

## **Werner BURKART**

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Ladies and Gentlemen,

First of all, let me thank you wholeheartedly for the introduction and the kind invitation you extended to me for coming to Tokyo and speaking to this distinguished audience. May I assure you that I feel extremely honored by your invitation.

The reason for inviting three foreign speakers at this symposium is, I presume, the wish to get some benchmarks for your own discussions and to be able to compare your migration policies and their reform with how other countries tackled that question. To be frank, I think Germany is in this respect a questionable, yet at the same time a very good choice. Let me briefly explain why.

It is a questionable choice, because the basic situation and the categories of foreigners living in and migrating to Germany are quite different, although this probably also applies to Ireland and Korea. Let me give you a short overview over the figures and different categories:

For decades, there has been a general understanding among politicians and the population that Germany is not an immigration country. The facts, however, show another picture: If you take the usual counting method, i.e. the criterion of being "foreign born", Germany actually ranks No. 6 in the world with approximately 13 % foreigners living in Germany (and these are IOM figures). This figure even beats the United States of America. Only Luxembourg, Australia, Switzerland, New Zealand and Canada have a higher percentage of „born abroad“ foreigners in their population.

About 8.9 % of the people living in Germany do hold a non-German citizenship, which means in absolute figures approximately 7.34 million people. If you compare this figure with the 2 million foreigners living in Japan with its much larger population, you might get an idea of the difference in proportion. The largest group, by the way, are the Turks with 1.877 million, followed by former Yugoslavia with roughly a million people and then by Poland with about 330,000.

Without immigration, Germany's population would be shrinking. Since 1990 we have had a migration surplus of 4.6 million. In migration terms, this means about 14.2 million people moving to Germany, whilst 9.6 million emigrated. In 2003, the figures were 769,000 against 626,000. This migration surplus prevented an otherwise sharp decline of the population due to constantly declining birth-rates and instead provided for a very small growth. Immigration alleviates the problem of the ageing of society and, in medium and long term, will provide the necessary work force. Without it, it will not be possible to maintain a dynamic economy. But of course, this is hard to defend in public discussions in times of more than 5 million unemployed. However, immigration is no solution to the demographic problem on its own, rather a contribution to the solution.

Finally, the groups of immigrants coming to Germany widely differ from your immigrants here in Japan.

1. Out of the 769,000, more than 133,000 came from countries within the E.U.:

This is a special case since according to the EU regulation and to our national law implementing these regulations, citizens of EU countries can freely move and settle in another EU country. The practically only precondition is that they must be able to sustain themselves and their families and do not rely on German social welfare. Special transitional regimes apply to citizens of the new EU countries in the sense that they are not entitled to dependent work in Germany and other EU-countries for a period of 7 years. After that period, they will enjoy the same rights as other EU-citizens. They however enjoy a particular priority over foreigners from third countries. There are no restrictions for non-dependent employment.

2. Ethnic Germans from countries of the former Soviet Union

These are descendants of Germans who settled in Russia under Queen Katharine the Great about 200 years ago. Overall, roughly 2.3 million of these ethnic Germans have come to the Federal Republic of Germany since 1990, last year about 72,000. I don't know if this group is comparable to the descendants of Japanese people in Latin America. I will not go into any details on the conditions applying to this group, but I am of course prepared to answer any questions you might have in the discussion later on.

3. Then there is a politically very sensitive, although small group, i.e. Jews from the CIS countries. Since the 90's this kind of immigration has comprised of approximately 200,000 people overall, with a declining tendency. The regional authorities in co-operation with our Ministry of the Interior are in the process of redefining the criteria for that group. Again, if you are interested in more details, please let me know.
4. Another case is family re-unification. This group counts more than 85,000 per annum. It enjoys the special protection of Art. 6 of our constitution as well as of Art. 8 of the European Convention on Human Rights.
5. The last group I would like to mention are Asylum seekers and people who are entitled to a subsidiary status under the Geneva Convention. Here again the figures are declining from a peak of 438,000 in 1992 to roughly 50,000 in 2003.
6. In addition, there are of course other categories like e.g. war or civil war refugees, students and, of course, the purely illegal, or should I better say the clandestine immigration. It is in the nature of the latter that nobody knows any figures, but our police arrested in 2003 around 100,000 clandestine immigrants, therefore the actual figure might be much higher.

After all these statistics, let me now come to the reason why Germany might be a worthwhile example to compare with:

After several years of intense discussion and political struggle, and even ruling by the constitutional court, our new law on immigration, officially called „Act to control and restrict immigration and to regulate the

residence and integration of EU citizens and foreigners“, came into force on January 1<sup>st</sup> this year. At the beginning of the legislative process, the then newly elected government in 1998 intended to modernize the existing law (which technically focused on the prevention of dangers) and to adapt it to reality. In particular, the aim was to limit and to better manage the immigration that happens anyway and especially to better serve the needs of our economy and our labour market. At the same time, better integration of the foreigners living in Germany was one of the goals. Finally, security aspects came high on the agenda after September 11. The outcome was, if I may say so, a typical compromise between the government and the opposition, who holds the majority in the second chamber of parliament.

I would now like to present the main changes in relation to the former law, since I think this is the best way to give you at least a first impression on the political intentions.

### 1. Residence for the purpose of economic activity

The German economy, recovering after the Second World War, needed a great number of unskilled workers, particularly in the 1950's and 1960's. However, once these needs had been covered, the access to the German labor market was systematically closed in the 1970's. Nonetheless, where needed, exceptions were made for a number of branches, qualifications and countries. Basically, these exceptions haven't been changed since. They comprise - among others - professions such as managers, scientists, musicians, professional sportsmen, journalists, airplane and ship crews, au pairs, nurses, artists, language teachers and other specialists in various fields. Additionally - and to give you a few more examples -, there are special regulations for ethnic Germans, people living close to our borders, workers who fall under bilateral agreements and for citizens of Andorra, Australia, Israel, Canada, Monaco, New Zealand, San Marino, the United States of America and Japan. This list is not exhaustive by all means, but I think it gives you a fair idea of the several exceptions foreseen by the relevant regulation. Then, in the year 2000, Chancellor Schröder started a "green card" initiative which was meant to alleviate the lack of qualified IT personnel in the German economy. Under this programme more than 15,000 IT specialists settled in Germany, however with limited residence permits. Based on this successful example, an independent commission developed the first draft of a new law by taking into account the North American system of quota and points. The quotas would have been fixed in accordance with the needs of the economy, the individual points would have been granted on personal merits such as education, working experience and so on. Deliberations in the parliament though showed that there was no majority for this system. Consequently the general denial of access to the German labour market subsisted. However, highly qualified foreigners, which comprise of scientists, teaching personnel and executive personnel with special professional experience and a certain salary may be granted a settlement permit in cases of approval by the Federal Employment Agency. Another new regulation found its way into the new law concerning self-employment. Under this section of the law, a foreigner may be granted a residence permit for the purpose of self-employment, if

- an overriding economic interest or a special regional need applies,
- the activity is expected to have positive effects on the economy and
- personal capital on the part of the foreigner or respective credits are available to realize the business idea.

These specified prerequisites are generally met when at least one million Euro is invested and ten jobs are created. Assessment of the prerequisites shall otherwise focus in particular on the viability of the business idea forming the basis of the application, the foreigner's entrepreneurial experience, the level of capital investment, the effects on the employment and training situation and the contribution towards innovation and research.

Another new regulation applies to foreign students. In the past, the basic perception was that they should go back to their home countries and use the qualifications acquired in Germany to help develop their countries. There again, concept and reality did not match. The best students did not go back home but rather left for the United States or other highly developed countries. Consequently it has been only logical to offer these students a chance to continue staying in Germany after the successful completion of their University studies. At present they have one year to find a job that corresponds to their qualification and are only obliged to leave Germany if they don't manage to do so in that period of time. This regulation however is subject to the general rule that foreigners can only fill job vacancies if there is no appropriate German work force available. So the focus shifted from – if I may say so - a more development aid concept to an approach of self-interest in economic terms.

As far as labour migration is concerned, I would like to mention one last EU regulation. It concerns qualified, but not highly qualified people, who might be granted a residence permit in specific cases, if there is public interest in having them employed.

## 2. Residence under international law or under humanitarian or political grounds

Asylum seekers represent only about 10% of the immigrants to Germany. The tendency, among other reasons certainly due to the concept of safe third countries, heads towards a further decline of this percentage.

This however did not prevent the legislator to introduce significant improvements to the right of residence for humanitarian reasons in the new law. In this area, the Act is based on the EU-Council Directive on minimum standards for the qualification and status of third country nationals and stateless persons as refugees, adopted by the Council of the European Union on 29 April 2004. Non-state and gender-related persecution are explicitly recognized as grounds for granting refugee status. This, in my view, is a real improvement, covering for instance areas like Somalia where no state authority exists or, as far as the gender related persecution is concerned, female genital mutilation which still represents a serious problem in some countries in Africa.

If legal obstacles to deportation exist (e.g. threat of torture in the country of origin), the affected person “shall” receive a residence permit. A residence permit “may” be issued if the affected person is unable through no fault of his or her own to return to his or her country of origin. This legal basis will significantly reduce the problem of successive suspensions of deportation orders.

A new mechanism for dealing with hardship cases addresses a long-standing demand on part of charitable organizations, churches and refugee associations, as well as the states: In future, the German states will be able to set up committees to rule on hardship cases on a voluntary basis. These will be able to issue

residence permits for humanitarian reasons when all other legal means have been exhausted. The decisions of these hardship committees will be in the nature of exceptions; this mechanism to deal with hardship cases is not intended to open a new possibility of legal recourse.

### 3. New measures offered to promote integration

Another key element of the Immigration Act is its provision on integration. The basic idea is that possibilities for integration determine the limits of immigration. The Act places support for integration on a completely new basis. For the first time all new immigrants, whether of ethnic German origin or not, will be entitled to a basic offering of integration support measures. This entitlement though goes hand in hand with an obligation for those to participate who do not have even minimal German language skills. German language skills are the key to integration. Learning German is essential so that people originally from different countries can communicate with each other. The state rightly requires this of all immigrants. In addition, the Act provides that foreigners already living in Germany may be required to attend integration classes if they are receiving social benefits or are otherwise determined to have a special need for integration. Recipients of social benefits who fail to fulfil such requirements may have their benefits reduced. As this provision affects roughly 300,000 foreigners already living in Germany, classes will be expanded to accommodate an additional 50-60,000 participants annually over the next five to six years.

Apart from a language component to provide participants with sufficient German skills, the new integration courses will also include an orientation component to familiarize participants with the history, culture and legal system of Germany.

The integration courses are based on an ordinance on the implementation of integration courses pursuant to the Immigration Act. Classes will be organized and paid for at federal level. This year €208 million in federal funding will be made..... Course participants will contribute around €30-50 million. Each course will involve a total of 630 hours of instruction: 600 hours of language instruction and 30 hours for the orientation component. The course culminates in the language examination leading to the Zertifikat Deutsch, a language certificate developed by the Goethe-Institute (B1 equivalent) and officially recognized internationally. The examination fee will be covered by the Federal Office for Migration and Refugees.

In a change from current practice, the new ordinance calls for joint instruction of foreigners and repatriates of German ancestry. The Federal Office for Migration and Refugees is responsible for designing the course in co-operation with the Federal Office of Administration, the Federal Employment Agency, the foreigners authorities, local authorities and migration services, and for providing sufficient course capacity for the entire country. The courses will be taught by qualified, experienced education providers chosen on the basis of their performance and reliability, ensuring a high standard of quality. .

However, this does not make up entirely for the variety of shortcomings in the integration policy of the past. For instance, the regional authorities took the obligation to pay for child care for course participants as well as additional integration measures for immigrants already here.

#### 4. An appropriate response to security concerns

Following a thorough analysis of the current legal situation, the Immigration Act incorporates new provisions capable of meeting today's security challenges. Current law has not proved adequate to take the necessary legal measures quickly and effectively with regard to foreigners who pose a special threat. Experience showed that long and complicated judiciary and administrative procedures can hinder the effectiveness of the rule of law.

A major innovation in this area is the provision with regard to deportation orders, introduced in the legislative process in response to demands to speed up the process of expulsions and deportations of foreigners posing a special threat. The Act allows the state's interior ministries to issue deportation orders that take immediate effect without prior notification or warning in order to avert a potential terrorist threat. Based on the information in its possession, the acting authority must assess the threat a particular foreigner poses to internal security. This assessment, however, must be based on factual evidence. Mere suspicion is not enough. In cases of special national interest, the Federal Ministry of the Interior can assume responsibility and issue a deportation order. Appeals for legal protection against such deportation orders may be addressed only to the Federal Administrative Court, regardless of whether the order was issued at state or federal level. This will result in consistency of rulings and administrative practice with regard to deportation orders.

Further, the grounds for expulsion have become stricter, for example allowing "hate preachers" to be expelled: foreigners who incite hatred against segments of the population or attack the dignity of others through malicious slander in a way capable of disrupting public order and security.

Under the new law, foreigners who in the past actively supported terrorist activity will be subject to regular expulsion. These include persons who received training in Afghan terrorist training camps years ago and now appear to lead law-abiding lives. Such past activity is of course relevant only in conjunction with an existing threat. In addition, leaders of banned groups are as a rule to be expelled. Persons convicted of human smuggling and sentenced to prison must be expelled; human smugglers given suspended sentences or fined are as a rule to be expelled.

The new law makes it possible to keep better watch over dangerous foreigners in Germany who cannot be deported due to obstacles such as the threat of capital punishment or torture in their countries of origin.

- Such persons are required by law to report at least once a week to their local police station.
- They may reside only within the district for which their local foreigners authority is responsible.
- Such persons may be required to reside in a designated town or city or in designated housing.
- Such persons may be forbidden from using certain means of communication or communications services.

A special difficulty in dealing with extremists of foreign origin is that they often have permanent residence status in Germany. Members of associations that are now illegal have often become naturalized citizens in order to avoid measures under foreigners law. That is why it is important that the Federal Office for the

Protection of the Constitution conducts background checks of persons applying for naturalization. The Immigration Act requires that a standard check of anti-constitutional activity be carried out before a foreigner's application for naturalization is approved and before a foreigner is issued a permanent residence permit. This measure will prevent foreigners known to the security authorities to be a threat from gaining permanent residency.

## 5. Structural changes

The new law further provides for a number of administrative or structural changes. For instance, the number of the different kinds of residence permits has been reduced to two: Residence permits limited in time and the so called "settlement permits", who are indefinite. In addition, I would only like to mention one procedural change, i.e. the so called "One-stop application process". What does that mean?

In the area of labour immigration the most important innovation is the simplification of administrative procedures: Instead of having to go through two separate application processes (one for residence permits and another for work permits), a residence permit application to the responsible foreigners authority will suffice. The foreigners authority will then send the application to the local government employment agency to decide whether to grant permission to work, which is then noted on the residence permit. This means that applicants need to deal with only one agency: their local foreigners authority.

Ladies and Gentlemen,

I could not elaborate on all aspects of the German approach on foreigners living in Germany, due to the restricted time available. Many other areas would merit to be mentioned. However, I hope that I could give you an idea of our current thinking by presenting the main innovations of the new immigration act. If I had to sum up, I would say that there is a shift in our policy concerning the access to the labour market which is now much more oriented towards the needs of the economy, whilst improving provisions for the sake of the protection of refugees. At the same time, after long and sometimes difficult discussions, there is now a general consensus that the promotion of integration and the support given by the state in this respect correspond to the foreigners' duty to make their best effort to settle and integrate into society. In order not to be misunderstood: This does not mean assimilation, but it means the obligation to learn our language and to respect the constitution and the law. And finally, the new law improves our ability to fight against terrorism.

I thank you very much for your attention.

# **The experience of a recent country of immigration – Ireland**

**Paul Burns**

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## **Introduction**

I am delighted to have been invited to address this symposium. What I am bringing to you is the experience of a small country which has recently become a significant destination for international migrants. In developing immigration policy in Ireland we have had to react quickly to a situation which has arisen in a relatively short period of less than a decade. Our experience over this period has been different from that of most of our European neighbours, as has been our approach to the issues arising. I hope that an outline of our experience will be of interest to you.

## **Facts about Ireland**

Ireland became independent from the United Kingdom in 1922. However, since that time there has been an ongoing regime of free movement of persons between Ireland and the United Kingdom. Since Ireland joined the European Union in 1973 there has also been free movement of persons with the other member states of the European Union. For most of our history these free movement provisions have been of benefit to Irish citizens travelling abroad.

The population of Ireland – excluding Northern Ireland, which remains a part of the United Kingdom – currently stands at 4 million people. This is our highest recorded population since 1871. However, in 1841 the population was even higher at just over 6.5 million people. Due to a potato famine in the 1840s and subsequent emigration, the population fell to 3.1 million by 1911 and remained at around 3 million for most of the twentieth century. While the growth in population in recent years has been strong, the total population is still low by comparison to what it was in the mid-nineteenth century. Our low population density and the fact that in history we have supported substantially larger population are reasons why there is no general perception of “overcrowding” in Ireland. This is a factor which helps an acceptance of immigration among the native population. Our experience as an emigrant people is also an important factor.

Emigration from Ireland has been a reality right up to recent times and continues, to a certain extent, to the present day. During the 1980s in particular there were significant levels of emigration of young Irish people, in particular to the United Kingdom and to the United States. As recently as the 1980s, there was net outward migration from Ireland. Between 1980 and 1990, 209,000 more people emigrated from Ireland than immigrated to Ireland. The highest level of emigration was in 1989 when 71,000 people emigrated, compared with 27,000 who immigrated. Net migration was around zero for the first half of the 1990s and since 1997 net migration has been significantly positive. Inward migration has averaged 53,000



a year during this period. At the same time outward migration has continued at the level of around 27,000 a year. Between 1997 and 2003 net inward migration totalled 183,000. This represents an increase of 5 percent in our population.

### **The development of the Irish economy**

The underlying factor which has given rise to the growth of immigration into Ireland is economic development and the availability of employment. Between 1997 and 2003 Ireland's GDP increased at an average rate of 8 percent a year – significantly higher than the average in the European Union or in the OECD countries. Between 1997 and 2003 the number of people in employment increased by 29 percent. The rate of unemployment has fallen from 10.3 percent in 1997 to around 4.4 percent at present.

### **Immigration as a phenomenon in Ireland**

Immigration in significant numbers into Ireland is a relatively recent phenomenon. It is a fact that in the initial years a significant part of the inward migration represented returning Irish people who had previously emigrated. In 1997 around 47 percent of immigrants were returning Irish. However, by 2004 this had dropped to 34 percent. The majority of new immigrants are now non-Irish nationals.

Our work permit system has been the major channel through which significant numbers of the new migrants have come to Ireland. The work permit system operates on the basis of requests from employers for workers to fill vacancies which they are unable to fill from within the European Economic Area. Permits are issued for one year at a time, but may be renewed while the worker is still present in Ireland. A worker may only move between employers if a second employer can get a work permit. There are no quotas on total numbers. There are no restrictions on nationalities – in recent years workers have come from over 120 countries. The majority of work permits have been issued in low skilled areas such as agriculture and the hotel and catering industries.

In order to attract highly skilled workers, in 2000 a working visa scheme was introduced as a faster procedure to attract professionals in the areas of information and communications technology, nursing and construction. This allows the worker to come to Ireland for an initial period of two years. Those on working visas are readily permitted to change employers within their sector of expertise. More favourable conditions for family reunification apply for those on working visas. Family reunification is permitted after three months, subject to their being able to support their families financially, rather than a year in the case of those on work permits.

In 1999 around 6,000 work permits were issued. In 2000 this rose to 18,000 and in 2003 almost 48,000 permits were issued. These figures include both new permits and renewals of existing permits. When new permits only are considered, the highest number was in 2001 when almost 30,000 were issued. This fell to 22,000 in 2003 and in 2004 to 10,000. The number of working visas issued was over 3,700 in 2001, but it has since fallen to around 1,200 in each of the last two years.

The relatively low figure of work permits in 2004 has to be considered in the context of the enlargement of the European Union which took place in May 2004 when ten new member states, mostly in eastern Europe, joined. Workers from European Union member states do not require work permits in Ireland, so some of those labour migrants who would have required work permits before May 2004 no longer do so. Ireland, along with the United Kingdom, were the only states from within the existing 15 member states which allowed unlimited access to the labour market to nationals of the new member states. The other states have chosen to apply temporary measures to restrict access to the labour market. Since May 2004, Irish policy requires employers seeking unskilled labour, in most cases, to recruit from within the European Union. The work permit system now focuses mainly on skilled labour needs.

### **Illegal immigration and asylum seeking**

As well as increasing legal migration, the attractiveness of the Irish economy has also, inevitably, resulted in an increased level of illegal migration, including unfounded asylum applications. Asylum application rose from 3,883 in 1997 to 11,634 in 2002. Since then it has fallen back to 4,766 in 2004. The number of asylum seekers who have been recognised as refugees is around 9 percent, so in reality the majority of asylum applicants are illegal economic migrants.

Despite the fact that asylum seekers represent a relatively small proportion of total migrants in Ireland, substantial resources have been put into dealing with the asylum issue, in particular since 2000. This has resulted in our asylum system employing around 70 percent of all the staff working in the immigration, citizenship and asylum area of the Department of Justice. The annual cost of our asylum system is around €50 million (or around 47 billion yen).

Action taken in this area included a speeding up of the asylum processing arrangements, the introduction of carriers liability penalties and an increased level of deportations. We have also been developing voluntary return options, with the assistance of the IOM. There has also been a tightening of the social benefits payable to asylum seekers and illegal migrants.

A particular attraction which has existed until recently has been the automatic entitlement to Irish citizenship which existed for all children born in Ireland before 2005. This was used by non-national parents to claim a right of residence in Ireland. In recent years there were significant numbers of pregnant non-national women arriving in Ireland in order to give birth to an Irish citizen child. In the last two years around half of all female asylum seekers arriving in Ireland were pregnant and in the later stages of pregnancy. This was placing serious demands on our maternity services. I will discuss this issue further shortly.

### **The non-national population in Ireland**

The Census for 2002 showed that the population of Ireland consists of around 224,000 non-Irish nationals – amounting to 5.8 percent of the population. Of these 133,000 were nationals of other European Union

member states – in particular UK nationals, of whom there were 103,000. The remainder were as follows: other European (23,000), Asian (22,000), African (21,000), and American (15,000).

It is an indication of the relevance of nationality or immigration issues in policy development in Ireland in the past that a nationality question was included for the first time in the Irish Census of population in 2002. Before then the numbers of non-nationals were of limited interest. Data from other sources was limited. While nationals from outside the European Economic Area are required to register with the police, there is no formal registration of residence required for Irish or European Union citizens resident in Ireland. From police registrations, the main nationalities legally present in Ireland in 2004 were as follows: Chinese (16,000), American and Filipino (around 9,000 each) and Indian and Nigerian (around 6,000 each).

### **The treatment of foreigners in Ireland**

During most of the period since our independence in 1922, most Irish legislation – with the obvious exception of immigration law – did not need to deal with the issue of foreigners separately from our own citizens. Much Irish legislation through the years has been framed without any reference to the nationality of the persons concerned. This included employment legislation, social welfare and health legislation and even local government electoral legislation.

Because of our relations with Britain and the changes introduced with independence, we made favourable provision in our laws for the treatment of non-Irish nationals – for example, non-Irish nationals have always been entitled to own property in Ireland. The growth of the immigration phenomenon in recent years has led to a need to re-examine certain aspects of this situation where they have been found to be an attraction for illegal migration.

The *social welfare* system was relatively easily accessible by non-nationals until recent years when it became clear that it was an attraction for illegal immigration and asylum seeking. Access to housing assistance was limited in 2003. Since then asylum seekers and illegal immigrants seeking assistance with housing are generally provided with accommodation in state-run centres. Since May 2004 there has been a new “habitual residence” test for persons seeking to obtain social welfare benefits. They must show that they have been resident in the State for two years before payments can be made. This change was made in the preparations for the accession of the ten new member states to the European Union, though it applies to all nationalities including Irish citizens. While Ireland is encouraging nationals of the new EU member states to come to Ireland to work, they do not have immediate access to the social welfare system.

Most *housing* in Ireland – almost 90 percent – is privately owned or rented in the private sector. Publicly provided housing in Ireland represents only around 7 percent of the total housing stock. Few non-nationals, other than those with refugee status or long term residents, would be entitled to be provided with long-term public housing. Most migrants must therefore find and pay for private rented housing themselves. In some cases employers may provide such housing for workers, but this is a matter for individual employers.

Access to *education* is provided free at primary and secondary level to all children resident in Ireland, regardless of the nationality or immigration status of their parents. Access to third level education is free

to all European Union citizens, but other nationalities must pay the economic cost of providing the service. This is major source of funds to Irish universities who are actively marketing their services abroad.

Non-nationals who are in employment in Ireland are covered by the same *employment protection* legislation as their Irish counterparts. This includes equality and anti-discrimination legislation. Discrimination on the basis of race or nationality is illegal. The State is also involved in a major programme of work in the area of anti-racism campaigns. Just over a week ago, our Prime Minister launched a National Plan of Action against Racism for the period 2005-2008.

## **Irish citizenship**

A particular recent example of legislative change which was required because of immigration concerns is the legislation relating to Irish citizenship. This was the subject of much public and political debate in Ireland last year.

Since independence, Irish citizenship was based on a combination of factors, including citizenship by descent (where citizenship may be derived from the parents or even the grandparents who are Irish citizens) and citizenship by birth, where any person born on the island of Ireland was entitled to Irish citizenship. This entitlement was included in the Irish Constitution following the 1998 Belfast Agreement concerning the political situation in Northern Ireland. This latter entitlement was independent of the citizenship or immigration status of the parents – the child of an illegal immigrant arriving in Ireland on the day before the birth of the child was entitled to be an Irish citizen.

While mentioning such a case may seem alarmist, the reality was that significant numbers of pregnant women were travelling to Ireland in the later stages of pregnancy for the purposes of giving birth to an Irish (and European Union) citizen child. In 2003 between 20 and 25 per cent of births in Dublin maternity hospitals were to non-nationals mothers, of who almost 80 per cent were from outside the European Union. Within the asylum system more than half the women claiming asylum were pregnant at the time of application, most of them in the final three months of the pregnancy.

As a result of the abuse of our citizenship law, the Government proposed an amendment to our Constitution, which was approved by almost 80 percent of the people in a referendum in June 2004. A new law came into effect on 1 January 2005.

By international comparisons, Irish citizenship provisions are still relatively generous. A child born in Ireland to non-national parents who have been legally resident in Ireland for three out of the previous four years is entitled to Irish citizenship. Time spent as an asylum seeker or as a student is not included. For the parents, an application for naturalisation can be made after five years legal residence, again excluding time as an asylum seeker or student.

## **Integration arrangements**

Because of the relatively recent nature of immigration to Ireland, integration policy has not yet been a significant issue. We have arrangements for the integration of those granted refugee status. However, those who come to Ireland through regular migration channels, such as workers or students, are not required to undertake any integration measures. Integration will be an important policy area to be developed in the coming years. Our citizenship provisions have the effect of encouraging integration as a person may apply for naturalisation after 5 years residence.

## **Conclusion**

The Irish Government recognises the benefits of immigration and accepts that immigration will be a feature in our society for the foreseeable future. We have seen the economic benefits of immigration in the growth of our economy in recent years. We want to make Ireland an attractive destination for legal migrants. This will allow us to compete for the highly skilled people who are in demand internationally and to attract international students and researchers. Within Irish society there is a good level of acceptance of the benefits of immigration. However, there are concerns about illegal immigration and abuses of our immigration system and public services by illegal immigrants.

In developing immigration policy, we aim to achieve the necessary balance between favourable treatment for legal migrants while ensuring we do not set up attractions for illegal migration. It is necessary for immigration systems to constantly evolve to meet the challenges which are constantly changing. We in Ireland are currently involved in a major development project on immigration legislation. We are also looking at a restructuring of our immigration services.

We have had to learn from what other countries are doing. We have found the IOM to be of great assistance in the research they have undertaken for us. They carried out a comparative study of international law and practice, which was published in 2002. They are currently engaged in a major project on immigration policy for our National Economic and Social Council. We hope that this will assist us in finding the right way forward for the future development of immigration policy in Ireland. The report will be published later this year and we eagerly await the results.

We in Ireland have learned much from Japan in many fields in recent decades. We will be watching developments in your immigration policy with great interest. I hope that this short outline of our recent experience of migration will be of some assistance to you today.

## The experience of a recent country of immigration – Ireland

Symposium – Tokyo 9 February 2005

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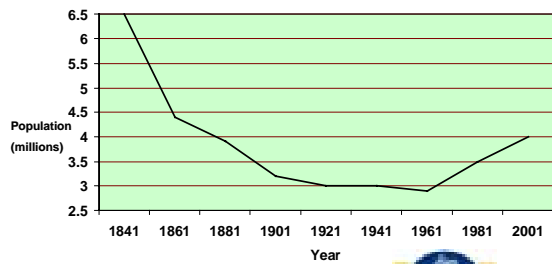
## Ireland's position within Europe.



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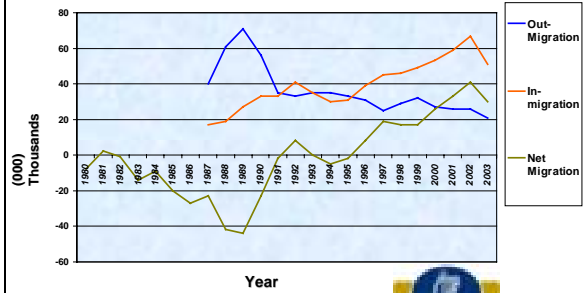
## Population Trends in Ireland 1841- 2001



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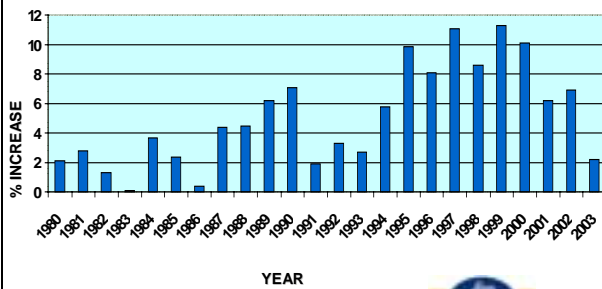
## Emigration and Immigration 1980 – 2003



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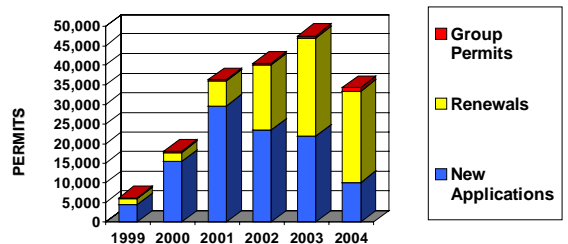
## Volume Changes in GDP (%) 1980- 2003



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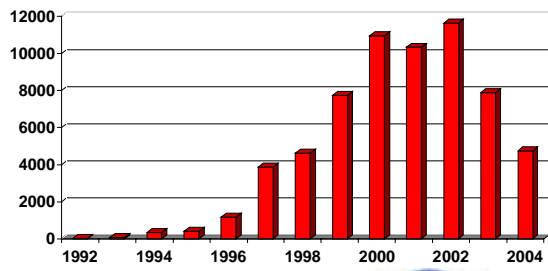
## Work permits issued 1999- 2004



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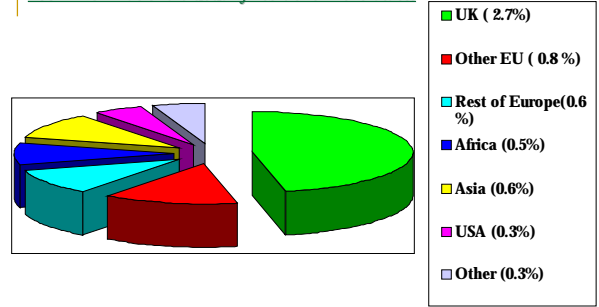
**Asylum applications 1992-2004**



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**2002- Non-nationals usually resident in the State.**



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