

SIPTU SUBMISSION TO THE CONSULTATION ON FINAL CRITERIA FOR THE SCHEME TO REGULARISE UNDOCUMENTED MIGRANTS IN IRELAND – MAY 2021

Introduction

SIPTU welcomes the opportunity to make a submission to inform the decision-making process on the regularisation of undocumented workers. SIPTU is Ireland's largest trade union representing workers in the private and public sectors across a range of industries.

Though the precise number is unknown, many SIPTU members have fallen into undocumented status. The majority of this group of our membership work in the care, hospitality, food production and processing and cleaning industries.

The views of SIPTU on the proposed regularisation scheme are consistent with our vision of a stakeholder economy. This submission will support our view that the scheme should address what are the current adverse circumstances of a range of undocumented workers and their dependants. The workers concerned are most often already contributing to our economy and society. They and their families are also most often active members of their community. Their claim as stakeholders in the economy and members of our society should be vindicated in law.

SIPTU has long supported the Justice for the Undocumented Campaign and in 2015 our members formalised that support in a policy decision made at our biennial delegate conference. We are hopeful that the issues facing undocumented workers which our partners have highlighted leading to the development of this initiative can now finally be solved.

The intention to redress the adverse legal circumstances of the undocumented and their dependants is very welcome. We urge government that this scheme provides a clear pathway and reaches as many of those people affected as possible.

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?

1-a We recommend that any definition of undocumented used for the purposes of this scheme must include those in the Section 3 process and those with an unenforced deportation order.

1-b We strongly recommend any definition of undocumented for the purposes of this scheme must include dependants, spouses and de facto partners.

1-c We strongly recommend this scheme must include and cater for undocumented children in the care of the state for whom there is no main applicant.

We are very concerned that the residency requirements are too narrowly drawn. Those left behind by these criteria will remain in Ireland undocumented in a desperate situation for no reason.

1-d We strongly recommend a shorter residence requirement be included as part of this scheme.

1-d We recommend that those who reach the residence requirement during the lifetime of the scheme be included.

1-d We recommend that the undocumented residence requirement should not have to be continuous and unbroken.

1-e 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.

The view of SIPTU is that the scheme should comprehensively address the problem of undocumented workers and provide a pathway for all workers currently suffering an adverse legal circumstance due to their immigration and labour market status. The definition of long-term undocumented person should accommodate a broad range of circumstances and be guided by an inclusive vision of who are relevant stakeholders. The temporary scheme should aim to end the undocumented status and regularise as many of those persons as possible within the period of the scheme's operation.

Question 2

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

2-a We recommend a clear definition of dependents up to age 24. This is in line with the Youth Work Act 2001, which defines a young person as anyone under 24.

2-b We believe a menu based and pragmatic approach be taken in terms of documentation requirements. Similar to the citizenship application process, the scheme could adopt a tiered approach.

The proposed regularisation scheme will be of huge benefit to the lives of workers and their households. The definition of dependants should not be that restrictive that it takes some households out of the remit of the scheme. The definition should be guided by an inclusive vision of who are the relevant current and future stakeholders.

The successful management of the supporting documentation in previous schemes indicates the SIPTU view on how this scheme can accommodate what are often complicated legal circumstances of applicants. The tiered approach of supporting documentation should be broad enough to facilitate all persons who are willingly asking to be regularised in the eyes of the law. This will positively affect the ultimate benefit of the scheme and more truly support the initial intention.

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 to raise in relation to the permission to be granted?

3-a 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.

The recent experience of immigration into Ireland has been broadly positive. This group of migrants are a part of that narrative. The regularisation scheme provides an opportunity for relevant workers and their households to integrate more fully into a stakeholder economy. Their statement in applying for official labour market status should be encouraged and this scheme is a very welcome initiative.

The undocumented narrative that is part of the wider immigration narrative has now been addressed after great work from civil society groups and most notably the Migrant Rights Centre Ireland. The facts on the ground indicate that this group of workers and their dependents can regularise without undue stress on our labour market and social protection system.

They will now have a more positive impact on our economy and with regularisation they are also enabled to contribute more fully to our society. The proposed pathways are an opportunity that will be taken. The state should actively enable this group given what are often low pay and precarious circumstances. The system can now support more economic independence for these workers and their families.

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?

4-a We welcome the current proposal that the scheme will be open for 6 months.

4-b We recommend that the scheme be announced with a lead in time to allow for dissemination of information to the more isolated and hard to reach undocumented people.

4-c We recommend clear information on the scheme criteria and requirements must be provided in the top 6 languages spoken by undocumented people i.e. Chinese, Portuguese, Tagalog, Mongolian, Urdu and Arabic.

4-d We recommend that the Department of Justice should develop a communication plan which should include the production of content which is highly sharable on social media across the various platforms in a range of languages to help communicate the scheme.

4-e We recommend clear and timely communication with civil society organisations and trade unions that have strong links to undocumented people.

4-e We recommend engagement with the leaders of the communities most impacted by undocumented status. Advice from embassies and consulates as well as civic leaders on how and where to disseminate information should be incorporated into the Department's ultimate plan.

The proposed regularisation scheme will have a huge benefit in the lives of these workers and their dependents. The message that government sends with this initiative is positive and many more will get behind the scheme. This is a real initiative that will have a great impact on workers and households across the country with the right criteria in place. We urge government that this scheme provides a clear pathway and reaches as many of those people affected as possible.

Question 5

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

By ensuring that the language (and translated languages) in the application system are written in plain, easily understood language. The National Adult Literacy Agency can be of great assistance in this regard.

Question 6

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

SIPTU will promote the scheme to our general membership across all of our communications channels including newspaper, newsletters, website and social channels. We will brief our staff who work in the industries with the highest propensity for undocumented members on the details of the scheme. We will issue targeted communications to members in these industries.

As with previous immigration-related initiatives, if we require specialist knowledge in supporting our members, we will reach out to the Migrant Rights Centre of Ireland for such expertise.
