



# Opening statement to the Joint Committee on Foreign Affairs and Defence

Barriers facing Irish citizens returning to live in Ireland

Crosscare Migrant Project

Tuesday 26 April 2022

## Introduction

Good afternoon and thank you for inviting us to speak about the barriers and issues facing Irish emigrants returning home. Crosscare Migrant Project is funded by the Emigrant Support Programme in the Department of Foreign Affairs and Trade. We provide an information and advocacy service that supports Irish citizens who are leaving and returning to Ireland. We have over 20 years' experience of supporting Irish emigrants, and we work closely with Irish Consular Services & Missions as well as Irish organisations around the world, including our colleagues in the Coalition of Irish Immigration Centers who are presenting to the Committee alongside us.

The Central Statistics Office has shown a steady increase in Irish people returning to Ireland over the last number of years, rising to over 30,000 in 2021. The profile of people returning is varied, ranging from individuals, couples and families with children, to retirees and pensioners. The circumstances of their return are also varied. Some come back in a very planned fashion, with jobs and accommodation arranged. Others come back out of necessity, to look after family members or because they have no legal options to stay in the country they emigrated to. Others come back in crisis, due to various reasons including deportation, homelessness and mental or physical health problems. The Covid-19 pandemic has increased the numbers of people returning or planning to return, and we believe this trend will continue in the next few years.

Our core focus is on those who are vulnerable or marginalised and who are lacking family or other support networks in Ireland. These are people who are most in need of support during the critical period of arriving and post-arrival. We receive referrals from Irish groups and Irish consular services, and we engage with key agencies in Ireland: social protection, housing & homeless services, the immigration service, and health supports. We have identified three main areas where specific barriers or issues arise.

## Access to Social Protection

One of the main barriers we have identified for returning emigrants who are in vulnerable situations is the issue of access to social protection and the HRC: the Habitual Residence Condition.

The HRC has been an issue for over 15 years. We successfully advocated for changes to the HRC guidelines which adopted specific recognition of returning Irish citizens in 2010. The situation improved, however, more than a decade later it has become evident that issues with the HRC are again adversely affecting people returning to live in Ireland today.

In the majority of the cases we deal with, the individuals are in very vulnerable situations such as homelessness or at risk of homelessness, with no income or support networks. Additionally, some have children or further health and social care support needs.

Key issues include:

- Lack of understanding of how the 5 factors of HRC can be applied to returning emigrants, most likely due to lack of specific training
- A default to refusals where the Deciding Officer effectively defers a decision to the Appeals Office, and the delays this causes
- Disparity in the treatment of Irish citizens from minority ethnic backgrounds, particularly those who have naturalised
- The traditional routes for interim payments (e.g. supplementary welfare assistance) taking as long to process as standard payments, negating their effectiveness

Our 2018 report, '*A Hundred Thousand Welcomes?*<sup>1</sup>' outlined these issues in detail, and our direct casework experience in the last 4 years shows they continue to exist.

## Access to emergency accommodation or shelter

While housing & homelessness are major issues facing many people in Ireland today, there are specific needs for emigrants returning into homelessness. These people often return at short notice, in some cases assisted by Consular Services, and with a wide range of needs on return.<sup>2</sup> We have identified a critical period of the 72 hours after landing, and an urgent period of 10 days following that, where better systems need to be in place to adequately support people coming back in crisis.

In order to access any homeless emergency accommodation, people need to engage with the relevant Local Authority (e.g. the Central Placement Service in Dublin City Council) to have their accommodation needs assessed. This usually requires the submission of a social housing application, in order to undergo a 'Housing Needs Assessment'. Unfortunately, there is no guarantee that the person will be placed in emergency accommodation while this assessment takes place. This means they could be left in a situation where they have nowhere to sleep during this time.

In our experience, there can be reluctance by Local Authorities to provide emergency accommodation where a person does not have a recent Irish address, even if they have an obvious 'local connection' to the area (*see endnote!*).

The public health response to the Covid-19 pandemic has interestingly shown us a model on how such cases could be handled. The HSE 'self-isolation' facilities developed for people at risk or shielding were in fact utilised up to September 2021 for crisis returnees. We were able to make referrals that effectively ensured 2 weeks of accommodation immediately on return home. This allowed us, and on-site staff, to engage with the Local Authority

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<sup>1</sup> [https://www.migrantproject.ie/policy\\_research/a-hundred-thousand-welcomes/](https://www.migrantproject.ie/policy_research/a-hundred-thousand-welcomes/)

<sup>2</sup> Ref our 2019 report '*Coming Home in Crisis*': [https://www.migrantproject.ie/policy\\_research/coming-home-in-crisis/](https://www.migrantproject.ie/policy_research/coming-home-in-crisis/)

responsible, the Department of Social Protection, and other services including primary healthcare. In effect it created a 'buffer period' that took the immediate risk out of returning home in crisis. It allowed essential and wrap-around supports to be put in place, giving time to secure temporary homeless accommodation following the 2-week period.

## **Returning emigrant families with non-EU members**

An increasing number of people are returning with non-EU family members, mainly spouses and partners but also in some cases children or other dependents. The major concern for such family units is the system of applying for immigration permission for the non-EU family member. Different rules apply to different categories of people.

Following the Indecon 2018 report<sup>3</sup> on barriers to return, a system of 'pre-clearance' was implemented for de facto partners (whether visa or non-visa required). In general, this system works well, as it gives assurances to the applicant that they will be able to register to live and work in Ireland on arrival. However, processing times vary and have recently jumped from 3 months to 6 months, with potential for longer delays.

Non-visa required spouses and children can enter Ireland easily, and in general can register with immigration with few difficulties. However, visa-required spouses and children have to submit a visa application prior to returning, and in some cases this can take up to 12 months. A refusal can lead to an appeal adding up to 2 years onto the processing time.

We are also receiving reports of long delays in the 'Foreign Birth Registration' process whereby children who are Irish citizens by descent are waiting up to 2 years for their entry onto the Register, which is the primary step to receiving an Irish passport.

The impact of these delays or potential delays are most immediately obvious in situations of crisis returns, where there is a chance for family to be split up for long periods of time. Uncertain processing times can also make planning more difficult.

## **Solutions**

Solutions can be found for all of the issues outlined above. Some solutions can be implemented within existing structures – for example, specific training on HRC and returning Irish citizens could be made mandatory for social protection deciding officers. Shortened processing times and a system of emergency processing for pre-clearance and family visas could also be implemented by the Department of Justice. Other solutions can be found by looking at best practice and developing new processes – for example, a protocol that would allow immediate accommodation of Irish citizens and their families returning in crisis could be put in place by all Local Authorities.

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<sup>3</sup> <https://www.dfa.ie/media/dfa-2017/globalirish/Report-on-Returning-Emigrants-2018.pdf>

## **Ireland's Diaspora Strategy and other areas of focus**

Ireland's Diaspora Strategy 2020 - 2025 clearly focuses on a number of areas relevant to today's discussion. The welfare of the Irish abroad, and by extension this includes those returning, and the diverse nature of our diaspora, are two areas where we are focussing our work.

### ***The diverse diaspora***

We have initiated a piece of research into the experiences of Irish emigrants from minority ethnic backgrounds, a group that has traditionally been little recognised but which is increasingly becoming a feature of our diaspora. We have referenced the disparity in treatment some Irish citizens from minority ethnic backgrounds have received upon return to Ireland, and we hope our research will help to inform and educate about this particular group.

### ***Supporting Irish community and welfare organisations post-pandemic***

Our 2021 research into Irish emigrant community experiences during the Covid-19 pandemic – *Ní neart go cur le chéile*<sup>4</sup> – showed how Irish organisations around the world rallied around to provide essential supports to members of the diaspora in need. Their ability to do this was in no small part due to the ongoing investment by Ireland in the Emigrant Support Programme (ESP). Core funding to emigrant organisations, like ours and the CIIC, is essential to maintaining and developing the support our diaspora needs, particularly those who are at risk or vulnerable. ESP-funded organisations on the ground around the world, working in partnership with Irish missions and each other, are uniquely placed to provide the bespoke assistance and help that makes the commitments in Ireland's diaspora strategy a reality. ESP funding should be increased to offer more support and opportunities for development to existing and potential recipients.

### ***The Inter-Departmental Committee on the Irish Abroad***

The Inter-Departmental Committee on the Irish Abroad offers an opportunity for all relevant Government Departments to contribute to the efforts to support our diaspora, including emigrants who are returning. However, it does not have the weight or authority of an Oireachtas committee or sub-committee. We believe that a dedicated sub-committee of this committee should be established to oversee all efforts to support returning Irish.

We thank the Committee for their interest in matters affecting returning emigrants and are happy to answer any questions that members have.

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<sup>4</sup> [https://www.migrantproject.ie/policy\\_research/ni-neart-go-cur-le-cheile-irish-emigrant-community-experiences-during-the-covid-19-pandemic/](https://www.migrantproject.ie/policy_research/ni-neart-go-cur-le-cheile-irish-emigrant-community-experiences-during-the-covid-19-pandemic/)

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[<sup>i</sup> S.I. No. 84/2011 - Social Housing Assessment Regulations 2011](#)

Part 2, Point 6:

*'A housing authority of application shall, in determining if a household has a local connection with its functional area, have regard to whether:*

- (a) a household member resided for a continuous 5-year period at any time in the area concerned, or*
- (b) the place of employment of a household member is in the area concerned or is located within 15 kilometres of the area, or*
- (c) a household member is in full-time education in any university, college, school or other educational establishment in the area concerned, or*
- (d) a household member with an enduring physical, sensory, mental health or intellectual impairment is attending a medical or residential establishment in the area concerned that has facilities or services specifically related to such impairment, or*
- (e) a relative of a household member resides in the area concerned and has resided there for a minimum period of 2 years.'*