



**Submission to the Department of Justice
on the scheme to regularise
undocumented migrants in Ireland**

May 2021

About the Irish Council for International Students (ICOS)

This submission is made on behalf of the Irish Council for International Students (ICOS). ICOS' is an independent advocacy organisation whose mission is to protect the rights of international students, and to contribute to a healthy and vibrant international education sector in Ireland which has the quality of the student experience at its centre.

ICOS has more than thirty institutional members, including all ten universities in the Republic of Ireland, many of the Institutes of Technology and all the major independent third level colleges. Our membership also includes the Union of Students in Ireland (USI).

ICOS' values include consultation, professionalism, collaboration and learning. Our goals are to influence policy and standards in international education; build the capacity of our members; empower international students to pursue their rights; and support and showcase the important contribution of international education to international development.

Introduction

The new regularisation scheme provides a unique opportunity for thousands of undocumented people living in Ireland to regularise their immigration status, which according to reports could be as many as 20,000. While ICOS has no way of knowing how many of these undocumented people are international students, or former international students, through our advocacy work, we are made aware of students who have become undocumented, or in some cases, have been undocumented on a long-term basis. ICOS is advocating for an inclusive regularisation process which is centred on maximising the impact of the scheme.

Summary of our key recommendations (in line with those of the Migrant Rights Centre Ireland):

1. Any definition of undocumented used for the purposes of this scheme must include those in the Section 3 process and with deportation orders.
2. Any definition of undocumented for the purposes of this scheme must include dependents, spouses and de facto partners.
3. We strongly recommend a shorter residence requirement be included as part of this scheme:
 - We recommend that those who reach the residence requirement during the lifetime of the scheme be included.
 - We recommend that the undocumented residence requirement should not have to be continuous and unbroken.
4. We strongly recommend that legal residence prior to becoming undocumented should also be taken into account. We propose to:

- Apply a simple residence requirement and a date from which applicants must be undocumented e.g. start date of the scheme 1 Jan 2021/1 Jan 2020.
- 5. We seek a clear definition of criminality and strongly recommend that everyone would be included aside from those with serious criminal convictions.
- 6. We seek a clear definition of dependents and the age that is acceptable. We would strongly recommend that all dependents up to age 24 are eligible for this scheme.
- 7. We strongly recommend a low fee for application and registration as part of this scheme, especially in light of Covid, so that workers and families can regularise without difficulty.
- 8. We strongly recommend an assurance that it is safe to apply and that information gained as part of the application process will remain confidential and will never be used in order to pursue those who are not successful in any way.
- 9. We strongly recommend a flexible and pragmatic approach in terms of the documentation required to prove residence and undocumented residence.

Question 1

The scheme is for persons considered to be long-term undocumented persons living in Ireland for a minimum number of years. Do you have any views on how undocumented should be defined in the context of this Scheme and/or in relation to the residence requirements and how these should be verified?

- ICOS believes that the residency requirement for the scheme is currently too narrow. According to the Migrant Rights Centre of Ireland (MRCI), up to 3000 people could miss out on the opportunity to legalise their status should the timeframe not be reconsidered.
- ICOS is advocating that the Department of Justice reduce the undocumented residence requirement for this scheme to 2 years, and that people who reach the requirement timeframe during the lifetime of the scheme be included. The proposed residency requirement does not recognise time spend on a valid immigration permission or on a tolerated status of a person who is now undocumented.
- We recommend that the undocumented residence requirement should not have to be continuous and unbroken, and that time spend on a valid immigration permission prior to a person becoming illegal should be considered. This is important, for example, where an international student may have lost their money following the closure of their school or an agency through which they paid for their course.
- It is ICOS' view that people who have engaged with the DOJ, for example, following being issued with a Section 3 Deportation notice, or who are in the deportation process, should also be included in the scheme.
- The Department took on board a family approach in the design of the Student Scheme 2018. ICOS believes that family circumstances of those applying for this scheme should be taken into account.

Question 2

Do you have any views on the proposed eligibility criteria and what supporting documentation should be required?

- People should not be excluded from this scheme for very minor misdemeanours.
- We believe a menu based and pragmatic approach be taken in terms of documentation requirements. A mix of documentation should be accepted including examples listed below:
 - Passport & Expired Passport with record of entry into the state
 - GNIB Registration/s
 - Passport with last stamp
 - P60 or Tax record
 - Payslips
 - Utility Bill
 - Bank Statement
 - Driving Licence
 - Medical Insurance
 - Social Welfare record
 - Communication from the Department of Justice or other Government Department or agency
 - Evidence of Hospital, GP, dentist or solicitor visits
 - Phone Usage Reports/ Phone bills - mobile or landline
 - School or college records
 - Car Insurance
 - Letter from employer
 - Letter from youth service, community project/group, NGO, sports team, religious group, church etc.
 - Rent book/ Lease Agreement
 - Tickets with name included
 - Letter from friends or colleagues
 - Job application or interview record
 - Valid evidence of employment
 - Library cards
 - Gym and other membership record
 - Dated pictures

Question 3

It is proposed that the immigration permission to be awarded will allow unrestricted access to the labour market. Are there any points you wish you raise in relation to the permission to be granted?

- We welcome that permission given will allow full access to the labour market and a path to citizenship. We recommend that a renewable Stamp 4 for an initial period of two years is granted.
- We recommend outlining at the outset the process for renewal. And on renewal that this immigration permission be given without any restrictions.

Question 4

How can we ensure that all those eligible to apply are aware of the Scheme? What would assist those eligible in making their applications?

- It is important that unsuccessful applicants are not pursued by immigration authorities as in both cases, it will inevitably discourage migrants from engaging with the immigration system going forward.
- There should be online guides and sample applications available to download online in a number of languages.
- A social media and poster campaign should be used to communicate with those concerned.

Question 5

It is proposed to have an online application system. How can we make this process as simple and accessible for applicants?

- Ensure the site is in plain English and translated into a number of languages.
- Provide examples of completed applications for guidance.
- Respond to queries from applicants on a timely basis and ensure adequate resources for same.
- Keep the application process as simple as possible and allow applicants to begin an application and edit it numerous times before submitting.

Question 6

How will your organisation help to promote the scheme to eligible persons and support them to apply?

- ICOS will promote the scheme on our social media channels, website and networks.

Question 7

Are there any other points you wish to raise in relation to the proposed scheme?

ICOS welcomes this scheme and commends the Minister for bringing this forward.

For further queries on ICOS' submission, please contact Laura Harmon, ICOS Executive Director: lharm@icosirl.ie