and kids are stuck, not being able to be economically viable, not being able to have further education - and these were requirements even for renewal. So in one sense it was great to have that psychological know-how. To say, hey I can go out and get a job because I am legal. I have a work permit. But on the other hand, can I really go and look for a job because I have a baby to look after?”*

Most people are aware of this paradox in the status category and have been since before they agreed to accept the status. However, in equal measure, most speak strongly about impact that this has had on their experience of life in Ireland and about the fact that they felt that they had no choice but to accept the status category as it was formulated by the government of Ireland, as to reject the status category, was deemed to risk the possibility of forced repatriation to their country of origin, with their Irish child.

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<sup>3</sup> Pseudonyms are used throughout

Looking back, Mary, a highly educated professional woman from West Africa who works in Dublin, is very clear about the pressure she experienced, when she states, of IBC/05 status, that -

*“it was better than anything at all. No matter about what the decision is, when you find that we have moved from that situation (living without secure status) at first there was relief. Relief from moving from that situation. Obviously there was no option. There was no option. If you didn't sign that you were not going to get your residency. So the first thing people did was just sign it. You signed it and you just knew it wasn't right. You signed it, but you were coerced by circumstances.”*

She finishes this section of her interview by starkly stating -

*“For me this is the most important thing and I cannot progress.”*

Beyond this, IBC/05 status holders are commonly faced with a myriad of operational difficulties in the world of waged work. Job search can be a very frustrating experience and even when migrants with this status category successfully transition into the world of work in Ireland, they regularly encounter multi-faceted difficulties and can be discouraged from engaging fully in waged labour, on a number of levels. For example, people encounter great difficulties getting their qualifications and experiences recognised by Irish employers.

It is unsurprising, therefore, that even those IBC/05 status holders who find work in Ireland, and irrespective of their qualifications and experience, tend to be under-employed in this country, working at lower paid levels of a vertically constrained labour market, in a narrow range of professional categories, and often in a part-time manner.

45% (20 people) of the 45 employed people who participated in our questionnaire survey work in what could be broadly termed care-giving settings, either as health care assistants, child care assistants, ‘home helps’, home cleaners or community care assistants (see, also, Walsh and O’Shea, 2009). This group of workers are entirely female. Ten other people are employed as administration/secretarial workers, either as accounts assistants, administrative assistants, quality control assistants, or in one case as an ‘online administrator’. These workers are predominantly female as well. Two others work in a retail sales environment, one of whom works on a part-time basis. Only five questionnaire respondents work in what could be termed skilled sectors of the labour force where they could reasonably expect to earn a significant wage in return for their labour. These are: i) an account manager, ii) an IT consultant, iii) ‘in accounts’, iv) a nurse, and v) a chef. Interestingly, this more highly achieving group is not as gender-differentiated as the others. An unskilled group of male workers is present in the questionnaire sample as well. These workers include: i) two taxi drivers, ii) a ‘maintenance worker’, iii) a security worker, and iv) ‘an assistant cook’. These figures paint a starkly segregated picture of the IBC/05 labour market in this country.

The difficulties attaching to the routinely low and inadequate pay earned is a particularly recurring theme and these immigrant workers earning low wages are constantly in danger of occupying a self-reinforcing disadvantaged position in the labour market and, as a consequence, people can feel trapped in a cycle of social welfare dependency by their inability to earn sufficient money. Social welfare assistance is commonly accessed (often in the form of the family income supplement paid to lowly paid workers), but the people who participated in this research are clear in their view that they do not want to be dependent on state support. As Elizabeth, from Balbriggan states - *“everyone would prefer to be working. It is boring. When you are taking money from somebody you have no life to lead, I want to live my life and spend my money the way I want it for me and for my children. It is not even the money. Self-esteem”*.

This experience is common to many immigrant groups (see, for example MacEinri and Coakley, 2006, Coakley and MacEinri, 2007, MRCI, 2008). Opportunities to work are available in Ireland, even in times of recession, but members of the immigrant community do tend to be overly clustered in the lower reaches of the waged labour force, working in less than secure, low-paid jobs in manufacturing or in services. The individual does benefit from this work. Waged labour increases a family's security in Ireland but the spectre of significant inter-generational downward mobility does arise, especially when many of these under-employed IBC/05 status holders are the sole providers for their families in Ireland and most especially when they cannot earn enough money in Ireland by virtue of their need to work part-time. Almost every interview contains personal testimony to this effect. Deirdre, for example, gives a good concise example of the difficulties experienced by these workers when she states that she *“was working for €1000 a month and my house rent was €1100 a month. So, I am not talking about transport, I'm not talking about the kids, or the other stuff. So how can I survive?”*

The only conclusion to reasonably draw from this pattern is that these people are experiencing multiple layers of disadvantage when they seek to engage with the world of waged labour in Ireland. In this way, as (Gonzalez-Perez et.al., 2005: 20) state, these status holders experience of waged work is more akin to “degradation and the needs of survivability than to any image of enhanced economic or social prosperity”. The fact that a large number of participants in the current research have actually left higher paying positions to take up lower status work further supports this contention. For example, in response to a direct question about her experiences in the waged labour force, Betty, an African mother of three who lives with IBC/05 status in West Dublin, states

*“I had to resign from a job. I got a good job. I couldn't continue with that job because it was full-time employment and having to look for a childminder, running up the bills, going to work very early coming back very late. It was very difficult for me with three kids and no one there. I had to resign that appointment and look for something that is really not my profession and make do. That was really, you know, very difficult and very bad for me.”*

Alison, a professional woman from central Africa who is very active in her community in Dublin succinctly sums this experience up when she states that *“there is an emerging poverty - even with those who are in social welfare because when you deprive a father and a mother of either doing a trade or business or working, when you stop either of the parents from getting what is rightfully theirs or frustrating them they end up managing the very tiny resources they have and it begins to effect the general family they have, and then you start noticing the poverty, and it shows most on the children.”*

People worry, particularly about the effect that this pattern of life will have on their children. As Claire states *“professionally I feel that I am not fulfilled. There is nothing I can do. What I am doing is not what I want to do. Just for the main fact that I am alone here with the kids. There is no way I can do a fulltime job you understand. I am just worried about the future of the children. You know what they say. The children of professionals become professionals. If you have no money, where are you going to go to university”*.

Whilst, again, this experience is not unique to those holding IBC/05 status in Ireland, the inability to earn a sufficient amount of money is further complicated by many people's reasonable reluctance to claim social welfare because of fears about the negative impact this will have on potential future claim to be granted Irish Citizenship.



Veronica from West Dublin is certainly of this view. She states

*“I do not earn enough money but I am afraid to ask for support because there have been cases where you are denied citizenship if you take the money. But the money is not enough we are in poverty we are suffering. We are eating from hand to mouth and I am not able to meet the needs of the children when I am here by myself. I am afraid to ask for support of the government because I want to ask for my citizenship and they could deny if I am taking support from the government”.*

Inevitably, some people can come to contextualise this experience in terms of their migrant identity and racialised position but most people recognise that the reasons behind their difficulties in this regard lie at the heart of the status category itself and the conditions IBC/05 imposes on the individual status holder and not as a result of structurally organised racism in Ireland.

People resident with IBC/05 status are working in Ireland. They are contributing to the Irish economy and making lives for themselves and their families in this country. Nevertheless, challenges and barriers are common and the everyday dynamics of many of these immigrants’ work lives can be difficult. However, the results of the present research show that it is often not a problem of unequal pay for immigrant workers with IBC/05 status but low pay; and it is less a problem of discriminatory conditions in the labour force but a problem of the inability to work at an adequate level on foot of a status category that separates families and forces status holders to operate as de-facto single parents.

### **2.3 IBC/05 Status and Access to Education in Ireland**

Education and educational attainment is seen to be key to moving through this experience. This is not without its frustrations but for the most part, the people who participated in this research value the opportunity to avail of Irish education.

Fifty four people who completed our questionnaire survey (55% of the sample) have availed of educational / training courses since being granted IBC/05 residential status in Ireland. The vast majority of these people have engaged in such learning in an effort to upskill and improve their prospects of gaining meaningful employment in the waged labour force (78%). These inputs are valued as, irrespective of the level of success an individual has enjoyed in the waged labour force, most questionnaire respondents are committed to upskilling and to meeting IBC/05’s condition to engage in such activities when not employed. Unfortunately, the nature of the courses undertaken closely mirrors the low status, lowly paid and often less-than-secure sectors of the labour market that migrants tend to occupy in this country. Fifteen people have completed certificate courses in social care for example, a further four have completed entry level computers / English language courses and only 15% of this sample (eight people) have completed Degree/Post-graduate level courses in this country. IBC/05 status holder’s activities in this area can simply serve to reinforce established patterns of disadvantage in this country. Nevertheless, it is reasonable to see this activity in a positive light and state that this activity does indeed represent a proactive engagement with the work of waged labour in this country.

IBC/05 status holders are often encounter difficulties in accessing higher education support. This is a particularly strong impediment to educational success, as is illustrated in the following interview excerpt.

*“For me IBC/05 is something that brings about inequalities. You put on different policy statuses and for us we can’t go to school and enjoy the same thing that other people are entitled to – the educational grant. We cannot access it but when we finish we will go to the same labour market and pay tax like everybody else. I think that this is not very fair” (Natasha, Limerick)*

Even when they are motivated to avail of educational opportunities in Ireland, these status holders encounter difficulties at every level, as is illustrated in the following case study.

Barry, is an unemployed father of three from Nigeria. He is educated to university level and has worked as an architect in his country of origin. He currently lives in Cork with his wife and family and has residency in this country by virtue of the IBC/05 status scheme. As part of a general consideration of the quality of life in Ireland he muses on the nature of the Irish educational system and states that migrants are disadvantaged on foot of Irish employers’ reluctance to recognise qualifications and prior learning from outside this country. He goes on, in the following excerpt, to consider the experience in some detail, when he states that education is –

*“Quite challenging – the opportunities for education and work are quite limited. Coming here - they do not value your education so you have to do a top up another programme to give more value to what you are doing and if you have to do that it is quite expensive here to get qualifications validated. This is part of the challenges we are facing in the sense that I would have been putting those qualifications in the CV but I don’t get responses. For reasons I don’t know why, but when I put it out of the CV, and I put only the FETAC courses - those give me a response. The Irish courses. I feel very bad, very very bad for that. FETAC five and six – is not at the same level as the university. I am searching, searching for a job, but they are not forthcoming.”*

He goes on to consider his wife’s experiences in the same manner, when he states –

*“My wife would have been trained in the university as well but she is working in the CE scheme, which is quite frustrating there as well. Because the people she works with, intelligence-wise, they are far far below her”.*

The impact of this is quite clear –

*It is quite demeaning and there is quarrel at home because the frustration at work - she brings it home. Of course she does. She brings it back home and it tells on everybody back home. It is the same story now she is doing FETAC Level 5 in Child Care, which is low and she read English in university. It is very hard. She is demeaned and this has an impact on the family, a serious impact on the family. She has tried to get some other jobs but she was not happy with it – when she combined the stress of earning low pay and the need mind the children and the jobs cannot even pay your bills at the end of the day. Money is a problem.”*

## 2.4 Summary

The people who participated in this research are extremely motivated to work in the waged labour force in Ireland. Dependence on social protection is not a favoured pattern of life. This is unsurprising. Ireland is an expensive country in which to live. Families need money to ensure an adequate standard of living. However, of equal importance here is the condition built into the IBC/05 status category which requires these status holders to be 'economically viable' in Ireland. Many people are afraid to be seen to be economically inactive for fear of it impacting on any potential renewal of their status or on a future citizenship application.

Unfortunately, the people who participated in this research have not been successful in the waged labour force. A relatively small number of people are employed but even here, these people tend to be overly concentrated in lower-paying sectors of the labour force, with many only employed on a part-time basis. There are reasons for this. Immigrants in general experience difficulties transitioning into the waged labour force in this country. Job search can be challenging in general and oftentimes, a person's qualifications and experience are not recognised. More than this however, the separation of families constitutes a significant impediment to these status category holders' full engagement with the waged labour force. The effective separation of family units and the resultant fact that many IBC/05 status holders are effectively parenting alone in this country does much to hinder their entry into the labour market as often times, these potential workers have no one to take care of their children. This creates an unequal situation in this country and opens this population sub-group to the distinct possibility of inter-generational drift into social welfare dependence and social exclusion.

### 3.

## Family Life

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### 3.1 Introduction

The IBC/05 status holders who participated in this research are committed to making their lives in Ireland and integrating into Irish society (80% of questionnaire survey respondents feel that they will remain resident in Ireland). This is unsurprising. As Kvisto (2003: pp.16-17) states, most people cannot live in isolation from their host community. However, whilst IBC/05 status holders are committed to life in Ireland for themselves they are uniformly adamant that their children benefit from the advantages that Ireland can bestow. Whilst the jus soli principle has been restricted in many countries in recent years (see, for example Mulally, 2005) over and over again, the people who participated in this research state that they hope their children will remain in Ireland and have a future here.

As Sean states, of his children, *“they see themselves as Irish”* and *“this is where they are, they are used to. That is a credit. I see their future here.”*

Parents are willing to forego on other desires as long as they feel their children are engaging with life in this country and benefiting from it. When children are perceived to be happy, it is used as a barometer of progress in general, and parents are happy. Nevertheless, parents worry about the future and the experience of first generation migrant life gives pause, to some. A particular difficulty lies in the conditions attaching to the IBC/05 status category itself. Specifically, IBC/05 pivots on the presence of an Irish child, whilst often denying that child, and the parent who is present with him/her in Ireland, the care and protection of his/her other parent, most often his/her father and the companionship of siblings currently in residence in another country. Eighteen questionnaire survey respondents state that some of their minor children are not resident with them in Ireland but remain resident in their country of origin. Only three of these parents have applied for these children to be granted residence in this country. Also, many status holders separated from their spouses have not applied to have their spouses join them. People simply do not believe, on foot of community experience, that they will be granted family reunification. Overwhelmingly, responses to questions in the questionnaire regarding applications for family reunification indicate that many status holders do not know how to go about seeking reunification with their spouses or minor children. There appears to be no information available to this status category stating any set of criteria that needs to be met in order to entitle them to family re-union nor is there any information on how to go about making such an application. This effective separation of families is probably the most difficult aspect of life in Ireland with IBC/05 status and does much to condition the experiences of these families in this country.

### 3.2 The Separation of Families Under IBC/05

In many ways, separation from family is a predictable consequence of migration (see, for example, Suarez-Orozco *et.al.* 2002). Irrespective of one's residential status in a host country, the friction of distance lays heavily on many migrant's familial interactions. People miss 'home' and the comforts inherent in a familiar set of dependable social supports. As Leah, a student living in Limerick states *“we always remember at home we maintain a broad family. But we are alone here.”* In this regard, the people who participated in this research are no different from millions of other migrants, worldwide, but they are different in one key respect - in practice it has been stated that the Irish government policy does not grant family reunification to family members of persons who have been granted residency on the basis of their parentage of an Irish child (see Coakley and Healy, 2010 for a more detailed consideration of this position) and the separation of IBC/05 status holders' families stems not only from distance but from policy interventions that deliberately separate families and enforce a transnational familial imaginary on the Irish children

of immigrant parents (see, for example, Gonzalez-Perez *et al.*, 2005: 12 for a consideration of the family reunification rights of other migrants in Ireland). A document to be found on the website of the Irish Immigration and Naturalisation Service detailing grounds for visa refusals further illustrates the clearly distinguished position of disadvantage that IBC/05 status holders are placed regarding family re-union rights in the State (see appendix 2).

IBC/05 status holders struggle to understand the rationale behind this policy position. Most are very acutely aware of the elevated status of the family in the Constitution of Ireland and in this regard, most express dismay that the same elevated status is effectively placed beyond their own reach (see, for example, Mulally, 2009 for a detailed analysis of the gendered experience of migration to Ireland in recent years). The following excerpt from Claire's interview is especially illustrative. She states:

*“An Irish child, the family, the family is the fundamental unit. This is being deprived. Are my children, are they not part of Irish citizen and they have Irish passports? It's so confusing. I don't know. This IBC we have waited for it for so long but to tell you the truth I am not enjoying it. I have to tell you the truth. I am not enjoying it.”*

Practical difficulties are common. Financial pressures abound as people parenting alone struggle to make ends meet. It is particularly difficult to maintain a full engagement with the realm of waged work (see Chapter two) but difficulties arise when people seek assistance from social welfare as well. Again, whilst the experience of difficulties interacting with the Department of Social Protection is not unique to IBC/05 status holders, the specificities of the IBC/05 status category ensure that this experience is potentially damaging on a number of levels. Principal among which is the fact that IBC/05 status holders' enforced status as people parenting alone in Ireland is often not accepted by the social protection system in this country and IBC/05 status holders who correctly maintain they are married but separated by a legislative process, are denied access to lone parent's payments, irrespective of need.

Over half of all questionnaire survey participants who gave an answer state that the most challenging aspect of the social protection system in this country is this tendency to reject their application for single parent's allowance on foot of the fact that they resolutely maintain that they are married / in a stable relationship, irrespective of distance. While some have certainly challenged this type of judgement and have been granted the payment on appeal, this type of experience only reinforces IBC/05 status-holders' feeling that the whole scheme has been poorly conceptualised from inception. As Kate, a married woman living Limerick states -

*“they will not give a lone parent because they will tell you if you are married that you are only separated by distance. That happened to me. Yes, I am separated by distance but only because you are telling me that my husband cannot come to me.”*

Other commonly mentioned difficulties include the length of time taken to receive decisions and a lack of detailed information on specific rights and entitlements.

Parents are impacted on a daily basis by this poor pattern of thought, but the Irish children themselves are the ones who are most clearly impacted by the inconsistencies inherent in the IBC/05 status scheme, as is illustrated by Ellie.

Ellie came to Ireland in 2003. She brought two children with her and had a third child in the state. She has been resident with her three children in Dublin for nine years. In this excerpt, she gives a good illustrative summary of some of most common difficulties identified by these status holders in general. She starts her contemplation by making reference to the difficulties she faces in the world of waged work before quickly moving on to the difficulties faced by her children, on foot of their separation from their father, who joined the family in Ireland but has since been forcibly repatriated to their country of origin. She states –

*“They sent him home. After three years. While he was here, I was working I did not depend on the state. I was working and he is there with the children. I go to work by 8.00 and he is there with the children. Take them to school. Bring them back. I finish my work. I got a job, a good job with a pharmaceutical company and the fact that I was now alone, the children – I resigned because it was very difficult for me I could not cope with the children and work there. The money and everything, but I had to resign. I now have a job that I am not fulfilled but I have to work. I mean I am thinking a person is now with the family for three years. Is that not enough? That they know that the family are not dependent on the state and they know that the family are united and together. Wasn’t that enough reason for them to decide - oh lets give them. No they send him home. And since he’s left it has been very difficult. I mean, very very difficult for myself and the children. I can’t even explain to them why he has to leave. You know what I am saying. They are saying when is daddy coming? Oh why did he have to leave? Oh we are suffering. We are suffering.”*

She finishes by stating –

*“It is difficult having spent nine years in this country - to go back to Nigeria, to start afresh, but it is an option. Why am I staying alone here without my husband? I am telling you if not for the children, I am getting frustrated.”*

Some people do regret the decision to migrate to Ireland. For example, Tom, a Nigerian father of two children resident with him in Ireland and two resident in his country of origin in West Africa, is clear in articulating his regret when he states that *“the IBC is good with flaws, why we say there are flaws basically our stay here in Ireland with IBC was a big mistake”*. Whilst this is an extreme reaction, and one that is not replicated amongst the group of people who participated in this study, it is illustrative of the frustrations that many feel.

Two related outcomes arise from this situation. These are: i) the common experience of life in-between a particular country of origin and an IBC/05 parent’s current home in Ireland and ii) the often extremely damaging impact that the separation of families has on the children resident here.

### 3.3 IBC/05 and Enforced Economic Ties to Country of Origin

A de-facto transnational familial imaginary is in place in this country as a result of the IBC/05 scheme's refusal to allow for the reunification of families. This manifests itself most commonly in the separation of a mother and Irish child who are resident in Ireland from the father of that child who in turn is often the spouse/partner of the mother resident in Ireland. Many people are also separated from minor children who remain resident in their country of origin. Whilst these children are regularly cared for by their other parent, and are therefore deemed to be well-looked after, some are dependent on the care and support of wider family members. This separation contributes to high stress levels amongst the people interviewed here. Even though they are often separated by many thousands of miles, and may not have seen each other in a number of years, the Irish-resident parents of children living in other parts of the world remain highly emotionally engaged with the lives of their children who do not live with them. Worries arise and people experience stress, even shame, as a result. The following excerpt from Focus group discussion Balbriggan is illustrative of this common experience.

*"I have two kids back home in Africa I don't even know if they are eating tonight and I am eating, you know I can't eat."* (Alision)

Most commonly, people need to send money 'home' to their country of origin so that they can contribute to the maintenance of their loved ones' lives. Such remittance-sending behaviour is extremely common, even amongst people who do not have significant financial means in this country. This experience is illustrated by Barry who draws attention to the fact that the perception of the migrant in his country of origin is very different from the financial realities of life in this country with IBC/05 status. He states –

*"Family believe that you are here and you have everything. They expect you to pay. It is even worse when they know that they have something to tie you down. That those people in the category who are separated from children. With children at home, you have no choice because it will be seen that you have to be sending something to them, to those children, and to your siblings and cousins and everything."*

In this way, people resident in Ireland with IBC/05 status are commonly locked into a transnational economic field that they can scarcely afford, as a result of the Irish state's insistence on the separation of their families. As Sean states, *"I send money home all the time. All the time. It is very very difficult. I am always in debt. I cannot make up. Here if we cook a pot of soup everybody could share in it but now if we cook a pot of soup, I have to cook another there to pay for the rent there. Pay for my rent here. It is not easy."* This difficulty has become more acute over the past few years as a result of the current economically difficult climate in Ireland.

People living in Ireland with IBC/05 status want to move forward with their lives in this country. They want to engage with the economic life of this country, for their own sake but more firmly for the sake of their children. However, the continually enforced separation of family units under this administrative scheme effectively enforces, from above, a transnational familial imaginary on the people living in Ireland with this status. This causes great distress and effectively acts as an impediment to these status holders living as full a life in Ireland as possible. The impact that the separation of families has on the Irish Citizen children themselves further reinforces this conceptualisation.

### 3.4 The Separation of Families and the Rearing of Children under the IBC/05 Scheme

The people with IBC/05 status interviewed during this research struggle to raise their children in Ireland.

#### 3.4.1 IBC/05 impacts on the care of younger children

Childcare presents a particular problem and many parents are torn between the need to be economically active and the fact that they cannot afford proper childcare arrangements for their families. Parents who are working in the waged labour force are often desperately keen to keep their jobs but are faced with the reality of not earning enough to pay for their children's childcare arrangements. Informal arrangements are often a person's only realistic option. This type of arrangement is often unsatisfactory as people worry about the level of care being provided. Geraldine, a Nigerian woman living in West Dublin illustrates this anxiety when she states, in the context of a discussion of childcare arrangements more generally, that she *"is afraid. I am not confident that my child is safe. You bring in someone to mind the child and you are not satisfied in your mind that it is settled"*. In this way, these parents of Irish children can be placed in a terrible situation. They are acutely aware that their continued residency can be jeopardised if they are not deemed to be 'economically viable'. Equally, however, the conditions of this residency combine to ensure that they cannot earn enough money as single working parents to pay for an adequate level of care for their children. Many simply retreat from the waged labour force in favour of a pattern of social welfare reliance but some are forced to utilise less than satisfactory childcare arrangements in order to stay active in work and therefore 'economically viable'. Both options can be unpalatable for the individual concerned and both carry the risk of significant harm being visited on themselves and their families.

Some authors point to the fact that many IBC/05 status holders have come to Ireland from parts of the world where a pattern of more informal childcare is common. This assertion is often used to reject arguments that seek to outline the practical difficulties inherent in the separation of families under the IBC/05 scheme for residency. The following long excerpt from Ellie's interview does much to counter this alternative argument and support the contention that the IBC/05 residency scheme actually damages families through the erection of multi-faceted barriers to effective child rearing in this country. She starts by stating that – *"African informal childcare is a result of the poverty. That is why we do it – here we are just alone. We do not have family members. We do not have that. We have to rely on paid childcare which is not easy. For me I would much prefer to pay full time childcare in my former job but now I am reluctant to take up employment - I can't afford the childcare and I don't want to compromise."* However, she quickly states that she does *"not judge people who do that because having the residency renewed is also seeking a better life for the family so putting the child in, endangering the child is all, it is like being caught between a rock and a hard place, you know. They have to do one. If you don't when time for renewing - people are, Oh god I am not working, even in 2010 as well, oh what are they going to do with me now, you know. And you have a lot of single women, you know. Forced single, separated women, you know, living that life and it is worrying"*.

People in this situation even worry about social services and whether they will lose their children if the authorities find them using such unorthodox methods. Jessica, a woman living in Limerick, after mentioning her own fears in this regard, tellingly states that this situation means that people with IBC/05 status *"are not living. We need to do things for a human being, that is good for us, that is benefiting for us and our family, but we are not living. We are not allowed to do that."*



### 3.4.2 *The separation of families and the difficulties encountered by families raising older children*

Older children can suffer in school as a function of their status. These difficulties can be subtle in nature, but no less destabilising for families already struggling on other fronts. Some parents with IBC/05 status refer to the practical difficulties of parenting alone in this country and posit such experiences in terms of their children's schooling. A number of people state that they are sometimes too tired to oversee their children's homework. Oftentimes, these status holders simply have to trust that their child has been able to complete the tasks set by his/her teacher. Attending parent-teacher meetings proved to be an area where many parents encounter difficulty with a number of participants indicating that they are often unable to engage in this very basic way with the educational system, mostly as a result of childcare difficulties or work commitments. Overwhelmed by their family circumstances, many refer to the difficulties they experience whilst trying to meet their children's emotional and recreational needs. People feel that they do the best they can but that the specificities of their status category work against them.

Many people worry about the impact that this will have on their children and try to shield them from as many of the realities of life with IBC/05 status as possible, but there are instances where the realisation that they are not equal is forcefully brought home to them. Most of the Irish Citizen Children referenced by people who participated in this research self-identify as Irish. In this regard, their need to renew their status category can undermine their very sense of themselves. As Ni Laoire, *et.al.* (2008) show, being granted the right to be resident in Ireland does not necessarily equate with a feeling of having a place in Ireland. Irish children may have possession of an Irish passport and may have the same rights and entitlements as any other Irish person resident in this country, but they are still vulnerable.

Tensions can arise within the family as well. Many IBC families are made up of people with different legal statuses. This can cause tension between individuals, especially as children get older and begin to have a deeper understanding of their place in Ireland. Time and again the people who participated in this research make reference to children becoming aware of the different rights and entitlements they have depending on their exact status category. Even within the family, the IBC/05 scheme bestows differential sets of rights and entitlements on individuals in a manner that, to the parents at least, reinforce difference and impose inequality. As Sharon states

*“Most of the people who came into Ireland and had IBC/05 children they came with other children as well. There is no way you would have to separate your children who you came here with from the one you had in Ireland – that in itself causes problems here for the children because the ones you came with definitely are older than the one you had with IBC and when the child starts growing and becoming aware of what is happening because especially children who were born before 05 now they are about eight years old and you have to separate your children from the ones born before and that in itself causes problems. They are becoming more aware more informed, you understand, and they know who they are, you understand. I am Irish.”*

This only compounds the worries that IBC/05 parents have for their children and their children's futures in Ireland. The following case study is illustrative of many such situations.

Tracy, a Cork woman from Nigeria, is parenting her Irish child alone in Ireland. Two other children remain resident in Nigeria, under the care of her husband. She works as a health care assistant but is in need of Family Income Supplement to make ends meet. She states that separation from her husband *“is hard but I keep hoping. It is the hardest thing in my life”*

She states that there is a palpable tension between her children who are still resident in Nigeria and her son who is resident in Ireland.

*“They are not happy. Everytime, they say why him and why not us? They are growing up now to feel bad that there is a partiality. I say I had not planned that . It just happened. I just keep hoping that one day everything will be a dream like that they will come in one day.”*

The separation of her family is the most difficult aspect of life with IBC/05 status in Ireland. She states -

*“Everything is hard, Loneliness. It is hard living alone when you know you have other family. You have other kids. They need your attention but they are growing up not knowing you, you not knowing them.”*

She finishes by stating that

*“IBC/05 is working for me - 60%, but the other side is family reunification. That is the only thing that is lacking.”*

### 3.5 Summary

The Constitution of Ireland recognises that the family is a central pillar of life in this country. Unfortunately, many of the conditions pertaining to the IBC/05 scheme effectively undermine status holders’ ability to provide a safe and nurturing familial environment in which their children can grow.

The effective separation of families does much to condition the experiences of these families and they experience multitudinous difficulties, as a result. Financial difficulties abound but parents and children are impacted in more subtle ways as well. Parents are forced to live in a de-facto transnational manner through the need to interact with and support partners and children still resident in their country of origin and children are impacted by the difficulties their parents encounter organising childcare and by tensions that arise in school and at home.

These worries feed into IBC/05 parents’ more general concerns about the quality of their children’s future lives in Ireland and again lead some to question the very essence of the IBC/05 status category itself (see, for example, Mulally, 2010, for a detailed consideration of the continuing vulnerability of these children in Irish migration law). As Henderson (2011: 16) states, this issue must be given priority by future Irish policy makers and legislators.

## 4. Interactions with Statutory Service Providers

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### 4.1 Introduction

IBC/05's renewable quality goes to the heart of almost all IBC/05 experiences in this country. It is an ongoing legalistic process that, in turn, structures most of these status holders' engagements with Irish society, most of their thoughts on the future quality of their lives in this country and most of their interactions with Irish people. Status holders have been granted a reasonably robust residential status and most are resultantly hopeful about the long term viability of their lives in Ireland but at its most fundamental, the fact that status holders have to seek renewal of their residency and present themselves to the agents of the Irish state for evaluation, reinforces intermediary nature of this residential status instead. Individuals seek to remain positive about their prospects in this country, going forward, but understand that they are not fully accepted in this country. This can cause upset. Jessica, a FGD participant from Dublin is clear in this regard, when she states -

*“Psychologically the nature of the status is very, is like forcing oneself on the state, you sort of feel like you've been rejected and then you twist the arm of the system and then they give you reluctantly. That is something what I remember – like that this is something, people really don't want me to be here but we live in a democratic society where you have to respect people's rights. That, to me, is the origin, and that is not very pleasant. The thing I want to remember is of course that it takes me back to the citizenship referendum where the same community that you are trying to be included into and three out of four people vote against such benefits to people who are mostly third country nationals. I think this is something the children should know. You know the past and the future they come together. They should know how they came about their status. The challenge is there but it is going to be worse in the future especially for children who are doing very well.”*

It is unsurprising, in this regard, that many people equate their lives in Ireland with IBC/05 status with lives of struggle. People feel that they have struggled to gain recognition for their presence in Ireland from the very first moment they set foot in this country and feel that they continue to struggle for recognition of their children's rights, on a daily basis. For example, Ciara, came to Ireland in 2004 and is resident in this country on foot of her daughter's birth-right status. She lives in Dublin, is unemployed but plays a very active role in her community and hopes to apply for Irish citizenship in the coming years. However, she is clear in her view that she has had to fight for the right to be present in Ireland. She states that she is *“used to fighting”* and illustrates this comment by referring to the Irish state's initial refusal of her application for IBC/05 residency. However, in equal measure, she states that she is tired of continually ‘fighting her corner’ in this country and knowing that she must continue to do so in the future to ensure that her daughter is afforded all the benefits of life in this country. Ciara tellingly finishes this section of her interview in the following illustrative terms. She states, *“We (Irish society) need changes now. We can't continue to fight. To use old weapons to fight different battles. We must change for the public good and the good of everyone”*.

This tension exists at the heart of the IBC/05 status holder experience in this country. Status holders are motivated to live their lives as best they can, albeit within a lifeworld that is structured by the conditions attaching to their status, but they feel that they are not fully accepted in this country, on a level beyond the normal migrant experience. This realisation is grounded in the specificities of their status category but is reinforced on many levels. A particularly recurring theme here is the difficulties people encounter whilst trying to interact with statutory service providers / official state agencies.

## 4.2 Interactions with ‘Official Ireland’

People with IBC/05 status have been obliged to operate within a difficult and at times, uncertain, legislative landscape since their very first experiences in Ireland. As stated in Chapter 2, many people were even unsure of the conditions attaching to IBC/05 status when they first accepted this residency in 2005 but felt obliged to accept this imperfect residential status on foot of their real fears of forced repatriation. This pattern has been replicated at many levels over the past number of years and the status holders who participated in this research are clear in their understanding that the legislative landscape in Ireland is unnecessarily complicated by a lack of clarity and an over-reliance on local discretion in the application of various rules and conditions. This frustration is further compounded by the feeling that the people who IBC/05 status holders deal with locally are actually often not fully informed of developments that have taken place nationally, nor of the nuances of the issue at hand.

This has impacted on many lives over the past seven years and continues to impact on status holders today. Michael, a community worker living in Dublin gives a succinct summation of this experience when, during a wider discussion of rights during a Dublin FGD, he states -

*“When people wanted to sign the IBC/05 you eventually had to sign your whole rights away and after signing everything you still get some legal practitioners who come and tell you it doesn’t matter - you can cancel all those things. You can do this. You can do that. But we are being told to sign everything. But here we are being told that it doesn’t matter. That this is what you do. Which brings us to the situation that in Ireland they refuse to put any policy in place because if you put it in place will make people ask for the right. They would rather hide under discretionary powers of the people who are actually there so that when you come to that place they look at you and say do we want you or not, not because you have a right. So I think if you look at the IBC/05 there are a whole lot of challenges. You can never get a single codified document that says this is why I am doing this. The problem we have is that you don’t give migrant right. You manage them.”*

Sharon, in response, effectively sums the situation up by stating that *“Ireland has no qualified set of rules and regulations and if they have them there are no black and white. There are always grey areas”* before going on to reasonably suggest that:

*“the government should try to have a standard rate of any application that comes in. They have given too much power to the Social Welfare to determine whatever happens to you. You, individually it is not every time a standard that says this is the law. It doesn’t matter if you are a foreigner or whatever, it should be! It is the way the Social Welfare feels that day. If you are in a managerial or authoritative position you have the discretion to treat individuals differently. It is that policy in the law that affects them in their attitude to treat every individual differently”*.

Whilst this ‘greyness’ is not specific to the IBC/05 system, the fact that holders of this status category are often driven to engage with a myriad of statutory service providers means that this group of residential status holders are more regularly exposed to the workings of an imperfect system than others. The systems in place in Ireland do not seem to be supportive – especially for IBC/05 status holders. For example, the definition of ‘one parent family’ used in Ireland is especially unhelpful and IBC/05 status holders encounter many difficulties when they seek to engage with social welfare supports, in this regard. Specifically, status holders parenting alone often do not meet the Department of Social Protection’s criteria to qualify as lone parents, irrespective of the fact that these separated families face the same challenges as any other lone parent family. Many participants indicated that a divorce certificate is demanded of them to prove that they meet the lone parent criteria. Equally, IBC/05 status holders are impacted when in the world of waged work as they do not have access to the tax advantages that the Revenue Commissioners allow married people on foot of their common inability to provide PPS numbers for spouses who reside outside the state. People commonly experience difficulties when seeking educational supports as well. It seems ridiculous to suggest that the holders of the IBC/05 status category, who are obliged to strive to improve their prospects of being ‘economically viable’ by engaging in education, are precluded from applying for educational grants, but this experience is a common one amongst this group of status holders.

Equally, people experience difficulties when trying to access information relevant to their status category. 80 people, over 80% of the sample who completed our questionnaire survey stated that they do not feel as if an adequate amount of information about the conditions attaching to their status category, is made available to them. For example, people regularly state that they experience difficulties when they seek to obtain information about the possible channels by which a relative may be granted family reunification rights.

As Kate states *“there is no information. Nothing nothing. Nothing like this is the information – we can give you or we can’t give you. My husband he supplied all documents. Passport, marriage certificate. He has submitted everything but they are holding everything. They are not answering. They should just say yes or no. So that a person can go on with their life. You don’t even know who to ask, who are you going to ask, who will give the right information. You are just in the dark. It is a frustrating situation. Nobody can give us the information no-one can tell us what is going on. No information as to what is going on.”*

Kate’s reference to the fact that *“nobody can give us the information”* is telling. For example, while the IBC/05 status conditions state clearly that there is no entitlement to family reunion, a document explaining reasons for visa refusals (see Appendix 2) does seem to indicate that exemptions may be made in certain instances. Unfortunately, there is no information available to this holders of this status category as to the criteria they are required to meet in this regard.

The less than clear pattern of rights and entitlements in this area is compounded at local level by a very poor culture of customer care that builds to create a difficult organisational interface for migrants. This sometimes overly bureaucratic interface can be complicated by the less than integrated manner in which the various agencies operate.

Migrants with IBC/05 status interact more positively with some statutory service providers than with others. For example, questionnaire survey respondents were asked to state how satisfied they are with various aspects of their daily lives in Ireland. Research participants are most happy with employment, education and housing (39%, 39% and 43% of questionnaire respondents respectively felt either very satisfied or satisfied with the levels of support given to them by

statutory agencies). Only, 33%, 28% and 23% stated that they are dissatisfied or very dissatisfied with their experiences here. Unfortunately, almost diametrically opposite patterns come to light when people were asked to rate their experiences of interacting with elements of Ireland's dedicated migration control system (only 26% of people stated that they are either very satisfied or satisfied, whilst 40% stated that they were either dissatisfied or very dissatisfied here). Unsurprisingly, in this light, many people state that they are disgruntled with the interactions they have been having with those organisations charged with the management of their status category in Ireland and that "*they are so frustrated that it has had a negative effect on them psychologically*" (Cork FGD). Some people, take particular exception to aspects of the IBC/05 status renewals process. Questionnaire survey respondents variously identify the fact that the process is 'slow' (15 people of 98 – 15% of the sample) confusing (three people, 3%), or expensive (five people, 5% of the sample). In many ways, these are 'ordinary' complaints. All interactions with official bodies can be slow, expensive and confusing to the lay person. However, other people have a more particular view. Fifteen people, for example, feel that the renewals process was unnecessarily adversarial in the requirements it placed on families to present their children for evaluation, as part of the renewals process. Others identify the fact that the goalposts seem to have been shifted, and the conditions attaching to the granting of nationality 'stretched out' by three years. When seen against this background, it is understandable when individuals are critical of changes to systems and timelines.

### 4.3 Summary

Some commentators on the nature of service provision in Ireland state that the need to cater for a diverse population has always shaped the delivery of services in this country, but the migratory patterns experienced over the past 10 years mean that the need to provide for an ethnically diverse population now influences much service provision, at a level beyond that experienced in the past. IBC/05 status holders are one such group who interact with 'Official Ireland' on a very regular basis.

Ireland is an advanced post-industrial, information-driven society. Consequently, people must be able to access relevant information when they need it. Unfortunately, the IBC/05 status holders who participated in this research often do not have access to all information pertinent to their lives in this country. Difficulties arise at a number of levels. However, people in this status category do tend to focus on the fact that statutory service providing organisations do not fulfill their needs, that a poor culture of customer care exists in Ireland and that organisations charged with the management of their status category in this country seem to operate in a less than integrated manner.

Often times, the status holder is left frustrated by the poor and unsupportive nature of the interaction in question. As a result, many of these status holders are regularly hampered in their efforts to comply with the conditions attaching to their status by this poor customer interface and it is incumbent on the organisations in question to ensure that their systems work on many levels.

## **5. Conclusions and Recommendations**

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### **5.1 Introduction**

**T**he IBC/05 scheme is valued by the people who hold this status. When instituted in 2005, IBC/05 imposed a logical structure on the experiences of the immigrant families of Irish children as they sought to claim their children's birth-right residency in this country. Whilst parents were previously unsure of their long term residential prospects in Ireland, IBC/05 formalised their status and provided a road-map towards residency in the longer term. Unfortunately, as with many migration policy interventions in Ireland, several of the conditions attaching to the scheme have impacted negatively on these families' wider experiences of life in this country and seven years on from its introduction, a significant number of the 17,000 people who were granted this status still struggle to cope with life in Ireland and remain unclear about their long-term future in this country.

Particular difficulties have arisen out of the conditions attaching to the statutory declaration that applicants were obliged to sign when applying for this residency. In this way, whilst one would expect individual migrant families to be able to move beyond the specificities of their original application for residential status in time, a significant number of IBC/05 families still remain locked in a pattern modulated by the legislative conditions attaching to the status. Families remain separated. Parents struggle to find paid work, especially at a level that is commensurate with their education, their skill-level and their experience. High levels of Social Welfare dependence are common and there is a real danger of an inter-generational drift towards social exclusion and poverty. Children are negatively impacted in a wide variety of manners. Ultimately, seven years on from its initial introduction, there remains an air of uncertainty and anxiety about these families' future prospects in Ireland.

### **5.2 Families are Separated and Children Suffer**

Parents seek to protect their children from the realities of life as a first generation migrant in Ireland. Children are encouraged to see themselves as Irish but parents cannot shield them from difficulties arising from their own residential status or from the fact that many are members of transnational, multi-status families, denied the right to family reunification. This effective separation of families remains probably the most difficult aspect of life in Ireland with IBC/05 status and does much to condition the experiences of these families. For example, parents feel intense pressure to send remittances 'home' to help support their children still resident in their country of origin – even when they are struggling financially in Ireland.

Parents are affected by this pattern but children are the ones who are most clearly impacted by such inconsistencies. Many children are separated from their father and siblings who remain resident in their mother's country of origin. This separation contributes to high stress levels amongst the people interviewed here. Younger children can be subject to less than satisfactory childcare arrangements and older children can suffer in school. These difficulties only compound the worries IBC/05 parents have for their children and for their children's futures in Ireland. Most are acutely aware of the danger of an inter-generational cycle of disadvantage being created on foot of the fact that many of their peers in the status category are parenting alone, without the support of their children's father. Parents are keen that their children should benefit from life in Ireland but they can feel that the benefits of living in a western country are being undermined by the restrictions associated with the IBC/05 status category itself.

### **5.3 Status Holders have Unsatisfactory Interactions with Agents of the State and Statutory Service Providers**

The renewable nature of the IBC/05 status ensures that many people need to interact with agents of the state. Status holders are motivated to live their lives, albeit within a lifeworld that is structured by the conditions attaching to their status, but they feel that they are not fully accepted in this country, at a level beyond the normal migrant experience. Furthermore, these status holders are obliged to operate in a less-than-clear legislative landscape where there is an over-reliance on local discretion in the application of various rules and conditions. This has impacted on many lives over the past seven years and will continue to impact on status holders as they move towards applying for Irish nationality in years to come.

IBC/05 status holders encounter difficulties whilst seeking to interact with many different statutory providers. Unfortunately, the systems in place in Ireland do not seem to be supportive. Difficulties arise when people seek to access information relevant to their status category. Equally, even when relevant information is available, a bad culture of customer care exists in Ireland and an often overly bureaucratic customer interface can be complicated by the less than integrated manner in which the various agencies operate. Migrants with IBC/05 status interact more positively with some statutory service providers than with others. Employment, education and housing are sectors deemed to be more satisfactory in this regard. Unfortunately, almost diametrically opposite patterns come to light when people were asked to rate their experiences interacting with elements of Ireland's dedicated migration control system

### **5.4 Recommendations**

- ***Recommendation 1***

The denial of family reunification rights remains the most significant impediment to IBC/05 status holders being able to integrate fully into Irish society, at large. The government of Ireland must revisit this condition attaching to IBC/05 status. Many Irish children and their parents resident with them can never move beyond the transnational field in which they live until this most basic of rights is granted to them.

Clear criteria governing the entitlement to family reunion should be in place in this country. The Minister has indicated that one of the key priorities for immigration reform in 2012 is the development of a comprehensive policy approach to family reunification. NCP recommends that this status category should be specifically catered for in the development of this policy in order to address the negative impact that this scheme has had on the families of these status holders and in particular the children in these families.

- ***Recommendation 2***

IBC/05 status holders who are seeking to meet the conditions of their residency should be given access to the full range of educational grants available in this country. Continued denial of access to such grants acts as an effective impediment to these status holders' attempts to break the emerging cycle of social welfare dependence and drift towards social and economic marginalisation.



- ***Recommendation 3***

There is a clear need for effective information on the full range of rights and entitlements to be disseminated to IBC/05 status holders. Too often, individual status holders do not have adequate information at their disposal. A one-stop-shop, possibly modelled on the EU's information contact points, would probably constitute a useful intervention here and would do much to counter the difficulties faced by these status holders as they seek to engage with a myriad of statutory and non-statutory service providers in this country.

Particular definitions used by the Department of Social Protection, need to be changed to include those with IBC/05 status. The current definition of a person parenting alone, as used by the Dept of Social Protection, effectively precludes IBC/05 status holders from accessing lone parent's payments and is discriminatory in effect. The Office of the Revenue Commissioners should take cognisance of the peculiar circumstances of this status category in tax assessments.

- ***Recommendation 4***

A significant population is resident in Ireland with IBC/05 status. The issues impacting on this population are diverse and complex but the status category itself continues to impact on many daily experiences. Those in authority can sometimes forget this. The institution of a comprehensive, independent, and critically informed research programme is still required on the experiences of immigrants living with this status in Ireland.

- ***Recommendation 5***

Any future amendment to the Constitution that seeks to safeguard the welfare of children and to further their better interest must seek to include all children in the state - the children of all legally long-term resident immigrants in the state and more specifically, the children of IBC/05 status holders.

- ***Recommendation 6***

Integration programme's already operational in Ireland, in line with the European Union's integration agenda for legally resident third country nationals, should be further developed to provide for the needs of IBC/05 status holders and their families.

# Appendix 1 - Questionnaire

<p><b>Ireland's IBC/05 scheme for migrant residency:</b></p> <p><b>Status holders' experiences in Ireland and thoughts on the future</b></p>	 <p><b>ncp</b> New Communities Partnership</p> <p>Empowering And Representing Ethnic Minorities &amp; Their Organisations In Ireland</p>
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These questions seek to gather information that will lead to an improved understanding of the needs of people with IBC/05 status in Ireland and to the creation of an inclusive society this country.

The information contained in this form is confidential and will not be used for any purpose other than compiling the results of this survey.

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## Question schedule

### Personal Details

1. Residential location		
2. Gender		
3. Age		
4. Marital Status		
5. Length of time in Ireland		
6. When did you get residency?		
7. Do you have a spouse/partner?		
8. Number of Children	Number -	
i. Irish citizen children	Number –	Ages -
ii. Non Irish citizen children	Number –	Ages -

9. Country of birth	
10. Are any of your children living outside the state?	
11. Have you applied to have your children join you?	
12. What was the outcome of your application?	
13. Has any member of your family been denied a visit visa because of	

### IBC/05 Applications/Renewals Process

14. Describe your experience of the IBC05	
15. Describe your experience of the IBC05	

### Life in Ireland with IBC/05 status

16. Is your spouse/partner the parent of	
17. Does this person live with you?	
18. What impact has this had?	
19. Were you granted residency along with your spouse/partner/minor chil-	
20. If not granted residency with your spouse/minor children have you applied to have your spouse/minor chil-	
21. If <u>No</u> , give reasons, If <u>Yes</u> , were you successful?	
22. If you were unsuccessful, what reason	
23. Have you availed of educational opportunities since gaining residency?	
24. If so describe -	
25. How important is this to your family?	
26. Why?	
27. Have you experienced challenges / obstacles whilst in education -	
28. Do you work in the waged labour force	
29.. If so, what is your occupation?	
30. Have you experienced challenges / obstacles in work?	

## Family life with IBC 05 status

31. If you parent alone, have you been able to access Lone parent support?					
32. How important is this to your family?					
33. Have you encountered challenges / obstacles during this process?					
34. If your spouse has joined you - has this had an impact on your ability to secure / remain in employment / education?					
35. If your spouse has not joined you, what impact if any has this had?					
36. Do you feel that you have enough information about your rights and entitlements in Ireland?					
37. Will you stay in Ireland / move to another country?					
38. Will you return to your country of origin?					
39. Do you feel part of the Irish society?					
40. How satisfied are you with the following (1 of most - 5 for least)	1	2	3	4	5
Employment /education					
Safety					
Lifestyle					
Housing					
Services					
Irish attitudes to immigrants					
Irish Immigration system					

## Appendix 2 - Explanation of Reasons for Refusal of Visa

July 2008

ID	<p>Insufficient documentation submitted in support of the application. Please see website link to 'Documentation to Accompany a Visa Application' at <a href="http://www.inis.gov.ie">www.inis.gov.ie</a></p> <p>Application form incomplete or unsigned Documents provided not translated</p>
F	<p>Finances <i>e.g.</i> No evidence of finances shown <u>or</u> Evidence provided is deemed insufficient or incomplete (e.g. no contact details for bank, poor quality documents) <u>or</u> Finances shown have been deemed insufficient</p>
PF	<p>The granting of the visa may result in a cost to public funds</p>
PR	<p>The granting of the visa may result in a cost to public resources</p>
R	<p>No reference in Ireland or No clear link to reference has been shown or No letter of invitation submitted with the visa application form or Letter of invitation no longer valid - dates for event/course have passed or No confirmation of hotel booking for duration of stay</p>
RH	<p>Relationship History – Have not shown evidence of a relationship being in existence prior to visa application/marriage. <i>Note:</i> For Immigration purposes it is not sufficient for a relationship to have developed over the internet or by telephone/sms. A relationship must include a number of face to face meetings (excluding webcam) between the parties. You must satisfy the visa officer that the relationship is bona-fide.</p>
IS	<p>Immigration status of the reference in Ireland - e.g. Evidence of this has not been provided - Copy of GNIB card, copy of passport of reference <u>or</u> Reference has no right of residence in the State</p>
IH	<p>Immigration history of applicant</p>
GP	<p>Contrary to General Policy</p> <p>It is not general policy to permit any person, whether related or not, to join any persons who have been granted residency in the State under the IBC 05 scheme. Your case has been fully examined, and you have not shown any compelling grounds as to why an exception to this policy should be made in your case</p> <p>It is not general policy to permit any person, whether related or not, to join or visit any person who is in the State on a study visa. Your case has been fully examined, and you have not shown any compelling grounds as to why an exception to this policy should be made in your case</p> <p>It is not general policy to grant a visa to dependant family members over the age of 18 to join or visit persons granted residency in the State. Your case has been fully examined, and you have not shown any compelling grounds as to why an exception to this policy should be made in your case</p> <p>It is not general policy to grant a visa to dependant family members over the age of 18. Your case has been fully examined, and you have not shown any compelling grounds as to why an exception to this policy should be made in your case</p>

## Appendix 2 - Explanation of Reasons for Refusal of Visa

July 2008

WP	Work permit required
1YR	1 year rule – Work Permit holder not in State 12 months with work permit renewed for a further 12 months
SCS TP	Not the general policy to allow spouse or children visas to accompany or join spouse or parent on short term business/training trips
P	Passport e.g. Passport expires within 6 months of end of visit, or 12 months if you are applying to work or study Passport has not been signed
VR	Previous Visa refusal (s))
ST	Visit is not short term in nature – exceeds 90 days
INC O	Inconsistencies e.g. contradictions in the information supplied e.g. dates / residence / occupation / finances
SP	Student Profile – e.g. Insufficient recognised level of English shown (e.g. IELTS*) <u>or</u> Relevance of English to employment (for English language students) <u>or</u> Previous educational or employment background is at odds with course applied for <u>or</u> Gaps in education or employment not accounted for  <i>* International English Language Testing System (IELTS)</i>
CP	Course Profile – e.g. Need to undertake the course in this State not demonstrated or warranted Course does not meet Student Visa requirements
SCH	Profile of School/Visas not currently being issued for this school
OB	Obligation to return to home country not shown e.g. No social, economic or professional ties in home country shown <u>or</u> Obligations shown have not been deemed sufficient
OC	Observe the conditions of the visa - The visa sought is for a specific purpose and duration, and the applicant has not satisfied the visa officer that such conditions would be observed - e.g. The applicant may overstay following his/her proposed visit, <u>or</u> Work illegally in the State, <u>or</u> Branch into the common travel area The potential cost of this trip is high in comparison to the applicant's means, and given that no compelling reasons for the trip have been displayed, the visa officer is not satisfied of your intentions to leave the State following your visit.
FM	Minor child not a family member

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<sup>1</sup> While the constitutional right to citizenship was therefore restricted to children of Irish citizens and of people entitled to Irish citizenship, the Act that legislated for the outcome of the referendum provided a broader entitlement. Children born in Ireland to foreign parents would be granted citizenship if either of their parents had been lawfully resident in Ireland for three of the four years prior to the child's birth (*Citizenship Referendum: The Government's Proposals*, 2004: 5). If the parent or parents in question had been in Ireland as students, seeking asylum or without State permission, the child would not be granted citizenship.

It is unsurprising, in this light, that the Migrant Integration Policy Index, published by the Migration Policy Group and the British Council in October 2007, places Ireland in joint sixteenth place with Hungary and Luxembourg out of the 25 European Union countries in terms of family reunification policies, below the EU-25 average (Niessen et al, 2007: 3).

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# New Communities Partnership (NCP)



New Communities Partnership (NCP) is an independent national network of 126 ethnic minority led groups comprising of 75 nationalities with membership drawn from Asia, the Middle East and North Africa, Europe, the Caribbean, South America and Africa.

The mission of NCP is to be an effective network representing and empowering ethnic minority led organisations at all levels in order to influence positive changes in policies that impact on their lives.

Members work together to support their communities and to address the underlying causes of the difficulties facing them in Ireland including racism; discrimination; unemployment & access to employment; housing & accommodation and access to public services.

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