



*innovation and action for social justice*

**Analysis of the  
Irish Naturalisation & Immigration Service  
Customer and Information  
Provision Services**

**Crosscare Migrant Project**

**October 2007**

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## Table of contents

|  |           |
|--|-----------|
| <b>Executive Summary &amp; Key Recommendations</b>     | <b>2</b>  |
| <b>Introduction</b>                                    | <b>3</b>  |
| <b>Rationale</b>                                       | <b>3</b>  |
| <b>Methodology</b>                                     | <b>4</b>  |
| <b>Synopsis of Crosscare Migrant Project's work</b>    | <b>4</b>  |
| <b>INIS Customer Service and Information Provision</b> |           |
| <b>- outline of issues</b>                             | <b>5</b>  |
| Telephone Service                                      | <b>5</b>  |
| Postal Service   | <b>6</b>  |
| Walk-in Service  | <b>6</b>  |
| Internet service, including email and publications     | <b>7</b>  |
| <b>Analysis</b>  | <b>9</b>  |
| <b>Conclusion</b>                                      | <b>9</b>  |
| <b>Recommendations</b>                                 | <b>10</b> |
| <b>Case Studies</b>                                    |           |
| Case Study 1 – EU Treaty Rights applications           | <b>11</b> |
| Case Study 2 – General information queries             | <b>12</b> |
| Case Study 3 – Long-term Residency applications        | <b>13</b> |
| Case Study 2 – NGOs and front-line service providers   | <b>14</b> |
| Case Study 3 – Visa applications                       | <b>15</b> |

## Executive Summary

### Crosscare Migrant Project

Crosscare Migrant Project is a non-government organisation that provides an information and advocacy service to migrants, including intending and returning Irish emigrants and immigrants, and has experience of a wide range of migration-related issues.

### Rationale & Methodology

The rationale behind this analysis of the Irish Naturalisation & Immigration Service (INIS) is to map trends in service users' experience of the frontline and information service offered by INIS. Information is a key factor in any successful migration decision, and all migrants, including returning Irish emigrants with non-EU families, should be able to access information relevant to their situation.

4 key areas of customer services and information provision are assessed:

- 1) Telephone
- 2) Walk-in
- 3) Postal
- 4) Internet (including email & publications)

This assessment is supported by reference to 5 case studies.

### Analysis

There are many shortfalls in the service offered by INIS. Key issues are:

- 1) The inability of service users to access information relevant to or about their applications, and serious delays in processing times
- 2) The lack of information or clear guidelines on certain important issues, such as visas for non-EU fiancé(e)s of Irish nationals or residency permission for the non-EU family members of Irish nationals
- 3) An apparent lack of communication within INIS and between INIS and the Garda National Immigration Bureau (GNIB)

### Conclusion

The Irish Naturalisation & Immigration Service does not provide a user-friendly service. Key information is unavailable, and it is leading to ill-informed migration decisions that have a negative impact for the families involved as well as across all areas of Irish society. It is essential that INIS puts clearly formulated and accessible guidelines and procedures in place.

## Key Recommendations

1. Detailed information and application forms for *all categories of migrants* should be produced in plain English and made freely available & accessible
2. Appropriate detailed and up-to-date guidelines should be made available to all INIS staff, and information on all policies and procedures should be communicated internally between all sections of INIS
3. Policies and guidelines on all immigration matters should be made freely available and communicated *externally* in a standardised fashion to all State and non-State bodies, especially GNIB

## Introduction

Crosscare Migrant Project (formerly Emigrant Advice), is a non-government organisation that advocates on behalf of migrants, including intending and returning Irish emigrants and immigrants. We provide a walk-in, phone and email information service 5 days a week.

Crosscare Migrant Project worked with 1,207 people/families in 2006 with specific immigration-related queries. Accordingly Crosscare Migrant Project has experience of dealing with a wide range of immigration issues, and communicates and advocates on behalf of clients with the Irish Naturalisation & Immigration Service (INIS) and other government departments & statutory bodies on a daily basis.

## Rationale

The rationale behind this analysis is to map trends in service users' experience of the frontline and information service offered by INIS. It is primarily intended to draw attention to the issues raised with Crosscare Migrant Project by our clients who are INIS service users, and to make recommendations influenced by their perspective. A secondary purpose is to draw attention to the experiences of non-government migrant support organisations in accessing INIS policy and procedural information.

Crosscare Migrant Project feels that an analysis of the INIS customer and information services is timely. The Department of Justice, Equality and Law Reform (DJELR) commissioned a 'Review of Asylum and Immigration'<sup>1</sup>, published in September 2006, to analyse the organisational and policy structures within the department that deal with immigration and asylum procedures.<sup>2</sup> The review briefly noted various shortcomings in immigration services as experienced by service users, but did so in the context of an evaluation designed to identify *internal and structural* problems. The aim of this analysis is to highlight issues and shortcomings in the INIS in the context of *service users*.

Crosscare Migrant Project's guiding principle is the idea that information is the key to a migrant's successful negotiation of the first weeks, months and even years in a new country. This has been upheld by years of experience of working with Irish intending and returning emigrants. Information on immigration policies and procedures is a primary migration need, and it is one of the key factors in determining the long-term success of a migration decision, both for the migrant and the host country. It is an essential factor for migrants coming to Ireland, as well as for Irish emigrants with non-EU families considering the decision to return home.

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<sup>1</sup> 'Irish Naturalisation & Immigration Service (INIS) Report on Review of Asylum and Immigration', published September 2006. Available at: <http://www.inis.gov.ie/en/INIS/Pages/PB07000132>

<sup>2</sup> One of the recommendations of that review was that a body under the aegis of the DJELR be established to co-ordinate the immigration functions previously spread over the Departments of Enterprise, Trade and Employment, Foreign Affairs, and Justice, Equality and Law reform. To an extent this has been done, and INIS is the result.

## Methodology

All information on INIS policy and practice with relation to customer service and information provision is taken from the stated experiences of Crosscare Migrant Project clients, as well as from first-hand experience of Crosscare Migrant Project information officers communicating or advocating with INIS officials or staff on behalf of clients.

Individual case studies of Crosscare Migrant Project clients are used to identify and illustrate specific examples of organisational, policy and procedural shortcomings in INIS.

The Report on Review of Asylum and Immigration (September 2006)<sup>3</sup> published by the Department of Justice, Equality and Law reform is used as a source for information about the workings of INIS.

The immigration systems of the United Kingdom, Australia and the Netherlands are used for comparative purposes and as examples of good practice, as are customer service and information provision systems in place within other Irish government and statutory bodies.

## Synopsis of Crosscare Migrant Project's work

### Who are Crosscare Migrant Project's clients?

Our client group comprises, inter alia:

- Irish citizens and their non-EU families<sup>4</sup>
- EU citizens and their non-EU families
- Non-EU citizens with employment permits (all types) and their families
- Non-EU students and their families
- Non-EU citizens with different status (Parentage of an Irish Child [IBC], Leave to Remain, etc.)

### What queries do Crosscare Migrant Project clients have?

The types of information requests Crosscare Migrant Project receives relate to, among others:

- Family reunification, for:
  - Irish citizens, including returning Irish emigrants
  - EU nationals coming to or resident in Ireland
  - Employment permit holders (all types)
  - Students
- Change of status, including regularisation and temporary registration
- Long-term residency and naturalisation

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<sup>3</sup> *Op cit.*

<sup>4</sup> 'Families' includes dependent children as well as non-dependent children and parents. The latter two categories are seldom included in any explanatory literature or information published by INIS, but they are increasingly coming to the attention of Crosscare Migrant Project.

Many clients contact Crosscare Migrant Project in advance of making applications to INIS and other government bodies.<sup>5</sup> The majority either have difficulty in understanding the requirements for certain applications, or are unable to find a procedure or application form that is relevant to their situation. The role Crosscare Migrant Project plays in these cases is usually to provide information that is as applicable as possible to their specific circumstances. This is achieved through our ongoing collation of information on policies and procedures through oral and written contact with INIS, from previous clients' experiences, and through our networking arrangements with other migrant support organisations.<sup>6</sup>

A proportion of clients come to us after submitting applications: often their query relates to the progress of that application, or to a refusal. In these cases, Crosscare Migrant Project assists with appeals and communicates on behalf of clients with INIS.

## **INIS Customer Service and Information Provision - Outline of Issues**

This section breaks down INIS customer and information provision services by delivery medium, highlighting specific problems. These are illustrated by reference to case studies on **pages 11 - 15** relating to different INIS sections/policies.

1. Telephone Service
2. Postal Service
3. Walk-in Service
4. Internet, Email & Publications Service

### **1. Telephone Service**

#### **Access to information**

The telephone information service (helpline) is often very difficult to access. Different sections have different opening times. For example, the Visa Section helpline is open just 3 days a week for 2 ½ hours per day. This section would deal with the highest number of applications. On the other hand, the Voluntary Returns section is open every day, mornings and afternoons.<sup>7</sup> The opening times do not adequately reflect the quantity of clients attempting to access them.

#### **Customer Service**

Staff on the helpline do not identify themselves. There is no option for service users to speak to the staff member who is processing their applications, even if this person has communicated in writing to them. There is also no clear or stated option to speak to a supervisor or line manager if a service user is dissatisfied with the service they have received.

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<sup>5</sup> Such as family reunification visa requests, EU Treaty Rights residency applications, etc.

<sup>6</sup> The Immigrant Information Network, comprising Crosscare Migrant Project, the Immigrant Council of Ireland, the Migrant Rights Centre Ireland, the Refugee Information Service, and NASC - The Irish Immigrant Support Centre in Cork.

<sup>7</sup> 26,350 applications were dealt with by the DJELR Visa Section in 2004 (Source: Report on Review of Asylum and Immigration, page 131, *op cit*) in contrast to 611 voluntary returns in the same year (Source: DJELR 2006 Annual report, page 47).

Crosscare Migrant Project clients have reported that, on occasion, inconsistent information has been provided in relation to official policy (see point 3 below and [Case Study 2](#)). Coupled with the absence of clear policy guidelines available online or in print (see point 4 below) it is often impossible for service users to be able to know what information or documents they should provide for various applications or to know what their options and entitlements are (see [Case Study 1](#))

### **Example of good practice within other State services**

The Irish Revenue helpline service gives an approximate waiting period so that the user can decide whether they have the time to wait to speak to an operator.

The Citizens Information phone service opens from 9am to 9pm Monday to Friday.

## **2. Postal Service (including receipt of applications & reference numbers)**

### **Customer Service**

The drop-in postal service has on occasion led to delays in the relevant section receiving applications. For example, one EA client experienced a delay of 8 weeks between handing in their application to it being registered as received by the relevant section. There is also no facility for dated receipts to be given for applications submitted by hand.

Some sections do not issue any type of receipt or acknowledgment – for example, the Long-term Residency Section (see [Case Study 3](#)). Service users are then forced to contact the section by phone (see point 1 above) to check if their application has been received. The sections that do issue receipts do not do so within any defined timeframe. It is not recommended or suggested anywhere that important documents (such as passports) should be sent by registered post.

There is little consistency between various sections. One notable problem with some sections – Long-term Residency and EU Treaty Rights, for example – is the fact that there is no section-specific reference number assigned to an application. Service users are not always aware that their Department of Justice identification number is a key piece of information that should be used to accompany all applications or when providing supplementary information. Service users are also not necessarily aware that they should inform the service of any change of address or personal details.

### **Example of good practice within INIS**

The Citizenship section of INIS issues an acknowledgment letter for naturalisation applications as a matter of course, and designates a specific reference number to each application (a reference number with a '68' prefix to differentiate it from the usual DJELR reference numbers issued with the '69' prefix). This should be standard practice for all sections.

## **3. Walk-in Service**

### **Customer Service**

The walk-in service in INIS headquarters, 13/14 Burgh Quay in Dublin, is in fact manned by Garda National Immigration Bureau staff. While it is sometimes possible

to speak to INIS staff on request, this is not guaranteed. It is not possible to speak with the person dealing with your application (see point 1 above). Waiting times are often very long, with service users not guaranteed to be able to speak to someone on the day they go in unless they arrive very early. Obviously this can represent a challenge for non-Dublin based service users.

### **Access to Information**

Additionally, our clients have reported being given information that conflicts with actual INIS policy (see [Case Study 2](#)). For example, for a period of time in 2006 GNIB officers were refusing to grant residency permission to the non-EU spouses of EU workers in Ireland without the spouse giving proof of private medical insurance. This was in contravention of INIS policy, and suggests a lack of communication between the services.

Crosscare Migrant Project clients have also reported being requested to provide certain documents for their specific application, only to return with them and be told that others were required (See [Case Study 2](#)). Given the waiting times generally experienced this can result in seriously deficient service provision.

### **Example of good practice within other State service**

The Office of the Refugee Applications Commissioner (ORAC) walk-in service offers service users a calm and organised place to access information and submit applications. Users are able to speak directly to ORAC staff who are informed of the correct procedures and have been trained to interact with people from different cultures.<sup>8</sup>

## **4. Internet Service, including email and publications**

### **Customer Service**

The option exists for service users to email queries to INIS, although there is no way to email internal sections (such as the Long-term Residency section or Marriage to an Irish National section). However, Crosscare Migrant Project clients have reported lengthy waiting times before emails are answered, in addition to reporting cases where they received no response at all.

### **Access to Information**

The Internet is the primary tool for non-resident migrants and returning emigrants to access information on the Irish immigration system. The importance of access to information electronically also increases when other routes pose difficulties, as has been discussed in points 1-3 above. Web-based information resources are also easier and cheaper to update than print-based resources. In addition, national immigration service websites represent the only official source of information easily accessible from outside the State. They should be the key reference point for anyone seeking information on any aspect of a country's immigration system.

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<sup>8</sup> Source: ORAC 'Analysis of Reception Survey' 2006, available at: [http://www.orac.ie/pdf/PDFCustService/Survey1\\_2006\\_Analysis\\_Graphs\\_Final.pdf](http://www.orac.ie/pdf/PDFCustService/Survey1_2006_Analysis_Graphs_Final.pdf) and the 'ORAC Customer Service Action Plan 2005 – 2008' available at: [http://www.orac.ie/pdf/PDFCustService/Action\\_Plan/Action\\_Plan\\_Customer\\_Service\\_Action\\_Plan.pdf](http://www.orac.ie/pdf/PDFCustService/Action_Plan/Action_Plan_Customer_Service_Action_Plan.pdf)

However, the INIS website, while a significant improvement on the old DJELR site, is not sufficiently comprehensive. Part of this is due to that fact that responsibility for information pertaining to immigration is currently divided between three government departments: the Department of Justice, Equality and Law Reform, the Department of Enterprise, Trade and Employment, and the Department of Foreign Affairs. Therefore key information, e.g., for a potential economic migrant and their family, is split between three disparate sites (see [Case Study 5](#)).

More importantly, some information is not available at all – see [Case Study 5](#). The content of the INIS website is also inconsistent and in some cases not available.<sup>9</sup> Application forms for such applications as Long-term Residency, Change of Status or Marriage to an Irish National do not exist at all. Applicants must therefore extrapolate what information they need and in what format it must be presented from the explanatory text (see [Case Study 3](#)).

One notable point is the complex language used throughout the website and documents. Crosscare Migrant Project clients (Irish and non-Irish) have on various occasions expressed their difficulties in understanding the information provided due to the technical language used. All information should, as far as possible, be made available in *plain English*. This would be beneficial to both native English speakers and non-native speakers.

The information leaflets that are available online have no consistency. For example, the naturalisation application form ('Form 8 – Application for naturalisation as an Irish citizen') does not have the official seal of the government or a departmental stamp. Other documents are not dated or given version numbers (such as the 'Questionnaire to Accompany Student Visa Applications'). Updates to certain documents are not necessarily flagged as such. Taken out of the context of the INIS website, many key documents and application forms have insufficient identifiers.

This creates a barrier to information providers easily accessing relevant changes in policy and practice (see [Case Study 4](#)), and to service users in being assured they are following correct procedures.

### **Examples of good practice by other States**

The web-based immigration services of the UK, Australia and Netherlands all offer comprehensive information for prospective migrants. The Dutch site offers a drop-down menu so that information seekers can find the precise information they need. The Australian and UK sites have extensive information split into distinct sections, in addition to case-specific official application forms. See:

- Australia: [www.immi.gov.au](http://www.immi.gov.au)
- Netherlands: <http://www.ind.nl/EN/verblijfwijzer/>
- UK: <http://www.bia.homeoffice.gov.uk/>

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<sup>9</sup> At time of writing (03/10/2007) there had been no information leaflet on naturalisation available on [www.inis.gov.ie](http://www.inis.gov.ie) since the inception of the site.

## Analysis

There are many shortfalls in the customer and information services offered by INIS. Some of these are in contravention of the DJELR Customer Charter,<sup>10</sup> such as:

- The inability to speak to staff during full office hours (9.15 am to 5.15pm)
- The inability to meet staff face to face or by appointment
- The lack of written acknowledgement of applications by some sections

Others relate to not taking full advantage of opportunities available, such as:

- Making information on all types of applications, procedures and policies freely available, to the public *and* to non-government migrant support groups
- Utilising web-based information facilities to deliver up-to-date information
- Standardising application forms and information leaflets

Finally, others relate to structural problems within INIS. For example:

- The occasional lack of consistency in information delivered by INIS staff
- The lack of communication between internal sections
- The lack of communication between INIS and the GNIB, as well as other government departments with responsibility in the area of immigration.

This analysis of structural problems is supported by the 'Report of Review of Asylum and Immigration'<sup>11</sup>. The 'Report' notes (2005: 72 on) that:

- Staff in certain sections of INIS do not receive appropriate guidelines for their areas of work
- There is a lack of consistency with regard to the amount and specificity of training that INIS staff in different sections receive
- There is a lack of consistency with regard to decision making in different sections, with some sections lacking sufficient quality control and supervision

## Conclusion

The massive increase in inward migration and increased numbers of returning Irish emigrants in recent years has obviously put pressure on the State immigration services. As the 'Report' makes evident, this has had a negative impact on the quality of the response from these services. However, it is 10 years since Ireland began to see an increase in immigration, and INIS cannot continue to use this as an excuse for poor service. The case studies and examples outlined in this analysis make it clear that the standards of service detailed in the DJELR Customer Charter are not being adhered to.

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<sup>10</sup> Available at: [http://www.inis.gov.ie/en/INIS/Pages/Customer\\_Services](http://www.inis.gov.ie/en/INIS/Pages/Customer_Services)

<sup>11</sup> *Op cit*

The most efficient way of coping with pressure is to have clearly formulated and accessible guidelines and procedures in place. This would ensure that service users are fully aware of their entitlements, where they should submit applications, and what documents those applications should contain. Staff tasked with providing information and processing applications would also benefit from this clarity. In addition, all services – statutory and non-government – with any responsibility for matters directly or indirectly linked to immigration must have access to key policy and procedural information.

There are many examples of good practice, both nationally and internationally, that can be studied and assessed by INIS in order to improve its service. Most importantly, it is the experiences of the service users that should be listened to, and any endeavour for improvement should have the service users' needs at its core.

The effects of migration are not confined to the immigration services. They have wide-reaching effects throughout society. For a migration decision to be successful it must be an informed one. This should be the aim of any national immigration system's information provision service. The following recommendations, if implemented, would greatly improve INIS service in this regard.

## Recommendations

1. Opening times for the INIS telephone helpline should be extended to bring them into line with the INIS Customer Charter
2. Access to staff personally dealing with applications should be made available to all service users
3. All applications should be acknowledged and receipted, and assigned section-specific reference numbers
4. Detailed information and application forms for *all categories of migrants* should be produced in plain English and made easily available & accessible
5. All application and information forms should be dated and published in a standardised format
6. Applicants for all types of status/visas should be able to check the progress of their application online
7. Appropriate detailed and up-to-date guidelines should be made available to all INIS staff, and information on all policies and procedures should be communicated internally to all sections of INIS
8. Policies and guidelines on all immigration matters should be made freely available and communicated *externally* in a standardised fashion to State and non-State bodies, including employers, support organisations and frontline service providers.

## Case Studies

### Case Study 1

#### **EU Treaty Rights applications – residency for family members of EU citizens**

The EU Treaty Rights section deals with applications for residency by non-EU family members of EU citizens resident and working in Ireland. EU citizens resident and employed in an EU member state have a right under EU law to have their non-EU family members join them, providing certain conditions are satisfied (granted in Council Directive 2004/28/EC).

A clause inserted into the Irish transposition of this directive (EC [Free Movement of Persons] Regulation 2006) specified that family members should be resident in another EU member state before residency permission in Ireland could be granted. However, the official application form (EU1 form) does not specify that this, nor was the information made freely available in an accessible format (online) until May 2007, one year after the EU1 application process was implemented.

Crosscare Migrant Project dealt with 86 families with EU Treaty Rights applications in the 6-month period between 1<sup>st</sup> March 2007 and 31<sup>st</sup> August 2007, all of whom experienced difficulties relating to a lack of information on this criterion. Some had come to Ireland from non-EU countries with the impression that residency would be granted as a matter of course, being unaware that they would not qualify for it. While this raises bigger policy questions around the convergence of EU and Irish law, the salutary lesson for the purposes of this analysis is that comprehensive, easily accessible information is a crucial factor in a successful migration decision. Lack of access to such information can have serious adverse consequences, as it has had for many Crosscare Migrant Project clients who are faced with the prospect of having to leave Ireland and start over in a different country.

#### **Example of good practice**

The United Kingdom's equivalent to the EU1 form (Form EEA2 – available at <http://www.bia.homeoffice.gov.uk/applying/applicationforms/>) is much more comprehensive than the EU1. It gives information on who the form is applicable to, contact details including phone numbers, information on how to submit supplementary documentation, and information about helplines and external advisors. The EEA2 form also shows what date it was issued on and what particular version it is (there have been a number of versions). This ensures applicants use the correct and most up-to-date form. The UK does not require a period of residency in another EU member state in order for a non-EU national to apply for residency in the UK based on marriage to or partnership with an EU national resident there.

## Case Study 2

### General information queries to INIS – inconsistencies in reply

#### – queries in person

A Crosscare Migrant Project client – an EU1 applicant – requested information in person at the INIS Burgh Quay offices in Dublin about the documentation necessary to submit with an EU1 application. (These offices are manned by GNIB staff and are therefore not directly linked to INIS - although this distinction is not necessarily evident to the service user). The client was informed that a photocopied version of their passport, signed by a Garda, would be sufficient for the application. However, the EU Treaty Rights Section only accepts **original** documentation for EU1 applications.

#### – queries by phone

A Crosscare Migrant Project client – an Irish citizen applying for residency for their non-EU spouse and the spouse's daughter – was informed by staff on the INIS help-line that they could send in one application covering both family members to a specific section. However, this section has responsibility for only one aspect of the application, and had to return it to the applicant for it to be re-submitted to a different section.

#### – queries outside Dublin

Crosscare Migrant Project clients around the country have also reported receiving information from District Garda immigration officers (as well as when passing through airport immigration controls) that is not relevant to their personal situation or indeed consistent with INIS policy.

#### Example: IBC 05 renewals

In 2007 the first renewal period for people with IBC 05 residency permission came up. Crosscare Migrant Project had one specific case of a person whose renewal – one of the first to be submitted - was delayed for a number of months. Their employer refused to employ them until their registration certificate was renewed – and the employee had to take annual leave until this was achieved. Neither GNIB nor INIS made any information available stating that such people were legally entitled to work while their renewal was being processed. GNIB only began to provide temporary registration for such applicants after a number of months had passed, having initially refused people who requested it.

#### Conclusion

The experiences of the service users described above suggest that there is insufficient communication both within INIS *and* between INIS and GNIB, despite the physical co-location of both services in Dublin, and the intrinsic links they have in relation to the services they offer. This can lead to confusion on the part of the service user, and can result in more work for INIS staff if applications must be returned for re-submission. A lack of communication between the key State immigration agencies suggests the integrity of the immigration system is compromised.

### Case Study 3

#### Long-term Residency Applications

The Long-term Residency section deals with applications from work permit holders who have been working for over 5 years in Ireland for extended residency with unrestricted access to the labour market. In May 2006 processing times averaged 4 – 8 weeks. Since June 2006 the processing times have lengthened exponentially, and stand at over 12 months at time of writing (11/09/2007). Many Crosscare Migrant Project clients who submitted their application at that time are still waiting.

The Long-term Residency section *does not communicate* with applicants at any time during the processing period, nor acknowledge receipt of applications. Applicants who wish to access information about their case must use the helpline that opens for only 2 ½ hours 3 mornings a week: this time is shared between a number of sections, and as a result it is often impossible to contact the individual section relevant to a specific application.

#### Crosscare Migrant Project action

Due to a significant number of clients requesting information on Long-term Residency, in mid-2006 Crosscare Migrant Project drafted an information sheet for potential applicants (a current version is available at: [http://www.emigrantadvice.ie/coming\\_to\\_ireland.htm](http://www.emigrantadvice.ie/coming_to_ireland.htm)). This was in the absence of any information easily accessible from an official source. The leaflet has been updated a number of times since.

It was not until May 2007 with the launch of the dedicated INIS website that information on Long-term Residency was made available in an accessible format (<http://www.inis.gov.ie/en/INIS/Pages/WP07000029>). However, the suggested processing time for applications on the site is not consistent with the actual processing times as outlined by section staff to individual applicants.

#### Conclusion

Many long-term residency applicants have been waiting for a significant period of time for their residency, and have had to re-evaluate plans, e.g., for setting up their own business or moving employment, that they had made based on the information available to them at time of application.

#### Example of good practice

The Department of Enterprise, Trade and Employment work permit section keep up-to-date (daily) processing times of the various categories of employment permit available online: (<http://www.entemp.ie/labour/workpermits/>).

That Department also has standardised application forms for the different categories of employment permits detailing all relevant information to be submitted.

## Case Study 4

### **The role of non-government migrant support organisations & the importance of access to information for front-line service providers**

Non-government migrant support organisations offer a unique service that cannot be duplicated by State or commercial services. They can often provide a multi-disciplinary approach – for example, support on welfare, education, employment *and* immigration issues. Many migrant support groups offer multi-language services.

They provide a forum where migrants can be assured that the information giver has no incentive to give or withhold any particular piece of information (bearing in mind that many migrants can be mistrustful of authority due to negative experiences in their home country, and that commercial operators might profit from migrants using their services). They often offer an initial information service that prepares migrants for their interaction with State services, and this in turn can reduce the workload of State bodies. Non-migrant support groups also have an insight into the most pressing issues facing migrants, as well as experience of many varied cases and problems that do not fit into set categories. In this respect NGOs working with migrants often act in an advocacy role.

Therefore, non-government migrant support organisations need access to the most up-to-date information possible in order to perform their job to the best of their abilities. NGOs generally have little access to policy makers. It is in the interest of all parties – most importantly the mutual service user – that information be disseminated in an efficient, easy-to-access fashion. Most importantly, it is essential that information on all key policies and procedures is made openly available.

### **Example: Bulgarian and Romanian EU Accession**

In the lead up to January 1<sup>st</sup> 2007, information on the expected rights and entitlements of Romanian and Bulgarian nationals shortly to become EU citizens was not made freely available. As a result, migrant support groups saw a proportionally large number of newly-arrived Bulgarian and Romanian nationals in early 2007 who were not aware of the restrictions in place on their access to the labour market.

Consequently many were forced to, unsuccessfully, apply for State assistance. It took some months before basic information was made available on the DJELR website. Additionally, a decision on the rights of Romanian and Bulgarian students to work part-time has never been clearly enunciated by INIS or the Dept. of Enterprise, Trade & Employment. Neither has INIS made any information available about the rights of Romanians or Bulgarians married to EU25 nationals.

### **Conclusion**

Restricting access to key information puts an unnecessary strain on front-line service providers, both statutory and non-government. Crucially, it also leads to uninformed migration decisions and a concomitant strain on all services that deal with migrants, including the social and community welfare services.

## Case Study 5

### Visa Applications

The majority of visa applications are those for tourist visas, and are dealt with by the various Irish embassies and consulates around the world. However, applications for long-term 'D' visas must be assessed by the Visa section in INIS, Dublin. Typically these applications are made for the purposes of family reunification, by family members of Irish nationals, EU nationals, or non-EU nationals resident in Ireland for work or study purposes.

While information for such applications is, in most cases, available in some format on the INIS website, there are no specific application forms available. Applicants must access the Department of Foreign Affairs website and download the generic visa application form (or call in person into an embassy or consulate) as well as submitting letters of application and explanation along with supporting documents.

### Fiancé(e) visas

However, information is not necessarily available at all for some applicants. One query which Crosscare Migrant Project often receives from Irish emigrants abroad relates to visas for engaged couples. While it is possible to apply for a visa to allow entry for the non-EU fiancé(e) of an Irish citizen to facilitate marriage in the State and residency afterwards, there is no relevant application form or information document available from INIS on how to do this and what criteria apply, in either electronic or print format. A Fiancé(e) visa is a common feature of other states' immigration systems.

### Example of international good practice

The UK has a clearly delineated procedure for prospective spouses or prospective registered partners to apply for visas - see:

<http://www.bia.homeoffice.gov.uk/applying/generalcaseworking/spousescivilpartnersfiancees>.

Australia also has a 'Prospective Marriage Visa' process – see:

<http://www.immi.gov.au/migrants/partners/prospective/300/index.htm>

The Netherlands also provides information and application forms for prospective spouses of Dutch citizens - see: <http://www.ind.nl/EN/verblijfwijzer/>