

Immigration Bill: an ongoing saga...

SANDY HAZEL examines NGO attempts to alter long-awaited immigration legislation

With the dust settling after the Lisbon Treaty furore, other political issues which had been pushed off the radar are now returning to business in the Dáil. One piece of work that is still making its way through is the Immigration, Residence and Protection Bill. But in a fortnight that has seen the Minister for Justice, Dermot Ahern, fast-track a radical new piece of criminal law legislation, the long-awaited immigration bill is still only at committee stage.

The opposition parties and nearly 70 non-government organisations (NGOs) have dissected the bill and made their submissions, along with hundreds of proposed amendments, to the committee. The submissions can all be viewed online and many, but not all, are critical of the bill, arguing for amendments.

The picture at this stage looks as though the Government intends batten down the hatches with more restrictions. NGO submissions are generally preceded with the softener 'we appreciate the need for an updating of immigration laws', but then go on to demand more rights for migrants. The Government is saying that the State has the right to control inward migration and the NGOs are saying that the rules are too restrictive, too vague and violate human rights.

Although there is debate, the Government will always have the advantage because it is in power. Each NGO is lobbying the Government from a different standpoint and agenda. The issues covered are: asylum; illegal immigration and trafficking; legal immigration; and free movement of workers under EU law.

Most of the NGOs are agreed on amendments they feel are required in the following areas: the need for an independent appeals mechanism to review immigration decisions; more provision in the right to family reunification; concerns over summary deportations; more access to benefits and services for persons who are considered 'unlawfully present' in the State; fees and excessive ministerial discretion; failure to provide legal safeguards against refusal of entry and revocation of residence permits; lack of permanence for long-term residence; limitation of access to justice for migrants; limitation of the right to marry; insufficient protection for victims of trafficking; concerns over combining immigration and asylum issues in the same legislation.

The bill is generally accused of failing to set out clear immigration rules. Everyone is trying to pin the Government down on clarity, but the bill is proposing much 'ministerial discretion' and laws that can be further tinkered with down the line. There is a real danger, according to some, that the rules will constantly be challenged in the courts at a huge cost to the State.

Robin Hanan of the Irish Refugee Council says that his organisation is also worried about the length of time and reasons for detention of asylum seekers. The blanket exemption of the asylum process from the Freedom of Information Act has also been

questioned by the Freedom of Information Commissioner.

“We would like to see publication of decisions by the tribunal,” says Hanan.

“Increased rights for all people going through the process, up to international standards, are included in our submissions, along with a separate proposal for separated children.”

Other submissions highlight the fact that there will be two systems in place when the new bill is enacted, and that there will be major uncertainty within an already confused system. Hilikka Becker of the Immigrant Council of Ireland has expressed disappointment with this situation. “It shows how little priority the Government gives this bill,”

she says.

“We hope that the intervening period will be used by those involved to consider all the information. This month, the United Nations High Commissioner for Refugees will be examining the Irish Government’s record in this area and their report will also be used by the committee in their consideration.”

This article was produced by Metro Éireann and the Forum on Migration and Communications (FOMACS).