Short Report on Migrant Women in Ireland

(Part B)

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B.1 Situation of migrant women and men on the labour market

B.1.1 General overview

Ireland is relatively unique in an EU context in having a history as an ex-colony, linked to economic underdevelopment, population decline and a long tradition of emigration (primarily to Britain, America, Australia and Canada). It is only in recent years, since the mid 1990s, that immigration has become an Irish experience and it has gone through a period of rapid change as the economy has gone from ‘boom to bust’. High immigration levels up to 2007 have been reversed over the last two years corresponding to the deep recession which the Irish economy is experiencing. As the economic crisis has deepened in Ireland, the level of registered unemployment has risen at a dramatic rate and reaching 14.8% of the labour force by late 2010. This high rate of unemployment increase represents the steepest rise since the late 1980s and has been paralleled with a return to the traditional migration pattern familiar from that time i.e. significant net emigration. These new trends – high unemployment and net emigration – have led to a change in policies towards immigration. From a period of relatively open migration during the 1990s and early 2000s, Ireland has become a country with a highly restricted and regulated migration policy. The focus of policy has become one of selective targeted immigration prioritising specific skills and high earners among non-EU nationals combined with restricted access to social welfare in relation to all immigrants.

B.1.2 Situation of migrant women and men

Latest figures from the CSO estimate that emigration levels increased by 40% between April 2008 and 2010 (from 43,000 to 65,300) while the number of immigrants showed a very sharp decline (83,000 in 2008; 57,300 in 2009; 30,800 in 2010). These combined changes have resulted in a rise in the net outward flow from a level of -7,800 in 2009 to -34,500 in 2010 – the highest level of net outward migration since 1989. Irish nationals accounted for the largest share of emigrants in 2010 at 42% (a figure of 27,000 compared to a figure of 18,400 in 2009). Emigration levels of non-Irish nationals declined – mostly from among EU12. Immigration levels have continued to fall from the peak level of 57,000 reached in 2007. Most of this fall in immigration was also from EU 12 nationals – a decline of 33,700 in 2008 to 13,500 in 2009 and to 5,800 in 2010.

As the figures for net migration have fallen, the percentage of migrants that are women is increasing. Between 2006 and 2008 the female percentage of net migration increased very significantly from 42% to 68% reflecting a steeper fall in immigration among men as employment opportunities in the predominantly male construction sector were the hardest hit. Over the last eighteen months this has levelled out resulting in a roughly equal level of immigration among both women and men. The following chart shows the gender pattern of immigration into Ireland over the period 2004-10 revealing the peak year for immigration in 2006 (CSO 2008, 2010).
Data on the allocation of PPSN numbers to foreign nationals confirm the decline in immigration decreasing from 226,800 in 2006, to 215,300 in 2007 and to 154,800 in 2008 mainly due to a drop of around 50% in numbers from EU15-25 States (only partly offset by an increase from those from the rest of world). The gender gap has narrowed significantly: 40.0% of the allocations were to women migrants in 2005 compared to a higher proportion of 47.5 in 2008. This is mostly accounted for by the newer member States in which the proportion of women migrants among PPSN allocations has risen from a third to just under a half. PPSN data below provides a picture of the employment patterns among migrant women and men on the Irish labour market.

As the data shows, migrant men and women in Ireland are heavily represented in traditional gendered sectors (e.g. services and care work for women, and construction for men), while only a narrow range of sectors are important employers for both. Recent available data from the CSO reveals aspects of the employment experience of migrants to Ireland. The employment rate among migrants falls very significantly from a relatively high level on arrival in Ireland to a far lower level three years later. For example, in relation to migrants from the EU15-25 Member States activity rate for the 2004 arrivals started at 80% and fell to 57% by 2008. Those migrants coming from
these states during each of the years 2002 to 2006 who recorded ‘no economic activity’ up to the end of 2006 ranged from 13% to 21% but as recession began to be felt the percentage for 2007 was 28% and increased further to 45% for 2008. In overall terms, approximately half of those who came to Ireland and were allocated PPSN numbers during the period 2002-2008 were in employment at some time during 2008. The rate of differs between nationalities:

“The rate of decline varies by nationality. For EU15 nationals (excluding Ireland and the UK), the activity rate fell very sharply: of the 19,400 allocations in 2004, 78% had employment or social welfare activity in 2004, but four years later, by 2008, this had fallen to 23%.” (CSO 2010)

Women immigrants are predominantly young from the 15–24 and the 25-44 age groups, and this has become particularly evident in most recent years. Table B.1 shows the numbers of women immigrants in the different age categories, as well as figures for net female migration between 2005 and 2010. Net female migration peaked in 2007 and have fallen steeply to late 2010 when a negative figure of -9,300 has been recorded.

Table B.1 Women Migrants by Age

<table>
<thead>
<tr>
<th>Year</th>
<th>0-14</th>
<th>15-24</th>
<th>25-44</th>
<th>45-64</th>
<th>65+</th>
<th>Total Women Immigrants</th>
<th>Total Women Emigrants</th>
<th>Net Female Migration</th>
</tr>
</thead>
<tbody>
<tr>
<td>2005</td>
<td>3.8</td>
<td>12.7</td>
<td>17.5</td>
<td>2.5</td>
<td>0.6</td>
<td>37.1</td>
<td>14.6</td>
<td>22.5</td>
</tr>
<tr>
<td>2006</td>
<td>6.0</td>
<td>15.2</td>
<td>23.2</td>
<td>2.4</td>
<td>0.7</td>
<td>47.5</td>
<td>17.3</td>
<td>30.2</td>
</tr>
<tr>
<td>2007</td>
<td>6.1</td>
<td>16.9</td>
<td>26.2</td>
<td>2.7</td>
<td>0.3</td>
<td>52.1</td>
<td>18.6</td>
<td>33.5</td>
</tr>
<tr>
<td>2008</td>
<td>7.0</td>
<td>13.4</td>
<td>20.2</td>
<td>2.4</td>
<td>0.9</td>
<td>43.9</td>
<td>17.7</td>
<td>26.1</td>
</tr>
<tr>
<td>2009</td>
<td>3.0</td>
<td>9.9</td>
<td>13.5</td>
<td>1.8</td>
<td>0.9</td>
<td>29.1</td>
<td>26.1</td>
<td>3.0</td>
</tr>
<tr>
<td>2010</td>
<td>1.5</td>
<td>4.8</td>
<td>6.8</td>
<td>1.7</td>
<td>0.8</td>
<td>15.5</td>
<td>24.9</td>
<td>-9.3</td>
</tr>
</tbody>
</table>

Source : CSO Population and Migration Statistics September 2010

Research on women migrants on the labour market in Ireland reveals a range of different experiences both positive and negative:

“Women migrant workers represent a wide diversity of workers. They are predominant in the lower skilled and lower paid areas of the labour market. However, they also represent a growing number of skilled women workers. Although women migrants may be earning more than in their countries of origin, they are clustered in jobs in sectors of the labour market that are poorly regulated and not unionised. Many, if not the majority of women migrants, continue to be working below their potential in jobs that do not utilise their education, training and skills. This is not only a loss to the economy, it also seriously under-values women migrants’ labour.

“Women’s experiences in the workplace include negative experiences (such as discrimination, exploitation in terms of low pay or poor conditions of employment, harassment, social isolation, loneliness and stress), as well as positive experiences (which include opportunities for career development, progression and financial independence)” (Pillinger 2007).

What is also evident from research about migration into Ireland, and women migrants in particular is that discrimination is common and that barriers to integration are
significant. Women’s migration has in Ireland, as elsewhere, been associated with family dependence. The reality is that women are increasingly migrating alone and parenting across long distances - a reality that policies have yet to recognise (Pillinger 2007).

B.2 Labour Market Policy Approaches from a Gender Perspective

B.2.1 Policies towards migrants

In common with most EU countries Ireland has very different policies towards EEA migrants and non-EEA migrants. While in the immediate aftermath of the EU enlargement Ireland, UK and Sweden were the three countries to operate an ‘open borders’ policy, things have changed quite markedly since then. Three policy changes have been particularly important: firstly with the expansion of the EU to include Bulgaria and Romania the ‘open doors’ policy was severely restricted; secondly, Irish citizenship laws were changed in order to ensure that children born in Ireland no longer had automatic rights to citizenship; thirdly, a new ‘Habitual Residency Clause’ was introduced in 2006 which restricted eligibility to welfare payments to those who had established two years residency in Ireland.

“The key decision: Ireland, along with the United Kingdom and Sweden, agreed to allow citizens from the 10 countries that joined the European Union in May 2004 to work in the country immediately. This contributed to an acceleration in EU immigration flows, a large proportion of which came from Poland. Many nationals from new EU Member States have filled lower-skilled jobs than appropriate for their level of education.

“More recently, Ireland instituted stricter policies that favour highly skilled immigrants from outside the European Union. Now, in the context of an economic recession, Ireland is facing a new set of policy issues with reduced but still high immigration rates and a substantial population of legal foreign residents. These issues include rising unemployment rates among immigrants and Irish nationals, and stress on the social welfare system.” (Ruhs 2009)

Immigration policy has been undergoing a process of change - a change which, it is argued, creates a new hierarchy of eligibility based on skill and educational levels, as well as likely earning capacity. Those with higher qualifications, linked to specific job areas and job availability, can now avail of specific rights under a ‘green card’ and ‘residency rights’ system. The following paragraphs summarise immigration policy towards specific sectors:

EEA residents – right to work: Citizens of EEA countries (with the exception of Bulgarian, Romanian and Swiss nationals) are allowed to come to Ireland and to work without an employment permit. Those from Bulgaria and Romania who have come to Ireland following January 2007 are allowed to travel and live in Ireland but require a permit to work. Those married to Irish citizens are exempt from this restriction. To get a permit, a potential employer must apply. After one year on a work permit this requirement is lifted.

Non-EEA residents – right to work: There are different options for non-EEA residents primarily linked to targeting high-skilled professional in specific sectors onto the Irish labour market based on a legal framework established in January 2007.
Green Cards: Those deemed to be in specific high skilled professional categories may be entitled to a ‘Green Card’ which allows a person and family members to travel to Ireland for the purposes of taking up employment. The Green Card scheme was brought in January 2007 to allow highly skilled people from outside the EU to come to Ireland to work. Those that are eligible include:

- those earning more than €60,000
- those in particular job categories earning between €30,000 and €60,000, for example nurses and IT professionals.

Finding a job in an eligible category is a condition of applying for the Green Card. When a person finds a job, they or their employer can apply for a Green Card - there is a fee of €1,000. The Green Card permit scheme is now also available to highly-skilled citizens of Bulgaria and Romania and after holding a Green Card for one year open access is established. The spouses and dependants of Green Card holders are allowed to live in Ireland and may seek employment under the spousal/dependant permit scheme. Changing employer is possible after a person has worked for 12 months with their first employer and after you have received a new Green Card. A person needs to find a new employer within 3 months of being made redundant.

Visa: A visa is required to come to Ireland by those from designated countries. A copy of the Green Card is required with the application and those coming to Ireland on visas are required to register with the immigration authorities. Under new legislative proposals (see below) it may become possible to apply for long term residency later depending.

Work permits: Those who do not qualify under the Green Card scheme may be able to apply for a work permit if they meet certain conditions. However, the issuing of work permits has become increasingly limited to very specific circumstances. Labour market tests are applied to applications primarily focusing on whether sufficient attempts have been made to fill the vacancy from within the EU. Permits last for 2 years and if eligible may be renewed for 2 or 3 years. Restrictions to the Work Permit scheme were introduced in January 2009:

- restricting of job categories to those of salaries over €30,000
- increased fees for renewals (between €1000 and €1500)
- higher level of labour market test requirements
- spouses and dependants are now required to apply for work permits in their own right and are subject to a labour market needs test and restriction to vacancies in eligible job categories.

Holders of a work permits cannot change employment until after they have worked with the same employer for 12 months and another employer has first obtained a work permit. The job must not be in a restricted sector of employment. The D/ETE publishes a quarterly list of occupational sectors for which applications for permits will not be considered under any circumstances. Recent occupations that have been removed from the Green Card eligible list (in the €30,000 – 60,000 range - but continue to be eligible where the salary payable to the jobholder is €60,000 or more) are healthcare workers (registered midwives; physiotherapists; psychologists; social workers; medical physicists; and speech and language therapists); financial services (economists;
statisticians; underwriters; claims assessors and analysts; securities specialists; fund and investment management specialists; common law jurisdiction lawyers; investment fund professionals; fund accountants; fund valuations professionals; fund administrators; custody specialists; transfer agents; and hedge fund specialists; industry/Services (marketing managers).

**Intra-Company Transfer permit**: Under this scheme senior management, key personnel and trainees may transfer from an overseas branch of a multinational company to its Irish branch. Eligibility is restricted to those earning €40,000 euro and who have worked with the company for at least one year. The spouse or dependant of someone who holds an Intra-Company Transfer permit is entitled to seek work under the Spousal/Dependant scheme.

**Redundancy**: Green Card holders are obliged to notify if they are made redundant and have to register with the immigration authorities for review of their status if six months have passed without securing employment.

**Undocumented Migrants**: There are an estimated 30,000 undocumented migrants in Ireland and it is argued the provisions of the proposed legislation further victimises the undocumented. According to the Migrants Rights Centre there are so many undocumented migrants because of the ‘ad-hoc nature’ of the immigration system which has been in place over the last decade. In their view many of those entered legally but have become undocumented and there is a danger of ‘driving already vulnerable people into destitution and marginalisation’ (MRCI 2010).

**Asylum Seekers**: Irish policies towards asylum seekers have been heavily criticised from a human rights perspective. The asylum process is extremely bureaucratic and lengthy (many are in the system for five years and more), lacks an open and transparent appeals system and forces asylum seekers into inappropriate financial and living situations. Hostels or detention centres are used to crowd asylum seekers into designated towns and cities across the country and that provide little opportunity for independent living. Meals are provided, there is no right to work or to access education and a weekly payment of only £19.00 is provided for each adult. Women and children are crowded into one and two rooms and there is evidence that their vulnerability has been exploited within a hidden labour market of forced labour and sexual exploitation.

**Proposed new legislation**

The *Immigration, Residence and Protection Bill 2008* was published in 2008 but has not yet been passed into law. Many concerns have been expressed by NGOs in relation to the proposed legislation – issues raised by the Immigrant Council of Ireland include:

- Summary deportations of those who are deemed ‘unlawfully present’. No provision for exceptional circumstances, for example, a woman who is the victim of domestic violence and has become undocumented.
- Limitation of access to State-funded benefits and services for migrants who are deemed ‘unlawfully present’. No provision for migrants who have become ‘unlawfully present’ through no fault of their own to have access to State legal aid.
- Limitation of access to justice for migrants, for example the requirement that a High Court challenge to any type of immigration decision must be made within 14 days.
- Restrictions on the statutory provision for long-term residency
- Charging of high level non-EU fees to access third level education to migrants from outside EEA that have lived in Ireland for many years
- Lack of an independent appeals mechanism for the review of immigration decisions
- Lack of provision of a right to family reunification
- Excessive level of ministerial discretion at all stages of the process
- Insufficient protection for victims of trafficking

“If the Bill is passed as is, Ireland will be the only EU Member State not to have national rules regarding family reunification enshrined in primary legislation. Family reunification is one of the main types of migration flows in Europe. Given the fundamental importance of family life, it is the ICI’s view that the Bill should provide a clear entitlement for Irish citizens and legal residents to be joined by immediate family members (provided they fulfil certain conditions) and there should be discretionary provision to allow for the admission of other family members” (ICI 2008).

Gender perspective

From a gender perspective there are a number of important aspects to new and proposed Irish immigration policies that are likely to impact negatively on women. Firstly, the new exclusion of those in lower paid jobs and occupations will have a disproportionately negative impact on potential women migrants from outside the EEA. Secondly, the exclusion of a wide range of healthcare workers from the ‘green card’ system will force an end to this critical route into Ireland that has been taken by a large proportion of women workers in the global migration system, including those coming into Ireland from outside the EEA. Thirdly, the absence of a legal right to family reunification is creating a lack of basic human rights for Irish migrants, one that is widely recognised in other Member States and also one whose impacts are mainly felt by women and children. Lack of adequate recognition systems for professional and technical qualifications negatively impacts on the many women from EEA countries who frequently migrate as dependants. In addition, the charging of high level fees to access third level education has a major effect in restricting access to many of those women. Fourthly, there is a lack of access to legal aid and legal redress systems that recognise the specific circumstances of domestic violence and the need to establish dedicated protection measures for women and children victims of trafficking. A recent report published by the Immigrant Council of Ireland recorded a significant level of trafficking, prostitution and sexual exploitation among migrant women in Ireland and a lack of policies and procedures that would protect vulnerable women, establish their human rights and create new possibilities for them on the Irish labour market and within Irish society (ICI 2009). And finally, in the absence of positive policies towards those who are undocumented or victims of trafficking (or asylum seekers), together with the underlying culture of gender inequality, creates a situation in which women face particular vulnerabilities and exploitations.
B.2.2 Example(s) – good practice

A new scheme provides the opportunity for non-EEA migrant workers who have fallen out of the work permit system and become undocumented through workplace exploitation, deception, or unexpected redundancy to apply for a four-month temporary residence permission. During this period they will be permitted to apply to re-enter the work permit system. Migrant workers who face unemployment have been given an extended period (from 3 to 6 months) to find alternative employment. In addition, non-EEA migrant workers who have lived and worked in Ireland for five years under the work permit system will be granted permission to live and work without the need to apply for another work permit. While these changes make a significant difference it can only create a positive outcome for some of those that are about to become undocumented. The difficulties of finding employment in a crisis-ridden economy is evident and for those who have been undocumented over a long period of time, these changes do not provide a route to establishing rights to employment and access to health and welfare supports.

Domestic Workers Action Group: The DWSG is made up of women working in the private home, as carers or childminders who also do cleaning and housekeeping work. It is a support group but is also involved in lobbying together with trade union organisations. It follows from the issuing of a Guidelines for Employment of Domestic Workers by the Irish Congress of Trades Unions in 2006. The group is currently campaigning, in collaboration with SIPTU and ICTU, for the establishment of a Joint Labour Committee which will formally set out terms and conditions to regulate domestic work.

Launch of 'Tools for Social Change' resource guide: In association with the Centre for Applied Social Studies, NUI Maynooth and the Community Workers Cooperative, Migrant’s Rights Centre has developed a resource guide for community work with migrant workers and their families. “The aim of ‘Tools for Social Change’ is to illustrate a community work approach to working with migrant workers and their families, in a practical and engaging manner that both provides theory and supports the development of good community work practice. The guide is intended to be an active tool to support community workers in their work, and contains a mixture of social analysis and useful information in the form of support sheets and case studies from MRCI and around the country. Important stages and developments in adopting a community work approach and key learning points are outlined throughout” (MRCI).

B.3 Overall Concluding Remarks

Women account for half of migrants entering the Irish labour market but are mostly confined to a narrow range of occupations in services sector – healthcare, retail, hospitality and personal services. While research indicates a wide range of differing experiences among migrant women, are crowded into lower paid jobs and are prevalent in undocumented jobs, such as domestic service. The legislative framework towards immigration in Ireland has evolved from a relatively open policy towards EU Member States (except for Bulgaria and Romania) to a highly restricted policy that has been adopted towards immigration from non-EEA countries. This policy is based on targeted immigration from those in high-paid professional occupations and restrictions against all others. It also involves an absence of any form of statutory family reunification.
policy, restricted access to third level education and a lack of measures to protect those vulnerable to exploitation and violence. While women are likely to make up only a minority of those in the newly targeted higher paid professions, they also account for many of those listed among healthcare workers, for example, from outside the EEA that are subject to restrictions. Invisibility of women undocumented migrants, for example within domestic service, leaves women open to specific forms of exploitation and gender-based inequality. Women migrants are those who are most in need of a positive family reunification policy as well as specific policies of protection against economic exploitation, domestic violence and sexual exploitation.

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