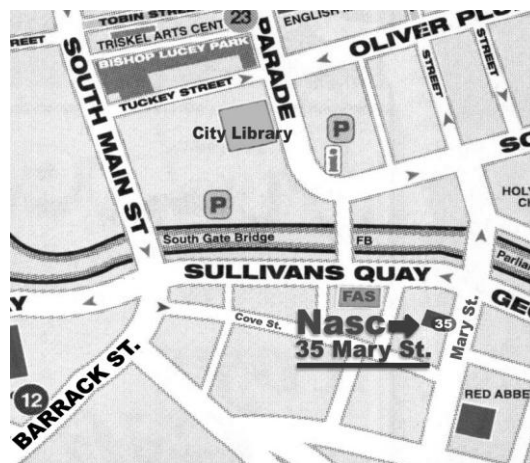


# **NASC ANNUAL REPORT**

**January – December 2007**



**Nasc, the Irish Immigrant Support Centre, Enterprise House, 35 Mary St., Cork**  
**Web: [www.nascireland.org](http://www.nascireland.org) Email: [info@nascireland.org](mailto:info@nascireland.org)**

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## **1. Acknowledgments**

*Many people have contributed to Nasc's work during 2007 and it would be impossible to name all those involved. We would like to gratefully acknowledge the following people for their contribution in different ways to Nasc this year.*

**Nasc Steering Committee: To April:** Piaras MacEinri (Chair), Catriona Ni Laoire (Secretary), Marc Galmoud (Media), Peter Slovak, Chinnyere Nwagwuagwu, Robert Habimana, Yvonne Egan (Human Resources), Damola Akinabade, Lisa Petersheim, Uche Odunukane

**Note there was a change to a Board Structure after the 2007 AGM and a transition phase during 2007 meant some complicated changes as explained on page 25 of this report**

**Nasc Board members after April:** Piaras Mac Einri (Chair) until September, Dan Boyle (Chair) after Septmeber, Zeph Okechi Ikeh (Secretary), Marc Galmoud (Treasurer), Peter Slovak, Catriona Ni Laoire, Margaret Lenihan (Human Resources), Chantelle Kumba, Mariam Olusoji, Aki Stavrou and (briefly Patrick Motumbo)

### **Office and Clinic Volunteers / Student Placements and Interns**

Our thanks to all who helped in 2007. Full list is on page 52.

### **Sub Group Members**

We would like to thank all our active members in various sub groups:

- The Speaker's Panel
- The Policy Group
- The Women's Group
- The Social and Cultural Group

### **Nasc Funders**

Atlantic Philanthropies  
Cork City Council Arts Office  
Irish Aid  
FAS  
Joseph Rowntree Charitable Trust  
Musgraves  
One Foundation  
Reception and Integration Agency  
S.M.A. Fathers  
Trocaire  
Community Foundation  
VEC

### **Nasc Staff**

Director: Gertrude Cotter Receptionist: Marie-Claire Khah Administrator: Susan Mackey.  
And a very special welcome to new staff who started in a full time capacity in 2007: Amanda Mellet, Fiona Finn, Paul Dunbar (started Jan 2008), Peter Slovak and Emer McCarthy, Community Development Officer

### **Tutors/Facilitators:**

1. Mairead Brosnan (English)
2. Guy Bertrand (ECDL)
3. Emer McCarthy (Training for Transformation)
4. John Kavanagh (English)
5. Bryan Gallagher (English)
6. Caroline Flavin (English)
7. Mary O Mahony (English)
8. Geraldine O Donovan (Training for Transformation)
9. Aine Naughton (Irish language)
10. Lorraine Kingston (Access to Education course in conjunction with St John's Central College)

**Website:** Rene Gonzales – a sincere thanks to Rene who did a great job in developing our new website

## **2. Overview of Nasc's Structure and Work – 2007**

**See Director's Report for more Details**

### **Strategic and Business Plan 2007-2010**

Nasc is a non-profit organisation / NGO with charity status based in Cork. The organisation was founded in 2000 to provide support to migrants living in Ireland, particularly in and around Cork and includes economic migrant workers, asylum seekers, refugees and those with 'leave to remain' status. In 2007 Nasc carried out its most significant strategic and business plan to date. This comprehensive document outlines Nasc's new mission and vision, along with our operational and strategic vision for 2007-2010. It was devised with the support of an external consultant and Nasc consulted with members, sub groups, other NGOs and organizations in Cork and around the country.

### **Board**

As part of the Strategic Plan and by agreement with members of Nasc at the AGM 2007 who voted to accept the changes, Nasc brought about a new board structure. Details of these changes are outlined in section "Coordinator's Report" below.

**Nasc Steering Committee: To April:** Piaras MacEinri (Chair), Catriona Ni Laoire (Secretary), Marc Galmoud (Media), Peter Slovak, Chinnyere Nwagwuagwu, Robert Habimana, Yvonne Egan (Human Resources), Damola Akinabade, Lisa Petersheim, Uche Odunukane

**Nasc Board After April:** Piaras Mac Einri (Chair until September) followed by Dan Boyle (Chair), Zeph Okechi Ikeh (Secretary), Marc Galmoud (Treasurer), Peter Slovak, Catriona Ni Laoire, Margaret Lenihan (Human Resources), Chantelle Kumba, Mariam Olusoji, Aki Stavrou –

Member representatives elected at the 2007 AGM were Chantelle Kumba, Patrick Motumbo, Mariam Olusoji and Zeph Okechi Ikeh. Patrick later resigned for personal reasons.

**Auditor:** Owen Barrett (of Barrett & Associates Ltd)

**Solicitor:** John McCarthy (of Noonan, Linehan, Coffee, McCarthy)

### **Personal Advocacy**

Free, Confidential Personal Advocacy Service Full Time Five Days a Week

### **Community Development**

Nasc is a Community Development Organisation. The organisation is governed by a voluntary board and managed by staff. We have a range of sub-groups whose aim is to support immigrants to develop as a community in different ways. Our sub-groups are open to all members and include the following:

- Women's Group
- Social and Cultural Group
- Speaker's Panel
- Policy and Campaigning Group

During 2007 Nasc also ran courses in:

- ECDL
- Irish language and culture
- Speaker's Panel Training
- Training for Transformation
- English language

### **Policy and Campaigning**

A core strand of Nasc's work is Policy and Advocacy work. Much advocacy work takes place for individuals within our clinics but Nasc also has a wider policy agenda which is concerned with identifying problems which affect the community as a whole and taking steps towards changing policies or procedures which impact adversely on immigrants. As part of the strategic planning process Nasc identified five key policy areas:

1. Access and Participation in the Labour Market
2. Access and Participation in Education/Training
3. Family Reunification
4. The Asylum System and Direct Provision
5. Integration

We also worked with other NGOs on a response to the Government's Proposed Immigration, Residence and Protection Bill.

### **Networking**

Nasc has networked with a variety of networks, taking a more active part in some than others, including:

- Immigration and Residency Bill Policy Network
- CADIC, the Campaign Against the Deportation of the Irish Born Child
- Integrating Ireland
- Direct Provision Network
- Family Reunification Network
- Cork Networking Committee
- Common Ground
- Social Housing Forum
- Others are listed on page 56

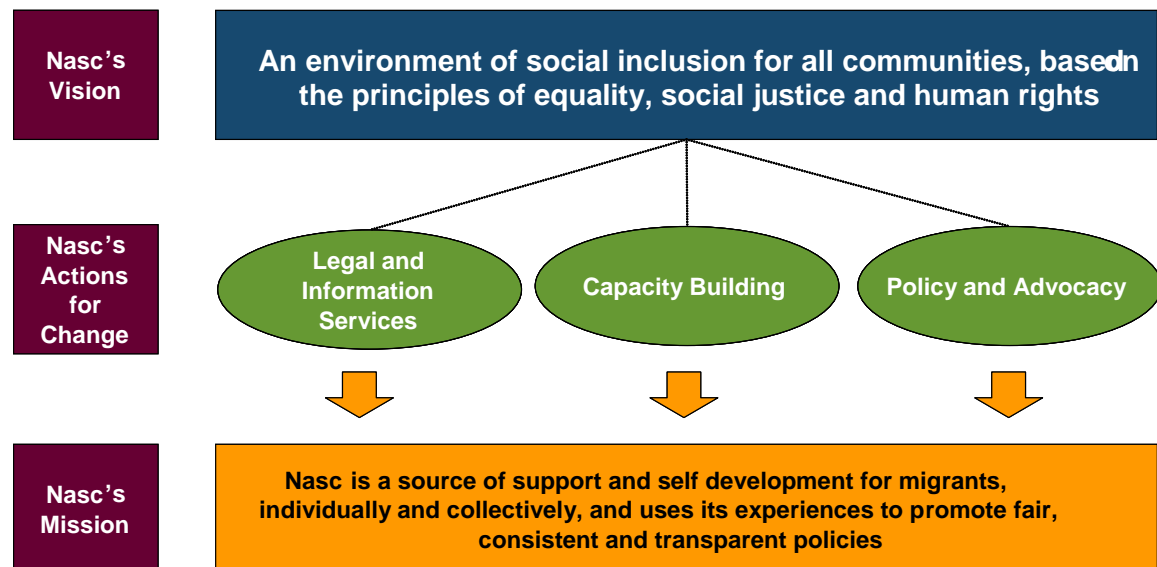
### **Intern, Student and Volunteer Placement**

Nasc continues to offer placements to people from colleges and universities in Ireland and abroad and we welcome in particular members of the immigrant population on work placements at Nasc.

### 3. Organisational Mission and Objectives - 2007

#### A New Vision and Mission Statement

A new Vision and Mission Statement for Nasc was devised as part of the strategic planning process.



The Strategic Plan focuses on setting out the strategic and operational plans that will guide the organisation's direction, objectives and activities to achieve this Vision. The Plan was developed within the context of the following:

- **Our constituency:** the migrant community breaks down into a wide variety of groups and sub-groups (e.g. asylum seekers, refugees, migrant workers, people with leave to remain, students, family members of all of the above, etc.), each with a different set of needs, concerns and statutory rights. Individually and as a whole they are relatively new communities in Ireland and so the issues they face and the environment in which they live are changing relatively rapidly.
- **Nasc's own history:** our aspirations and our choices for the future of the organisation are impacted by where we have come from since our foundation 7 years ago.
- **An evolving NGO sector:** the NGOs operating in the migrant / new communities sector are themselves evolving rapidly, reflecting the fact that migrants are a relatively new section of Irish society. Nasc is committed to working on its own and where appropriate with other NGOs in order to maximise the social impact for migrants. In particular, the business planning process incorporated recommendations made in a 2006 report by Sarah Spencer, which focused on how NGOs can act to influence future policy development.
- This business plan was developed over a period of 3 months during which Nasc conducted a strategic review and developed operational planning. Specifically Nasc undertook the following key steps:

#### **4. Context of Nasc's Work 1: Migration into Ireland/Cork – Some Statistics**

Since the mid 1990s there has been a dramatic change in the overall migratory flows into Ireland. Ireland became a country of immigration only in the last decade with rising numbers first of asylum seekers, refugees, migrant workers and students.

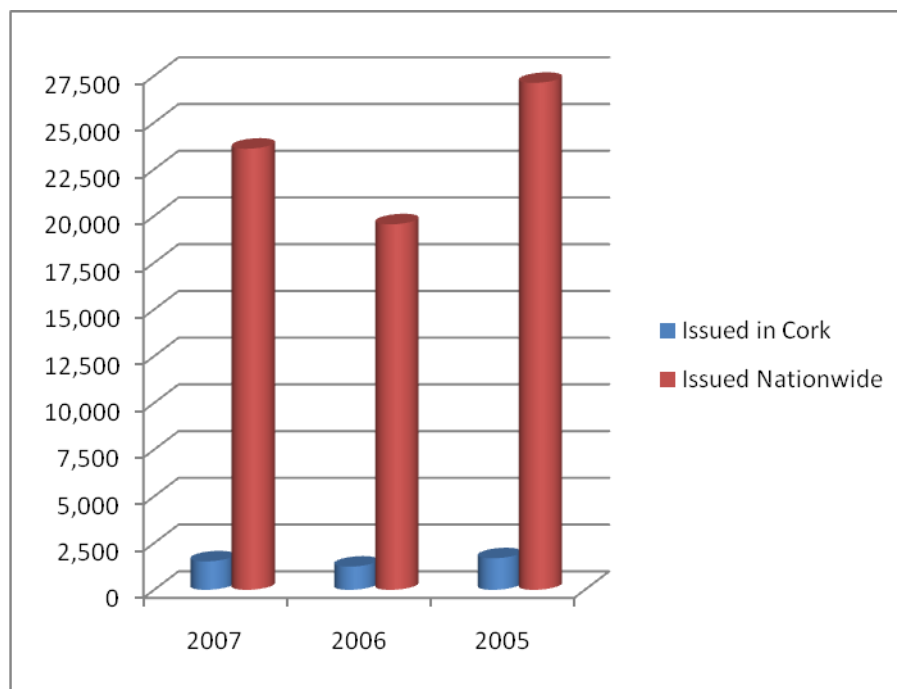
One may distinguish the following main types of immigration flows:

- Returned Irish migration
- In-migration from other EU and EEA (European Economic Area) countries
- People who are Asylum-seekers
- People who are Refugees
- People with Leave to Remain on the Basis of an Irish Born Child
- People with Leave to Remain on Humanitarian Grounds
- Undocumented workers and other undocumented migrants
- High-skills in-migration from non-EEA countries (usually on work or business visas)
- Other in-migration from non-EEA countries (usually on work permits)
- People under family reunification schemes
- People on Student visas
- Other smaller categories such as those with marriage visas, partners of Irish people, people on business visas etc

#### **Statistics**

##### **Permits by Company 2005-2007**

	<b>Issued in Cork</b>	<b>Issued Nationwide</b>
<b>2007</b>	1,524	23,604
<b>2006</b>	1,242	19,557
<b>2005</b>	1,689	27,127



**Work Permits Issued 2004- Feb 2008**

<b>Year</b>	<b>New Permits</b>	<b>Renewals</b>	<b>Group</b>	<b>Issued</b>	<b>Refused</b>
2007	10134	13457	13	23604	2342
2006	7298	16600	956	24854	1191
2005	7354	18970	812	27136	1215
2004	10020	23241	801	34067	1486
<b>Total</b>	<b>36696</b>	<b>74210</b>	<b>2582</b>	<b>113484</b>	<b>6836</b>

**Total Allocation of PPSNs by Nationality - EU Accession states from 1 May 2004 to end of February 2008**

<b>Nationality</b>	<b>Total</b>
Poland	271,917
Lithuania	58,008
Slovakia	33,835
Latvia	28,245
Czech Republic	16,236
Romania	16,292
Hungary	14,882
Estonia	5,770
Bulgaria	1,168
Malta	577
Slovenia	330
Cyprus	126
<b>Total</b>	<b>447,386</b>

**Total Allocation of PPSNs by Nationality - EU Accession states from 1 May 2004 to Dec 2007**

<b>Nationality</b>	<b>Total</b>
Poland	263,425
Lithuania	56,842
Slovakia	32,912
Latvia	27,668
Czech Republic	15,784
Romania	14,521
Hungary	14,127
Estonia	5,696
Bulgaria	1,008
Malta	558
Slovenia	313
Cyprus	123
<b>Total</b>	<b>432,977</b>



**Applications for a Declaration as a Refugee, Year by Year**

<b>Applications</b>	<b>Pre 2003</b>	<b>2004</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>
New Applications	11,598	7,483	4,265	4,304	4,241	3,933
Re-Applications	38	417	501	19	73	52
<b>Total Number</b>	<b>11,834</b>	<b>7,900</b>	<b>4,766</b>	<b>4,323</b>	<b>4,314</b>	<b>3,985</b>

**Accommodation Centres in Cork**

<b>Location</b>	<b>Address</b>	<b>Capacity</b>
Ashbourne House Hotel	Glounthaune	108
Kinsale Road Accommodation Centre	Cork City	315
Glenvera Hotel	Wellington Road	104
Millstreet Accommodation Centre	Millstreet	145
An Poc Fada	Main Street, Cobh	40
Clonakilty Lodge	Clonakilty, Co. Cork	110
Davis Street Apartments	73-75 Davis Street, Mallow	50
<b>Total</b>		<b>873</b>

**Family Reunification Statistics**

	<b>Applications</b>	<b>Dependents</b>
Total Number of Family Reunification Cases Received 2001-2007	2749	6219
Total Number of Family Reunification Cases Processed 2001-2007	2663	6054
Number of Cases Outstanding	86	165

## **5. Context of Nasc's Work 2: Public Policy Context 2007**

### **Immigration, Residence and Protection Bill**

The Scheme of the Immigration, Residence and Protection Bill was published in Spring 2007 (and the Bill itself was debated in the Dail on 11<sup>th</sup> Feb 2008). This is an extremely important Bill because it covers immigration, protection and asylum legislation for the country. Nasc joined with other NGOs in Ireland in making representations to local and national politicians, to the Dept of Justice, to the media, etc. Key issues raised by the NGOs included the following:

- The Bill is a legal framework and does not set out clear immigration rules in primary legislation. The Minister then has the power to make regulations and as such the parliamentary role and elected representatives is curtailed. For instance rules setting out the basis for migrants entering the state, conditions on which permission is granted may or may not be left to secondary legislation.
- There is excessive ministerial discretion. Applicants do not have a clear idea as to whether their application will be granted, even if they appear to satisfy the criteria for applying. Also, applicants do not always know the grounds upon which their application may be refused. The reliance on Ministerial discretion gives rise to concerns regarding the potential for arbitrary and inconsistent decisions.
- The Bill makes no statutory provision for family reunification.
- The definition of 'family' is too narrow, Minor refugees are not allowed to apply for their siblings, which can place parents in an unacceptable dilemma of whether to join their child in Ireland or remain in their country of origin with their other child/children. In addition only spouses are included and not unmarried partners even if they can prove a long term relationship. Need to take cultural differences in account with regard to concept of 'family'.
- Programme Refugees are not entitled to family reunification. All those granted protection in Ireland should have the same rights. All individuals have a right to enjoy family life and programme refugees like other persons cannot return to their country of origin
- The Bill fails to clarify the rights of family reunified members if the refugee/person granted subsidiary protection dies or if the marriage breaks down.
- Entitlements of migrants while in the state are not covered in the legislation.
- The Bill fails to provide for the right of appeal for those whose applications for family reunification have been unsuccessful. Such an appeal should be independent.
- There is no definition of Integration although it is referred to in the Bill.
- The Bill ignores the views of the Irish Human Rights Commission in their report on the 2006 Scheme for the Bill.
- Rights of vulnerable people e.g. children/victims of trafficking/victims of domestic violence: no new provisions have been included to improve protection for separated children, measures should be put in place to improve identification, age assessment, registration, family tracing, guardianship, best interests determination, treatment and care.

We welcome a new section on the protection of suspected victims of trafficking. However this provision needs to be further developed to facilitate ratification of the *Council of Europe Convention on Action against Trafficking in Human Beings* and the *UN Trafficking Protocol*. In particular, specific provisions relating to the

protection of suspected trafficked children and the specific entitlements of those who are granted temporary residency should be added. Trafficked persons should be exempted from the pre-removal powers of detention provided in the Bill. An explicit recognition of the right of trafficked persons to seek international protection and to have access to free legal aid should be included.

There is no provision for the case of vulnerable people e.g. victims of domestic violence when their status within Ireland depends on the legal status of their spouse. For instance a woman married to an EU/Irish/Refugee man for two years, who is being abused and who leave the relationship can in practice be left with very few options in relation to social welfare or residency in Ireland.

- As a Cork-based NGO Nasc is aware of the difficulties in a centralised immigration/protection system in terms of cost and accessibility for individuals on minor administrative matters. Some operational issues could be delegated to local areas. In general we also believe that the Bill ought to address the training needs of officials at the Dept of Justice locally and nationally and others working with asylum seekers and immigrants e.g. management and staff in Direct Provision centres. Nasc opposes the current Direct Provision system in principle but at the very least we would call for training for existing staff, many of whom have requested such training themselves.

#### **Further Concerns Relating to Immigration**

- Long term residence: Section 36 of the Bill provides a statutory footing for the existing practice of granting long-term residents permits on certain conditions to people who have been legally resident in Ireland for a total of 60 months. This gives no real permanence to people who have contributed to this country for five years or more. This is common in other EU countries. (In addition in practice people generally have problems in having time recognised because there are sometimes gaps in stamping of passports and this is often not the fault of the individual. Also the waiting time for processing applications for long-term residence is currently 18 months).
- Independent Appeals: the bill fails to provide a right to an independent appeal against decisions taken at different stages e.g. in certain types of visa applications the process is an internal review and there is no obligation to give reasons for the decision.
- Judicial Reviews: the Bill re-enacts the 14-day time limit for the initiation of judicial review proceedings to all types of immigration decisions (Section 118 (2)). This severely limits migrants' access to justice. In most other areas of law people have three months to make an application to the High Court.
- Right to marry: an Irish citizen may marry a foreign national but this does not, of itself, confer a right on that foreign national to enter or be present in the State. In addition a marriage contracted between two persons, one of whom is or both of whom are foreign nationals, is invalid in law unless the foreign national concerned has given 3 months' notice of the proposed marriage to the Minister and the person is at the time of the marriage the holder either of an entry permit issued for that purpose or of a residence permit (other than a protection temporary residence permit or a non-renewable permit).
- The minister is given broad powers to refuse permission to marry on the basis that it "would be inconsistent with a relevant immigration policy statement".
- The Bill also criminalizes anyone who solemnises a marriage without the permission of the Minister for Justice. The restriction on the right to marry has

been introduced with a view to controlling illegal immigration. Nasc believes it is disproportionate since the government have provided no evidence that marriage is being exploited for immigration reasons.

- Undocumented workers: there are a significant number of non-EU migrant workers who enter Ireland legally but who become undocumented for reasons beyond their control. There is currently no official mechanism to assist people to reenter the system and the legislation should exclude the possibility of summary removal/obligation to remove oneself in these circumstances. The IRP Bill should also provide a procedure to legalise people who have become undocumented for other reasons beyond their control in the form of a temporary six-month bridging visa for which an individual could apply and secure, once they fulfil defined criteria.
- Summary Deportations: Section 4(5) provides a significant new power that is being vested in the State and effectively abolishes the ‘Section 3 process’ established in the Immigration Act, 1999 as amended. Currently, a person who has entered and is residing in Ireland can be removed from the State on foot of a deportation order. The deportation order requires notice and gives the person concerned 15 working days to make submissions as to why he or she should not be removed from the State. Those reasons can include matters such as family circumstances, duration of residence in Ireland and humanitarian considerations.

#### **Further Concerns Relating to Protection**

- Single Decision Process/First Instance: we welcome this principle of a single decision-making process for all forms of protection, to assess claims for asylum, subsidiary protection, non-refoulement and *compelling reasons*. We do, however, have concerns about the current processes, including the lack of legislated Rules/Guidelines, and the use of accelerated procedures.
- We are disappointed that the Bill has not been amended to provide for official records of proceedings (rather than a summary kept by the interviewer), or the publication of decisions, both of which we would consider to be good practice internationally. Further, concerns regarding the lack of clarity around the role of the observer (s. 74 (9)), and disclosure to the applicant regarding the evidence to be relied upon by the State have not been addressed.
- Protection Review Tribunal (“PRT”): We welcome the Minister’s assurances that the protection appeals process will be more transparent and fair than that provided by the current Refugee Appeals Tribunal (“RAT”). However, as currently drafted, the proposed PRT is effectively the same body as the Refugee Appeals Tribunal (“RAT”), save in name. Only selected decisions of the PRT will be published, despite internationally recognised best practice (including in the UK) providing for publication of anonymised decisions. The Chair of RAT is deemed the Chair of PRT. The Chair can delegate key duties to others. The Chair *may* produce public Rules and *may* produce internal Guidelines to be relied upon by the Members. We would urge amendment of the legislation to provide for publication of decisions (suitably anonymised), to require the Chair to publish Rules and Guidelines and to remove s. 95 (7)(a), which undermines the lawyer’s role and duty in representing their client.
- Carrier Liability: Carrier liability improperly shifts responsibility for protection decisions from the State to carriers. Carrier sanctions will mean that those seeking protection may be prevented from accessing the State, in breach of the State’s obligations under the *1951 Convention*. This may well have the effect of forcing

persons to rely on traffickers/smugglers. At minimum, the State should allow for an asylum/protection-related defence to carrier liability and exempt carriers where persons make protection applications upon arrival to Ireland and/or where persons are particularly vulnerable (i.e. trafficked persons and separated children).

- Section 73 (13) children ‘deemed’ to be included in protection application: The above sub-section would appear to be in direct contravention of the recent Irish Supreme Court decision, *A. N. & ors -v- Minister for Justice & Anor*, released on 18 October 2007, and with the 1951 Convention. Every person has the right to seek asylum. No person can be removed from the State until their individual protection needs are assessed.
- Deemed withdrawal/no appeal rights: There are no appeal rights where a protection application is deemed withdrawn (whether at first-instance or upon appeal). This seems to be inconsistent with the Procedures Directive, Article 39 (1), which states: Member States shall ensure that applicants for asylum have the right to an effective remedy before a court or tribunal against... (b) the refusal to reopen the examination of an application after its discontinuation (pursuant to Articles 19 and 20 of the Directive). Further article 20(2) of the Directive requires States to ensure that an applicant is entitled to request that his or her case is reopened following a discontinuation (Section 89 of the Bill, as currently drafted, is unclear as to its impact on this crucial question, which goes to the heart of protection against *refoulement* for this issue).
- Leave to Remain/humanitarian considerations: As outlined in the Bill, protection applicants who are not entitled to protection in the State may be granted residence permission as per Sections 79 (2) (c) and 83. However, in those sections, humanitarian considerations are not listed and it is unclear who would meet the ‘compelling reasons’ criterion and whether or not residence criteria (at Section 31) will also be applied. We are concerned that vulnerable persons who are now granted leave to remain status as well as those who cannot be *refouled* may be denied residence permission under the terms of the Bill, particularly if the residence criteria are applied.
- *Refoulement*: The combination of the Dublin Regulation rules and the safe-third-country and safe-country-of-origin concepts, as well as rules on carrier sanctions and transporters' liability, limited access to interpreters and lawyers and the lack of suspensive effect of certain appeal procedures constitute a threat to the principle of non-*refoulement*. Also, provisions relating to the breach of conditions leading to revocation and Section 97(11) (c) (obligation to remove oneself and power of removal without notice) increase the risk of *refoulement*.
- Procurement and Exchange of Information: There are a variety of provisions in the Bill regarding the procurement and exchange of information. In this regard, the IRC stresses the need for consent, confidentiality and data protection. The IRC would like to seek clarity on the necessity, nature and implications of some of these provisions including stated restrictions on the application of the *Data Protection Act* and *Freedom of Information Act*. With respect to the acquisition of information, children should not be required to furnish biometric data without their consent and the consent of their guardian. Age assessment measures should be in line with the minimum standards outlined in the *Procedures Directive*.
- However, there are a number of areas of concern. Nasc has produced a response to this Bill. Key concerns of Nasc include:
- The principle of ministerial discretion is retained. Whilst the legislature is entitled to vest discretion in the Minister, the problem with this legislation is that it is not

accompanied by a set of guidelines clarifying principles and procedures i.e. a set of Immigration Policy Statements. We do not know when this set of policy statements will be made available.

- A foreign national can only be in the State if s/he has permission to be there. Not to have such permission is an offence and s/he must remove themselves or be removed. The burden of proof that one is *not* a 'foreign national' lies on the individual. This raises the spectre of identity checks based on skin colour and a *de facto* requirement that anyone who is, say, Irish and Black, would have to carry ID to prove that they were not 'foreign nationals'
- The Bill makes it necessary for all foreign nationals to carry their identity documents at all times. The police would have the power to stop anyone they "reasonably believe to be a foreign national".
- Biometric information will be included in residence permits and immigration officers can take biometric information at points of entry and this information can be shared with other countries. Nasc believes this is in violation of civil liberties and infringe the right to privacy.
- Immigration officials have the power to arrest and detain people at ports of entry for removal. They have the power to arrest people they find without papers and remove them.
- The Minister may revoke a visa if he is satisfied that the presence of the person to whom the visa was issued would not, in the opinion of the Minister, be conducive to the common good. This is a dangerously 'catch-all' phrase. Moreover, the Minister may withhold relevant information in the interests of public security, public policy or public health or where such information has come from another government. If US Intelligence, for instance, was to identify a named individual as a threat to security, would the Irish Government simply follow suit?
- You are excluded from most entitlements until you become a long-term resident.
- Non-EU people must get the permission of the minister for justice before they get married.
- There is no provision for an independent appeals procedure for immigration decisions.
- There is provision for long term residence but not for permanent residence. Long-term residence' will normally be for only 5 years (renewable). *There is no provision for permanent residence* (other than citizenship). Moreover, criteria include 'such other requirements as may be prescribed [including a requirement that the person is fully tax compliant, can demonstrate a reasonable competence for communicating in the English/Irish language, has made reasonable efforts to integrate into Irish society *etc*]'. Again, no definition of integration is offered, nor are 'reasonable efforts' defined.
- A person applying for asylum may be detained or required to live in a particular place where it is not 'practicable' for the immigration officer to issue a protection temporary residence permit.
- In Head 47, it is stated that any appeal or review after a refusal to grant status has been issued cannot have the effect of prolonging the applicant's stay in Ireland or derogate from the general requirement that a person who is not lawfully present in the State must remove her/himself.
- The legislation does not address integration. The proposals for long-term residence under the heads of the upcoming do not promote long term integration as they state that long-term residency will only be granted on the basis of

Ministerial discretion having fulfilled ill-defined criteria such as having taken 'reasonable steps to integrate'.

- Head 27 concerns 'protection residence permits' i.e. the document which will be given to someone who has been granted refugee status. Refugee status may still be refused, however, 'if there are reasonable grounds for regarding the applicant as a danger to the security of the State'. In other words, even where the person qualifies for refugee status, there may be other over-riding considerations. Moreover, protection residence permits granted to persons with refugee status or leave to remain ('subsidiary protection') will normally be for three years only (renewable), although a person who qualifies for a 'long term' residence permit (5 years) may be entitled to one. This would appear to open the way to a modification of long-standing custom and practice whereby those granted refugee status (except for temporary programme refugees such as the Kosovars) in effect were able to remain as permanent residents. The text does guarantee social and educational rights and entitlements.
- Head 29 also says that a person ceases to be a refugee, *inter alia*, if the situation in the home country is such that the factors which gave rise to the application for refugee status in the first place no longer apply. What is clearly envisaged here is that a person's residence status in Ireland could be revoked even if s/he was granted full status and had lived for some years in Ireland.
- Head 39 concerns the conditions of expulsion and gives very wide powers to Garda and immigration officials. In the case of minors about to be expelled, parents, guardians and others acting *in loco parentis*, who are considered to have obstructed or refused to cooperate with officials, will themselves be considered to have committed an offence. Moreover, someone who is *suspected* of such non-cooperation may be arrested without warrant. This could criminalize people like neighbours who take in children if their parents are not able to look after them and even NGOs who are considered to have issued inappropriate advice and guidance to such minors. There is an echo here of the 1980 *Loi Bonnet* which caused such an outcry in France and was subsequently repealed.
- In Head 40, persons about to be deported may be arrested and detained for a period of up to 8 weeks. Any procedure such as an appeal, which might have the effect of further prolonging the period before deportation, can be added to the 8 weeks. The courts may order a person's release but must have regard to whether such an individual would be 'likely' to obey the law if so released. This is the equivalent of the old discredited 'sus' laws in the UK, where a person could be held to be in breach of the law not because of something they had done but because of something they were thought likely to do.
- Family Reunification is not dealt with in the legislation, except in relation to refugees.

## **6. Selection of Media Articles from Irish Times for 2007**

### **January 15<sup>th</sup> 2007: Call for migrant policy to reunite families**

The reunification of families should be a goal for those involved in migration policy, Fr Alan Hilliard, secretary of the Irish Catholic bishops' department of pastoral care, has said.

"Immigration policy should be about people first," he said yesterday in a statement to mark the Catholic Church's 93rd World Day of Migrants and Refugees.

"Migrants by their nature live far away from those they love.

"Often this is due to economic necessity, and this in turn can be compounded by restrictive immigration laws," he said.

He noted: "Currently in Ireland there are over 100 Catholic religious services for the pastoral support of our immigrant communities.

"The provision of these religious services, which show respect for the language and customs of the immigrant, is an important initiative to cultivate a spirit of welcome and to facilitate the journey to integration."

### **February 19<sup>th</sup>: O'Donnell urges department for immigration**

The deputy leader of the Progressive Democrats has called for a new department to look after immigration and integration issues.

Liz O'Donnell told her party's annual conference that she was concerned about the traditional role and responsibility of the Department of Justice in these matters. "Border control is primarily a security function," she said. "Integration is a completely distinct concept and function."

### **March 27<sup>th</sup> 2007: Plan for marriage bar on asylum seekers denies rights, says expert**

A marriage bar on asylum seekers and some categories of foreign nationals under proposals for new immigration legislation would deny a basic human right not just to asylum seekers but to all those wishing to marry here, a public talk in Co Kerry has heard.

Under the Immigration, Residence and Protection Bill, 2006, foreign nationals from outside the EU or European Economic Area without a permanent residence permit would be forbidden to marry each other or Irish and EU citizens.

### **April 19<sup>th</sup> 2007: EU rules out giving Iraqis Right to Remain**

The EU has decided not to invoke a mechanism which would give Iraqi refugees the right to remain within the 27 EU states. Fear that it would encourage more Iraqi asylum seekers to come to Europe has influenced the decision. More than 4 million



Iraqis have been displaced with 2 million are living in Jordan and Syria while a further 2 million have taken residency in safer areas in Iraq.

**April 27<sup>th</sup> 2007: McDowell publishes Immigration Bill**

Foreign nationals legally resident in the State will have to carry a credit card-sized permit containing biometric information under legislation published today by the Government. "We need to be firm in our approach to removing foreign nationals who shouldn't be here and who don't comply with their obligation to leave the State" said the Tánaiste. The bill deals primarily with foreign nationals outside the EU and includes; accelerated residency for those who qualify for green cards, a notification requirement for foreign nationals wishing to marry and EU harmonisation measures. Aki Stavrou of Integrating Ireland stated that the bill could, "potentially place Ireland at odds with its international human rights obligations, in particular to those seeking protection". The bill was heavily criticised by Green Party Justice spokesman Ciarán Cuffe.

**April 30<sup>th</sup> 2007: Abuse of migrant workers 'a reality'**

Salome Mbugua, national director of the African Women's Forum (AkiwA), said exploitation of immigrants at work was a reality in Ireland and called on all Irish employers to ensure they had adequate equality policies. Her comments were supported by the Dublin Council of Trade Unions, with Arthur Hall, the group's president, saying migrant workers, and particularly those from outside the European Union, represented the most vulnerable section of the labour force.

**May 23<sup>rd</sup> 2007: Garda criticised in Amnesty report**

Amnesty expressed concern over legislative proposals to reform immigration legislation, published last September. It said the proposals highlighted an absence of "specific protection measures for victims of trafficking". Noeleen Hartigan, Programmes Director at the Amnesty International Irish Section said: "Through short sighted, fear-mongering and divisive policies, governments are undermining the rule of law and human rights, feeding racism and xenophobia, dividing communities, intensifying inequalities and sowing the seeds for more violence and conflict".

**June 6<sup>th</sup> 2007: Non - mans land where you cannot work and must live on €19 a week**

Some 7,724 people claimed asylum in the Republic in 1999. The annual total was to peak at 11,634 three years later and has been falling ever since: last year fewer than 4,500 applications were made. Despite a disproportionate public focus that has lingered since the hysteria of the 1990s, today asylum seekers are one of our smallest immigrant contingents. 1999 "direct provision" was introduced, under which asylum seekers are provided with accommodation, meals and a weekly allowance of €19.10 per adult and €9.60 per child. Since 2004, asylum seeker children have also been denied child benefit. The changes solved some problems but also created new ones. By preventing people from working and providing them instead with a nominal sum - the stipend has been frozen since 2000. In 2005, Dr Anne Sheehan, specialist registrar in public health medicine in the HSE mid-western area, told a conference of the difficulties asylum seekers had in going from leading an active, productive life to one of waiting and dormancy. In a research project involving immigrants from 35 countries in Cork and Kerry, Dr Sheehan said, about 48 per cent were found to be in poor mental health.

**June 7<sup>th</sup> 2007: Immigration policy in need of 'real change'**

There is a need for "real change" in the way immigration is managed here, a senior official in the Department of Justice has said. Mr Lonergan said: "We would accept there is a need for major change. We can see every day the problems which arise for people as a result of all the different departments involved in single issues - getting a work permit sorted out, for example." There were related calls for the appointment of a minister of state for immigration.

**June 9<sup>th</sup> 2007: EU action on asylum**

European Commission justice commissioner Franco Frattini launched a new initiative on asylum policy. Last year 181,770 people applied for asylum in EU territory. He wants to see a more effective system in place with more harmonised procedures for those who genuinely need protection and safeguards against the minority of those who practise "asylum shopping" by lodging multiple applications in several member states. Similar people are treated very differently at present, so that Iraqis seeking asylum were refused in 88 per cent of cases by the UK last year, 84 per cent by Ireland compared to 40 per cent in Sweden. Mr Frattini's Green Paper on the issue is intended to stimulate debate ahead of a more formal commission proposal next year, leading to the adoption of new legislation by 2010. It proposes harmonisation and a common set of standards, and criteria for where applications should be made with a view to further national harmonisations.

**June 13<sup>th</sup> 2007: EU policy incoherence leads to squeezing the balloon**

The European Commission is expected to propose a 'blue card' for skilled migrants later this year, which would offer free movement around Europe to skilled migrants. However it has been argued that policy incoherence across the union leads to what is known as "squeezing the balloon" - a crackdown on immigration in one place soon produces a big bulge somewhere else. The arrival of large numbers of Africans in the Canaries in recent years, for instance, reflects a tightening of the border at Gibraltar.

**June 20<sup>th</sup> 2007: Public sector faced most claims of discrimination**

40 per cent of all equal status cases and 23 per cent of employment equality cases were against Government agencies.

**June 29<sup>th</sup> 2007: Census results**

Non-Irish nationals accounted for one in eight workers in the State and one in three workers in the hotel and restaurant sector last year.

**July 4<sup>th</sup> 2007: Some migrants earn 31% less**

Migrant workers from non-English-speaking countries are in some cases being paid 31 per cent less than Irish workers for doing the same job, according to new research commissioned by the Irish Congress of Trade Unions. The research had found that, controlling for education and work experience, immigrants earned 18 per cent less than native workers. It had shown that immigrants from non-English-speaking countries were at a 31 per cent wage disadvantage compared to native workers.

### **July 12<sup>th</sup> 2007: Most new immigrants young and single**

Of the 122,000 people who immigrated into Ireland in the twelve months before the census, 83,000 (68.2 per cent) were single, and of these 51,700 (62.2 per cent) were in their twenties.

### **July 19<sup>th</sup> 2007: English language plan for immigrants**

New plans to help adult immigrants learn English were announced today by Minister of State for Integration Conor Lenihan. Language proficiency is key to successful social integration for immigrants, Mr Lenihan said. "In launching this campaign, I am conscious of the benefits that will accrue across all areas of life, when we work to ensure that language barriers are no longer a reason for poor integration and poor understanding within the communities in which we live and work in," he added.

### **July 30<sup>th</sup> 2007: Lenihan highlights issues in integration**

Mr Lenihan said the Government is examining a number of policy options to help address these issues, such as "subtle" changes in rent allowance and greater input from local authority social inclusion units to help ensure there is a social mix in neighbourhoods. In the area of education, he said officials were looking at introducing common enrolment policies for schools to ensure individual schools cannot discriminate against non-Irish national students.

### **August 13<sup>th</sup> 2007: Call to increase foreign nationals in Civil Service**

The Civil Service should introduce employment policies similar to those adopted by An Garda Síochána in order to increase the number of foreign nationals among its ranks, according to the Minister of State with responsibility for integration, Conor Lenihan. He was speaking at the launch of a new taskforce on integration, which will help draw up a blueprint for dealing with issues arising from large-scale immigration into Ireland. Immigrant Council of Ireland founder Sr Stanislaus Kennedy said: "The integration policy should cover issues such as a national programme of English language courses, access to employment, housing, health and education and should also look at existing barriers to integration, such as policies which keep families apart."

### **August 20<sup>th</sup> 2007: 20% of FTBs' are foreign nationals**

Almost one-in-five first-time buyers who purchased in the first half of the year were born outside the State, according to a report by the Irish Mortgage Corporation. Around 420,000 non-Irish nationals have now made Ireland their home. The Irish Mortgage Corporation predicts that by the end of the decade, up to 25 per cent of first time buyers could be made up of foreign nationals. Recent CSO figures show some 146,287 non-Irish people have a home, but only 47,000 are owner occupiers.

### **August 30<sup>th</sup> 2007: Thousands of couples get deportation notice letters**

Thousands of married couples have been issued with notices of intention to deport non-EU spouses. Couples are being issued with "Section 3" letters informing the non-

EU spouse that "the Minister proposes to make a deportation order in respect of you" on the grounds of being "unlawfully present in the State." The Immigrant Council of Ireland (ICI) says it has "about 750 cases" of couples in this situation. The Department of Justice insists it is correctly implementing the terms of SI 656/2006, introduced in April last year, which lays down that non-EU family members of an EU citizen must reside lawfully in another EU state before being permitted to work and live here. Those who were here illegally when they married, however, "are unlawfully present here" said a Department of Justice spokesperson.

### **September 6<sup>th</sup> 2007: Hanafin defends policy on schools**

The Equal Status Act gives religious schools the right to enrol children of their own faith first. Ms Hanafin said the legislation "reflects the Irish education system. Two years ago the UN committee on the elimination of racial discrimination expressed its concern to the Government that existing laws favoured Catholic pupils in schools admissions when there was a shortage of space. It called for legislation to be amended. The UN committee on the rights of the child last year supported the call for legislation to be changed.

### **September 27<sup>th</sup> 2007: Integration policies 'unworkable'**

The Government's policies on integration and cultural diversity are a largely reactive and at times unworkable "mix of contradictions", according to a new report. The European Intercultural Workplace Project, which compared experiences and practices in 10 countries, "There are inconsistencies across policies, in particular a failure to view immigrant workers as culturally shaped individuals rather than labour units," the report said. The report also criticised the State's previous work permit system, which "gave rise to cases of exploitation", but praised the appointment of a Minister of State for Integration and the enacting of equality laws.

### **October 6<sup>th</sup> 2007: Lenihan opposes migrant amnesty**

Minister for Justice Brian Lenihan has said he opposes amnesties or regularisation schemes for undocumented migrants because they "send out the wrong message" and can exacerbate the problem of illegal migration. Amnesty or regularisation, in my view, undermines the system of legal migration. In response to a parliamentary question from Labour's Michael D Higgins, he said: "Amnesty or regularisation, in my view, undermines the system of legal migration. They can exacerbate the problem of illegal migration by sending out the wrong message and give rise to a belief that further amnesties will become available in the future." Mr. Higgins stated "In refusing to even consider the proposal, Minister Brian Lenihan is refusing to examine or implement strategies that have been adopted by the Dutch and Spanish governments not for just administrative reasons, but also because of the human rights dimension involved.

### **November 2<sup>nd</sup> 2007: Migrant issues focus of reports**

Faster and more transparent procedures for the granting of family reunification to refugees have been called for in a new report on the issue. It concluded the definition of family members for the purpose of reuniting families was restrictive and should be

broadened to include the unmarried or same-sex partners of a refugee. Senator Ivana Bacik said "We owe it to the people who have come here and been granted refugee status to offer a more compassionate response to their plight, and to offer them a more streamlined, more simple and more effective process for being reunited with their family members."

Meanwhile, migrants exploited at work are often unwilling to take action against employers for fear of losing their jobs and due to a lack of knowledge of their rights, according to another report unveiled yesterday. It recommends that the penalties imposed on employers who are found to have exploited migrant workers should be commensurate with the level of exploitation. Its findings, drawn up by independent researcher Paul Dunbar for Nasc, the Irish Immigrant Support Centre, were outlined at a symposium in Cork. Mr Dunbar found the practice of paying wages below rates agreed by employers' representatives and trade unions was commonplace within construction, mainly in small- to medium-sized firms.

### **November 17<sup>th</sup> 2007: 13,000 Romanians issued with just 110 work permits**

According to the Department of Social and Family Affairs, some 13,225 Romanians were issued with personal public service (PPS) numbers between January and the end of October, making them the third-largest category of recipients after those from Ireland and Poland. But the Department of Enterprise, Trade and Employment says only 110 work permits, including 24 renewals, have been allocated to Romanians over roughly the same period. Romanians are restricted from working here unless they have a work permit or are self-employed, although they now have freedom of movement within the EU. "We said the restrictions would not work - people would come and work illegally instead," said Vasile Ros, chair of the Romanian Community of Ireland.

### **November 27<sup>th</sup> 2007: 'Justice for migrants' sought in new Bill**

The Immigrant Council of Ireland (ICI) has called on the legal profession to closely follow reforms to immigration legislation to "ensure justice for migrants". ICI founder Sr Kennedy added Irish immigration laws and policies are causing hardship for families, from bureaucratic barriers keeping family members apart to difficulties for migrants' children in accessing education. ICI Senior Solicitor Hilka Becker said "If the forthcoming Bill fails to establish an independent review mechanism . . . then Ireland may well be in breach of Article 13 of the European Convention on Human Rights which requires access to effective remedies against decisions affecting human rights."

### **December 5<sup>th</sup> 2007: Yearly updates in immigration law predicted**

It may be necessary to introduce an immigration Bill in the Dáil annually to keep pace with changes brought about by migration in Ireland, the Minister for Integration, Conor Lenihan, said yesterday. An immigrant-led ministerial council for integration would also be set up to advise the Office of Integration, and it was planned to establish a commission on integration in 2009. The Minister said that the proposed ministerial council for integration would be aimed at those migrants who felt their voice was not being directly heard. It would act as an informal advisory body for his

office and would include migrant representatives from every county. It will meet three or four times a year.

### **December 6<sup>th</sup> 2007: €9m allocated to office for integration**

A spokeswoman for Mr Lenihan said his integration budget would be spent "in the general context of mobilising and encouraging all institutions to achieve defined integration objectives". The Minister recently suggested grants would be made available to local authorities, ethnic associations, faith-based groups and political parties to further integration. The Immigrant Council of Ireland noted with concern that there was no reference in the Budget to the provision of English language courses for adult migrants.

The Irish Refugee Council condemned the Government's decision not to increase the €19.10 weekly allowance for asylum seekers, describing it as a "miserly and inhumane freeze". The figure has not increased since its introduction in 2000. Robin Hanan stated "The Minister for Finance, Mr Cowen, referred in his Budget speech to protecting the 'vulnerable' and the 'weaker' members of society. I am deeply disappointed that this concern does not appear to include asylum seekers who come to this country having fled their own and seeking protection for themselves and their children."

### **December 11<sup>th</sup> 2007: HSE set to endorse immigrant interpreter strategy**

The strategy, which is due to be launched in the new year, will suggest that current fragmented services are causing distress to non-English speakers and health workers and that there is pressing need for a standardised system. It is understood the strategy, while pointing to steady progress in training healthcare staff in the use of interpreters, will argue that the proposed national service using trained, accredited interpreters should be accompanied by further staff training. To address the paucity of information on the situation of minority ethnic communities, the document will recommend the implementation of an ethnic identifier similar to the question in last year's census. Information on ethnicity would be collected at the first point of contact with the health system and would be available alongside data on religion and country of birth. As some people from minority ethnic backgrounds may not be functionally literate even within their own languages, the authors will advise greater emphasis on visual and spoken messages. They will also stress more frequent translation of documents and the use of simplified English.

### **December 17<sup>th</sup> 2007: Citizenship to involve language test**

Legislation to be published next month will allow for the introduction of a language test for citizenship under which applicants must demonstrate "reasonable competence" for communicating in English or Irish. Minister for Justice Brian Lenihan says citizenship should not just be a matter of "clocking up the necessary number of months for residence". Instead, he argues that citizenship applicants should have the ability to communicate with their prospective fellow citizens. While provision for the introduction of the test is due to be included in the Immigration, Residence and Protection Bill, it may be some time before the tests are introduced.

Groups such as the Immigrant Council of Ireland have called on authorities to make sure there is sufficient capacity in the education system for teaching English.

### **December 20<sup>th</sup> 2007: 15% wage gap for migrants**

Using average hourly earnings as their measure, Dr Alan Barrett and Yvonne McCarthy found that while English-speaking immigrants generally fare as well as their Irish counterparts, those who come from the new EU states of central and eastern Europe earned 32 per cent less than comparable natives. The high educational attainment of the Republic's immigrants is shown again, with more than 40 per cent having third-level degrees or better. But the authors also conclude that the immigrant wage disadvantage is concentrated among third-level graduates.

### **December 31<sup>st</sup> 2007: 520 eastern Europeans repatriated under scheme to aid immigrants**

The figures, which have climbed rapidly in recent years, come at a time when homeless agencies are expressing concern at the number of EU immigrants experiencing hardship. The only form of social assistance that newly-arrived migrants are automatically entitled to is free repatriation to their country of origin. The numbers availing of the repatriation scheme have climbed dramatically since the 10 former accession states joined the EU in May 2004. The Reception and Integration Agency (RIA), which operates under the Department of Justice, says it repatriated 149 destitute EU migrants in 2004, 318 in 2005 and 646 last year. Campaign groups such as the Crosscare Migrant Project say immigrants tend to experience hardship for a range of reasons such as having inadequate savings, poor English language skills or are exploited by Irish employers.

### **January 4<sup>th</sup> 2008: Minister hails fall in asylum applications**

Asylum applications fell by almost 8 per cent last year to 3,985 applications, according to figures published by the Minister for Justice Brian Lenihan today. The figures are the lowest annual total since 1997. According to the Department of Justice, the reduction in asylum applications was due to new measures to combat abuses of the asylum process and the streamlining of processes in the asylum area. Some 135 deportation orders to non-EU countries were acted on in 2007 and 225 transfer orders to other European States under the Dublin II Regulation were carried out.

### **January 14<sup>th</sup> 2008: Plan revived to detain some asylum seekers**

The Government has revived plans to hold selected asylum seekers in detention centres while their applications are fast-tracked. The proposal is aimed at preventing the evasion of deportation orders by unsuccessful asylum applicants. It is understood detainees could be selected on the basis of their nationality, with those from designated "safe" countries being processed within days. The chief executive of the Irish Refugee Council, Robin Hanan, said yesterday that the introduction of detention would be "an unnecessary panic move". "We would be very concerned at the idea of detaining people who are not guilty of a criminal offence simply because they're seeking what is one of the most fundamental rights under international law, which is the right to protection from persecution," he added.

### **January 21<sup>st</sup> 2008: State scheme to help immigrants get jobs**

The Government has launched a €500,000 initiative to improve employment opportunities for vulnerable immigrants. The Employment of People from Immigrant Communities (Epic) scheme will identify immigrants who experience difficulties getting jobs. It will then support them in finding jobs by providing guidance, training and personal development opportunities. The project is a continuation of a similar smaller-scale initiative that helped 88 immigrants to find employment last year. Mr Lenihan said the money for the new scheme was the biggest allocation made to date in his ministry and he hoped some 300 people would find employment through the project.

### **January 22<sup>nd</sup> 2008: Immigrant body reports workload hike**

The number of immigrants seeking support doubled last year, a report by the Immigrant Council of Ireland (ICI) revealed today. The council also urged the Government to honour its commitment to establish a transparent, independent appeals process for immigration decisions rather than force people into mounting expensive High Court challenges. The report showed 9,728 people used the ICI's information and support service during 2007, compared to 4,842 in 2006. The most common query dealt with by the ICI related to the rights of migrants and Irish citizens to have family members with them in Ireland. More than 27 per cent of enquiries concerned family reunification.

### **January 28<sup>th</sup> 2008: Migrants to carry new biometric ID cards**

As well as introducing new identity cards, the Immigration, Residence and Protection Bill will streamline the asylum process, introduce changes to the way visas are issued to migrant workers and allow for the introduction of a language test for citizenship applicants. As well as introducing new identity cards, the Immigration, Residence and Protection Bill will streamline the asylum process, introduce changes to the way visas are issued to migrant workers and allow for the introduction of a language test for citizenship applicants. "The current immigration system is weak and contradictory in this regard as we have outlined in our document and in fact in the recent past the Department of Justice has removed and restricted the right of family reunification to people to such a degree that it is seriously hampering integration," said Crosscare's policy officer, Joe O'Brien.



## **7. Report from Nasc Board**

In accordance with Nasc's Strategic Plan 2007-2010, the existing Steering Committee structure was replaced by a new Board at the 2007 AGM. The Board meets on a six-weekly basis and is comprised of four elected representatives of Nasc's membership, together with six co-opted members. The four Board members elected at the 2007 AGM were:

Chantelle Kumba  
Mariam Olusoji  
Zeph Ikeh (Secretary)  
Patrick Motumbo (resigned in July 07)

Four members of the 2006-07 Steering Committee stayed on the new Board:

Marc Galmoud (Media)  
Peter Slovak (Social and Cultural Group; to November 07)  
Piaras Mac Éinrí (to September 07; Chair to Sept 07)  
Caitríona Ní Laoire (outgoing Secretary)

Five individuals were co-opted on to the Board during the year. Together with their areas of responsibility on the Board, they are:

Margaret Linehan (Human Resources)  
Colm Stanley (Legal)  
Dan Boyle (Chair, from September 07)  
Aki Stavrou (Head of NGO)  
Rachel (Funding/Finance)

We would like to thank everyone for their valuable contribution during their time as Board members.

### **Board Review of the Year 2007**

This has been a very exciting year for Nasc, as it has been the first full year of core funding from Atlantic Philanthropies and One Foundation. This funding has meant that we have had a staff team comprising a Director, Community Development Officer, two Advocacy Officers, an Administrator and (from March 08) a Drop-in Assistant, working throughout the year to build capacity, develop policy and advocate for Cork's migrant communities. This has been complemented by the success of the Pobal-funded 'Education, Work and Enterprise' project, employing two Project Officers at Nasc. This recent expansion has been a tremendous opportunity for Nasc to further develop and deepen the very important work it has been doing, and to build a strong foundation for development into the future. The Strategic Plan 2007-2010 provides a valuable framework for future development and we hope that the organisation will continue to develop and consolidate its work during the coming year.

### **Acknowledgements**

The Board would like to thank all of the staff and volunteers who have worked at Nasc during the past year for their extremely valuable work, and in particular the Director, Gertrude Cotter, for her dedication and commitment.

## **8. Director's Report for 2007**

In some ways 2007 has been one of the most important years in Nasc. For the first time the organisation attracted significant funding, mainly in the form of philanthropic trusts. This enabled Nasc to gradually grow over the year and reach the full-staff complement of the Strategic Plan by Spring 2008. The year 2007 saw Nasc emerging as a much stronger, more vibrant organisation ready to embrace the many challenges that lie ahead. 2007 was a year of growth and of course change. Such growth and change does not happen without some growing pains but overall the process was smooth and rewarding. We enter 2008 at a time when we want to deepen and consolidate our work rather than have any significant further growth. Nasc now has an excellent staff team with expertise in different areas and with a wide range of skills and experiences.

### **Funding**

Nasc's Funding situation improved significantly. We continued to attract funding from Rowntree Trust, SMA Fathers, FAS CE Scheme and Musgraves Charitable Trust along with project funding from a variety of sources as outlined on page 3. Significantly we received core funding from the two main philanthropic trusts Atlantic Philanthropies and One Foundation. Both have committed core funding to Nasc over the years 2007-2010 and have also provided Nasc with supports such as external facilitators in strategic planning, organisational development, evaluation, funding strategies etc.

### **New Staff**

We have moved from one full-time staff person in 2006 to a full time team of

- Director
- Drop-In Assistant/PA to Director
- Community Development Officer
- 2 x Advocacy Officers
- Administrator
- Policy Officer
- FAS Funded CE Scheme (Part time)
- For the year 2007 only we were also funded for 1.5 staff (Dept. Justice Fund for Initiatives to Support Legally Resident Immigrants) Unfortunately the Dept of Justice did not continue this fund after 2008 much to the dismay of the many excellent projects being run by organisations around the country. One has to question the Department funding such work and then taking away that funding as soon as projects reach maturity. For instance in Nasc's case excellent work was done on our Education, Employment and Enterprise Project. We developed recommendations on strategies for Cork city and we worked collaboratively with a wide range of organisations and institutions in Cork. Our ability to continue that work will be limited without the support of additional staff.

I would like to thank all staff for their dedication, hard work and commitment.

### **Strategic and Business Planning**

The strategic planning process occupied much of the time of the Director and Board for the first four months of 2007. This process has involved consultation, research, in-depth analysis of issues arising for our service users and members and rigorous

questioning regarding our core mission and objectives. Our Strategic and Business Plan, the result of four months work is a comprehensive review of where Nasc is now and a detailed analysis of where we wish to go.

It includes both strategic, operational and financial planning.

Specifically Nasc undertook the following key steps:

- Review Nasc's current activities, structure and finances
- Articulate how Nasc's activities (current and new) individually and collectively reflect a coherent strategy focused on serving the needs of migrants in the Cork area specifically and (to a more limited extent) in Ireland.
- Review and revise Nasc's governance and management structures to enable the organisation to execute its strategic aims effectively.
- Develop detailed operational plans, including activity and process overviews, staff and resource requirements and key milestones
- Map out expected funding needs over the business plan period, identify expected funding sources over the same period and identify the organisation's funding gap.
- Develop a performance framework for measuring the success of Nasc going forward.

This plan will only be adapted if the membership of Nasc agreed to all aspects of the plan at the 2007 AGM.

### **New Board Structure**

The Plan, as agreed by the membership at the 2007 AGM, introduced a new structure for Nasc's Board. The Board now comprises:

- 10 Board members.
- Board members are elected for a period of 2 years (staggered into 2 'cohorts' ensuring 50% continuity of Board members at each election time)
- At least 40% of the board should be women or men
- At least 50% of the Board should be from minority ethnic groups
- At least 4 Board positions should be elected from the membership
- The remaining 6 Board positions will be co-opted, with a view of bringing onto the Board people with specific and required expertise or background, for example:
  - academic (migrant issues focus)
  - head of another NGO (migrant issues focus)
  - experienced advocacy campaigner
  - practising solicitor
  - human resources (to provide support rather than formal staff liaison officer)
  - representative from the corporate sector
  - experience of fundraising and/or finance
  - experience of media / PR work

Staff members, students and interns currently working with Nasc are not eligible to sit on the board

## Strategic Plan Targets for Nasc's Work

There are now three pillars to Nasc's Work

1. Personal Advocacy (One to One Advice)
2. Community Development
3. Policy and Campaigning

A fourth pillar in terms of the Strategic Plan is Organisational Development.

The following tables are a summary of Nasc's operational goals for 2007-2010.

### Pillar 1: Community Development

Activity	Operational Goals	Business Plan Impact (to 2010)	Post Business Plan Impact (to 2020)	Long term impact (2020+)
Women's Group	Reform women's group to attract 15-20 women per year 12 general group meetings per year 10 talks / trips / training sessions per year 6 "leader" members develop active relationships with other women's groups (national and local) or networks/projects of interest to the work of the group	Increased understanding of the rights of women in Ireland and how to access those rights Begin to develop a female migrant leadership voice Increased confidence and capacity of members of the group Improved knowledge, skills and ability to analyse self and community Increased ability to self advocate and express individual and group needs and rights Increased understanding of gender equality.	Migrant women take active leadership role within own communities and the broader Cork community  Increased ability of members to locate, understand and take action on the experience of migrant women (including women in the asylum system) in the context of local, national, international policies, legislation and practices	Active participation and improved outcomes for migrants in all aspects of society (cultural, social, political and economic)
Social and Cultural Group	Planning group meet 12 times per year 1 major social/cultural project completed per year	Group members develop skills in use of various community arts media and take message to broader Cork community  Migrants' empowerment, sense of community and belonging grow	Migrants develop a strong and independent voice that participates actively in the broader Cork community  Increased awareness and understanding of migrant issues by the broader Cork community	
Speaker's Panel	20 talks per year 5 training sessions per year Run the "Country of Origin" Project each year with an outside agency or group who work with migrants e.g. youth leaders, health workers, social welfare workers. Document this work using different media e.g. website/ publication/ video/ DVC	Group members develop presentational / communications skills and take message to broader Cork community and statutory service providers  Migrants' empowerment, sense of community and belonging grow  Develop intercultural understandings and knowledge about development issues in countries of origin, particularly amongst service providers working with immigrants	Significantly increased visibility of a strong and independent migrant voice in Cork, fostering improved integration  Increased awareness and understanding of migrant issues in Cork	
Policy and advocacy Group	Meet 12 times per year	Capacity building impacts implicit in the dialogue within and actions of the group in relation to lead issues. Impact for the members of this group should be tied to successful outcomes relating to action and social impact targets for the lead issues – see policy section		

## Pillar 2: Personal Advocacy and Information Services

Activity	Operational Goals	Business Plan Impact (to 2010)	Post-Business Plan Impact (to 2020)	Long Term Impact (2020+)
Personal Advocacy Service	<p>800-1000 clients per year</p> <p>1200-1500 clinic client appointments per year</p> <p>Start to record type 1 queries</p> <p>Measurement of case resolution to be investigated</p> <p>Develop / collate 10 information or fact sheets on specific areas of relevance for migrants (to support common type 1, 2 and 3 enquiries)</p> <p>Advocacy on behalf of individuals informs policy work</p>	<p>Migrants develop clearer understanding of their rights and statutory service landscape</p>	<p>Migrants are empowered to take proactive choices in relation to their statutory rights and services</p> <p>Repeated actions creates implicit advocacy pressure for improved services</p>	<p>Migrants realise their rights more fully and enjoy better quality services</p>
Training and outreach services	<p>Identification of key stakeholders to engage with</p> <p>36 training workshops per year, attended by representatives from NGOs from the region and statutory service providers</p> <p>150 outreach sessions to accommodation centres in Cork City</p> <p>50 outreach sessions to hostels in County</p> <p>Advocacy on behalf of individuals informs policy work</p>	<p>Migrants and asylum seekers develop clearer understanding of their rights and statutory service landscape</p> <p>Stakeholders receive reliable, timely and high quality information in relation to legislation and policy, developing:</p> <ul style="list-style-type: none"> <li>• Knowledge</li> <li>• Confidence</li> <li>• Competence</li> </ul> <p>Regional NGOs are able to provide improved legal and information services to migrants</p>	<p>Statutory procedures and practices respond to the realities of migrant lives</p> <p>Migrants develop clearer understanding of rights and entitlements, leading to...</p> <p>...migrants are empowered to take proactive choices in relation to statutory rights and services</p>	

**Note: Part 2 “Training and Outreach Services” will not be possible unless Nasc can access further funding but it has been recognised as a core need.**

### Pillar 3: Policy and Campaigning

We identified five lead policy areas:

Issue	Aim	Advocate locally or nationally?	Potential Partners	Appendix Reference
Education and training for adults: rights, access and participation	To encourage the development of strategic policy and provision of relevant services in relation to education and training for new communities	Local focus (Cork City)	Various education and employer organisations / groups; RIS; II	M
Access to work, experiences of discrimination / racism in the workplace and workers' rights	Initially, to perform research to define the current situation accurately  Then, to engage with stakeholders to heighten awareness of inequality issues and support migrants in accessing their full rights	Local focus (Cork City)	Cork based employers and representative bodies, trade unions, employment agencies, chamber of commerce, migrant groups	N
Integration: encouraging national policy; promoting local level strategies and policies	To lobby for national integration legislation and policies; to work with others at local level to develop city wide integration strategy for Cork	National and Local (Cork City) focus	European - MPG, PICUM, CLIP  National level work : ICI; MRCI, II, IRC, RIS  Local level parallels: Galway, Limerick, etc. & Cork implementation: CNC members	O
The asylum legal system and conditions in direct provision centres	To document people's experiences of the asylum legal process and direction provision centres  To present findings to Department of Justice, Equality and Law Reform to help drive towards <ul style="list-style-type: none"> <li>more equitable, transparent and consistent asylum and subsidiary protection system</li> <li>significant improvements in direct provision centre conditions</li> </ul>	National focus	European - ECRE  Ongoing collaboration with II and IRC  RIA  <i>Nasc would complement these organisations' work by developing a new evidence-base (i.e. people's documented experiences and viewpoints)</i>	P
Family reunification	To campaign for a broader and more equitable definition of family members who are able to benefit from family reunification  To campaign for additional resources that will expedite family reunification processing  To bring the rights of unmarried partners, including gay and lesbian partners' rights, into line with European best practice	National	ICI; II and its member organisations; RIS; FOMACS	Q

Issue	Year 1 Outputs (2007/8)	Year 2 Outputs (2008/9)	Year 3 Outputs (2009/10)	Social Impact Target
Education and training for adults: rights, access and participation (see note below)	<ul style="list-style-type: none"> <li>Set up consultation committee comprising migrants and key stakeholders in Cork and establish wider stakeholder network</li> <li>Devise strategy on coordination of provision of information about education/training in Cork</li> <li>Devise strategy on provision of English language Cork City</li> <li>Research publication on “how to find work/education Cork”</li> <li>Devise / run training module with and for information providers on education/ training rights</li> <li>Develop and document case studies with 3 specific courses to provide pilot studies in relation to recognition of qualifications/prior learning</li> <li>Launch publication / web site on “how to find work/education Cork”</li> <li>Produce research document to identify barriers to education/ training for non working migrants and refugees (e.g. refugees, people with leave to remain, families under FR Scheme, asylum seekers)</li> </ul>	<ul style="list-style-type: none"> <li>Devise strategy on addressing barriers to education/ training for non working migrants and refugees (e.g. refugees, people with leave to remain, asylum seekers)</li> <li>Focused campaign on exemption from 3 year rule relating to free fees for refugees and family members</li> <li>Research and devise working models with employers, education and training providers and migrant workers to devise strategies for education/ training progression</li> <li>Develop and document case studies with 2 specific courses to provide pilot studies in relation to recognition of qualifications/prior learning</li> <li>Continue to update and expand Education/Work website</li> <li>Provide 2 clinics per week to support people directly to find education and work opportunities</li> </ul>	<ul style="list-style-type: none"> <li>Work with employers, education and training providers and migrant workers to devise strategies for education/ training progression – case study 1</li> <li>Implement actions relating to strategy on addressing barriers to education/ training for non working migrants and refugees (e.g. refugees, people with leave to remain, asylum seekers)</li> <li>Campaign continues</li> <li>Continue to update and expand Education/Work website</li> <li>Provide 2 clinics per week to support people directly to find education and work opportunities</li> </ul>	<p>(Implemented local strategic policies on education...)</p> <p>... so that migrants have greater access to and participation in appropriate education/training, enhancing work and quality of life.</p>

Issue	Year 1 Outputs (2007/8)	Year 2 Outputs (2008/9)	Year 3 Outputs (2009/10)	Social Impact Target
Access to work, experiences of discrimination / racism in the workplace and workers' rights ( <b>see note below</b> )	<ul style="list-style-type: none"> <li>• Research to identify and document key employers/ employment sectors</li> <li>• Document and create website of employers in Cork including different sectors and actual contact and type of work details</li> <li>• Publication on "how to find work/education Cork"</li> <li>• Devise strategy on coordination of provision of information on finding work in Cork</li> <li>• Devise/ run training module on rights with an for services providing of information on finding work - Cork</li> <li>• Commission independent research to identify barriers to employment for unemployed</li> <li>• Devise/ run training module on rights with and for employers</li> <li>• Provide workshops to unemployed on how to access work</li> </ul>	<ul style="list-style-type: none"> <li>• Campaign based on research findings – aimed at Cork employers and key national policy makers</li> <li>• Based on research devise/ run training module on rights with and for migrants</li> <li>• Provide workshops to unemployed on how to access work</li> <li>• Provide 2 clinics per week to support people directly to find education and work opportunities</li> <li>• Continue to update and expand Education/Work website</li> </ul>	<ul style="list-style-type: none"> <li>• Campaign based on research findings – aimed at Cork employers and key national policy makers</li> <li>• Provide workshops to unemployed on how to access work</li> <li>• Provide 2 clinics per week to support people directly to find education and work opportunities</li> <li>• Continue to update and expand Education/Work website</li> </ul>	<p>To make Cork employers aware of the migrant perspective and to remove the lack of understanding and prejudices that lead to migrants' exploitation and discrimination relating to employment</p> <p>To reduce unemployment rates amongst migrants</p>



Issue	Year 1 Outputs (2007/8)	Year 2 Outputs (2008/9)	Year 3 Outputs (2009/10)	Social Impact Target
Integration: encouraging national policy; promoting local level strategies and policies	<ul style="list-style-type: none"> <li>Develop Nasc's own policy on Integration</li> <li>Work with CNC to develop Cork City wide policy</li> <li>Deepen level of active engagement with migrants and their representative organizations with respect to integration issues</li> </ul>	<ul style="list-style-type: none"> <li>Focused Campaign on need for National Integration Policy</li> <li>Continue work on local integration strategy.</li> <li>Produce 2 toolkits on integration / interculturalism in <ul style="list-style-type: none"> <li>workplace</li> <li>third level colleges</li> </ul> </li> <li>Run 2 training sessions to roll out toolkits</li> </ul>	<ul style="list-style-type: none"> <li>Implement actions at local level based on decisions made in collaboration with other local partners</li> <li>Produce 3 toolkits on integration / interculturalism in <ul style="list-style-type: none"> <li>local public representatives/</li> <li>political parties</li> <li>local statutory agencies</li> <li>media</li> </ul> </li> <li>Run 2 training sessions to roll out toolkits</li> <li>Understand learnings on integration from other countries while always through consideration of the specific Irish context</li> </ul>	<p>Implementation of national policies around integration</p> <p>Introduction of a Cork integration strategy that includes all of the major statutory and civic agencies</p> <p>Cork society, migrants and their organisations develop understandings and relationships that promote a more integrated society.</p>

Issue	Year 1 Outputs (2007/8)	Year 2 Outputs (2008/9)	Year 3 Outputs (2009/10)	Social Impact Target
The asylum legal system and conditions in direct provision centres	<ul style="list-style-type: none"> <li>Research on experiences in Direct Provision</li> <li>Research on peoples own views on refusal to their asylum applications</li> <li>Continued collaboration with Integrating Ireland, IRC, RIS and others advocating directly with RIA</li> </ul>	<ul style="list-style-type: none"> <li>Focused policy work based on research aimed at key policy makers and in collaboration with other NGOs</li> </ul>	<ul style="list-style-type: none"> <li>Continuation of policy work</li> </ul>	<p>Reform of the asylum legal system to make it more equitable, transparent and consistent</p> <p>Reform of direct provision centre conditions to make them more humane and to ensure people feel they are living in a welcoming, safe environment and not an institution</p>

Issue	Year 1 Outputs (2007/8)	Year 2 Outputs (2008/9)	Year 3 Outputs (2009/10)	Social Impact Target
Family reunification	<ul style="list-style-type: none"> <li>Continue to promote campaign through seeking signatures, visits to politicians, networking with other organizations, promotion at colleges etc</li> <li>Produce and launch a film on Family Reunification</li> <li>Organise a conference on Family Reunification</li> </ul>	<ul style="list-style-type: none"> <li>Continuation of campaign through use of film, talks, networking and direct contact with policy makers</li> </ul>	<ul style="list-style-type: none"> <li>Decreasing levels of engagement in ongoing campaign</li> </ul>	<p>A more efficient and consistent family reunification process</p> <p>A broader scope of the definition of 'family' to encompass a more reasonable circle of family members who qualify for reunification</p>

### 3.3.4 Policy and Advocacy Support Issues

The 'second tranche' of issues are defined as support issues from the perspective of Nasc. These are issues on which Nasc will not take an active advocacy lead but where the organisation may well help support advocacy driven by another organisation. Types of support might include the following:

- Attending working group meetings to provide Nasc's perspective on the issue (e.g. policy formulation discussions / round tables, campaign planning, etc.)
- Provide information that would support another NGO's advocacy position or campaign (e.g. data from Nasc's clinic work that provide back-up evidence in relation to an issue).

The issues that fall into the category of Support Issues are as follows:

- Administration and service delivery of the immigration system
- Airport monitoring
- Removal from state / deportation
- Justice system / detention
- Immigration / residence legislation
- Rights of parents of Irish born child

Nasc's policy position on support issues will be driven primarily by the policy adopted by the NGO(s) leading the particular advocacy work / campaign. In the event that no other NGO is leading on a support issue, this issue should be considered as an 'Other Issue,' see following section.

## **2007 Activities**

Nasc is well on target in relation to targets for 2007.

The following is an account of Nasc's Activities under Pillars 1-3 for 2007.

### **Advocacy Service – Annual Report**

#### **Introduction**

Nasc Advocacy clinics are open to the public from 9.30 – 5.00 Monday to Friday. From September 2007 we have two full time Advocacy Officers, who offer advice and advocate on behalf of clients to various agencies and Government Bodies. The addition staff member enables Nasc to operate a drop in service. Clients can access this service on a daily basis. The service is working very well, offering greater access to clients, who can attend without prior appointment. In addition, the wait times have been greatly reduced. Running parallel to this service is a daily appointment service to deal with clients who present with more complex or multi issue problems. Many clients initially attend the drop in clinic and subsequently attend for appointments. The scheduled appointments are now more effective as clients are requested to return with the required information/documentation. This enables the Advocacy Officers to deal with the query in a more effective and detailed manner. The additional Advocacy Officer has seen a corresponding increase to the numbers of clients attending the clinics. To reflect this increase, the annual client visit figures are represented in quarters.

A total of 1525 client visits were recorded for last year, with 640 of those attending in the last quarter. The chart below reflects the quarterly increase in numbers. The client database came on line in June/July of last year. The numbers recorded for the period prior to this may have been underestimated, as they were recorded manually, and the service was operating on a part time basis by volunteer staff for some of this period. Since the introduction of the Client Database, we can more accurately record the issues dealt with in the clinics. The figures recorded do not include phone or email queries dealt with by the officers. We are currently working on an effective method for recording these as they continue to make up a considerable percentage of referrals and enquiries. Nasc continues to offer an evening clinic once a week for clients who cannot access the service by day. The numbers attending the evening clinic is included in the overall figures and are not counted separately.

### **Brief overview of clinic work for the year January 2007-December 2008:**

#### **Family Reunification**

Nasc has a very wide remit, as we see all immigrant groups and deal with a multitude of related issues. Throughout the year, Family Reunification for refugees (section 18 Refugee Act 1996) was the most common issue dealt with in the clinics. Clients attended the clinics seeking assistance through all stages of the process, from the initial submission of the application, to follow up on applications pending, and the

travel/visa arrangements for those granted Family Reunification. The restrictive legislation coupled with the long wait periods, which is now in excess of 24 months, is the cause of much upset and frustration for applicants. Many clients have left behind family members in conflict zones such as Sudan, Somalia and Iraq, and fear for their safety. With the exception of the Office of the Refugee Appeals Commissioner,(ORAC) The Department of Justice will not engage in a meaningful way with any queries raised on specific cases either by phone or in writing. On the positive side, we now have a good working relationship with ORAC, who carry out the initial investigation and they inform us of any additional documentation/proofs required on specific cases. This is helpful as we can put stronger cases forward.

### **Work Permits**

January 2007 saw the passing of the Work Permits Act 2006 into legislation. This legislation restricts access to the work permit scheme for low skilled workers on the lower end of the labour market. Prospective employees from a non-EEA country are required to have a job offer for a position with a starting salary of €30,000. In addition, the employer is required to carry out a labour market test, to demonstrate that an EU/Irish worker could not fill the position. Exceptional levels of skill and qualifications are also a requirement. A number of ineligible job categories were introduced, which exclude workers from a wide range of job categories, including administrative, construction, and waiter/waitress. Nasc saw a number of clients on existing work permits, who were working in an “ineligible” category and were seeking to move employment, often to a better-paid position within another ineligible category. We put a number of applications on behalf of clients, arguing in many cases that the workers were moving employer due to work place exploitation and low wages. We had a few minor successes but in general, employees are required to remain within the same sector. This restrictive application of the rule results in employees having very little mobility in the labour market and they are often compelled to remain in low paid jobs until they are granted long-term residency. This remains the case; despite the fact, that the majority of prospective employers were supportive and keen to employ the worker.

Another issue here, was the problem of workers becoming undocumented. In many cases, this was through no fault of the worker. Working with The Migrant Rights Centre in Dublin, and Immigrant Council of Ireland, we have had some success in getting a Temporary Stamp 1 issued, followed by the work permit.

### **Residency based on marriage to an EU National (Freedom of Movement of Persons Reg) (No.2) . 2004/38/EC**

We dealt with a number of applications for residency in respect of spouses of EU citizens.

Broadly speaking, Under E.U law, an EU worker is permitted have his/her non EU spouse/ “permitted family member” to join him/her in the EU country in which he/she is working. Rights under this Regulation are only triggered when an EU worker moves from one E.U state to another. When the Regulation was transposed into Irish law, a provision was added, that the couple be lawfully resident in another EU member state prior to entry. This provision is not in the original Directive. In May of 2007 the High Court upheld this provision in *S.K.,T.T.v The Minister for Justice Equality and Law Reform* (Kamal Case).

Following the High Court decision a number of our clients were refused residence due to the prior residency. Towards the latter part of the year the Department of Justice seemed to be taking a less harsh line, depending on the circumstances of the particular case.

Those refused residency were referred to a solicitor.

### **Bode Case**

The Bode case came before the Supreme Court by way of appeal by the State from a decision of the High Court. It was a number of broadly similar 8 co-joined cases dealing with the Constitutional and ECHR rights of Irish Citizen Children in the context of refusals of residency to parents under the IBC 05 scheme. The cases considered, dealt with a number of spouses of IBC permission holders who applied for residency but were refused either because the application was either received past the deadline date or that the continuous residency requirement of 3 out of the previous 4 years was not met by the applicant. A judicial review was sought and granted.

The High Court very progressively, and unusually for the Irish Courts, engaged with the ECHR, and held that the Government's refusal to consider the applications was invalid, as it failed to consider the personal rights of the Irish Born Child and were in breach of their Rights under Article 40.3 of the Constitution. Consideration must also be given to the Rights of the Irish Citizen Child under the ECHR and that any decision of the Minister to refuse residency must be proportionate and strike a balance between the individual involved and the wider community. The State appealed the decision to the Supreme Court and won.

The Supreme Court held that the High Court's application of Constitutional and ECHR rights was "misconceived" as the IBC scheme was an administrative scheme with well defined parameters. The Rights of the IBC under the Constitution and ECHR do not have to be considered in the context of a decision to refuse residency under the scheme. The Court held that these rights are "appropriately considered" in the context of representations made to the Minister under s. 3 Immigration Act 1999 (section 3 letter HLTR process) following notice of intention to deport.

Following this decision we have received a number of queries from parents affected by this decision and we expect more when the so called section 3 letters are issued. The case has been referred to the European Court of Human Rights.

**NUMERICAL BREAKDOWN OF CLIENTS AND CASEWORK FOR THE  
PERIOD 1 JANUARY 2007 TO 31 DECEMBER 2007.....**

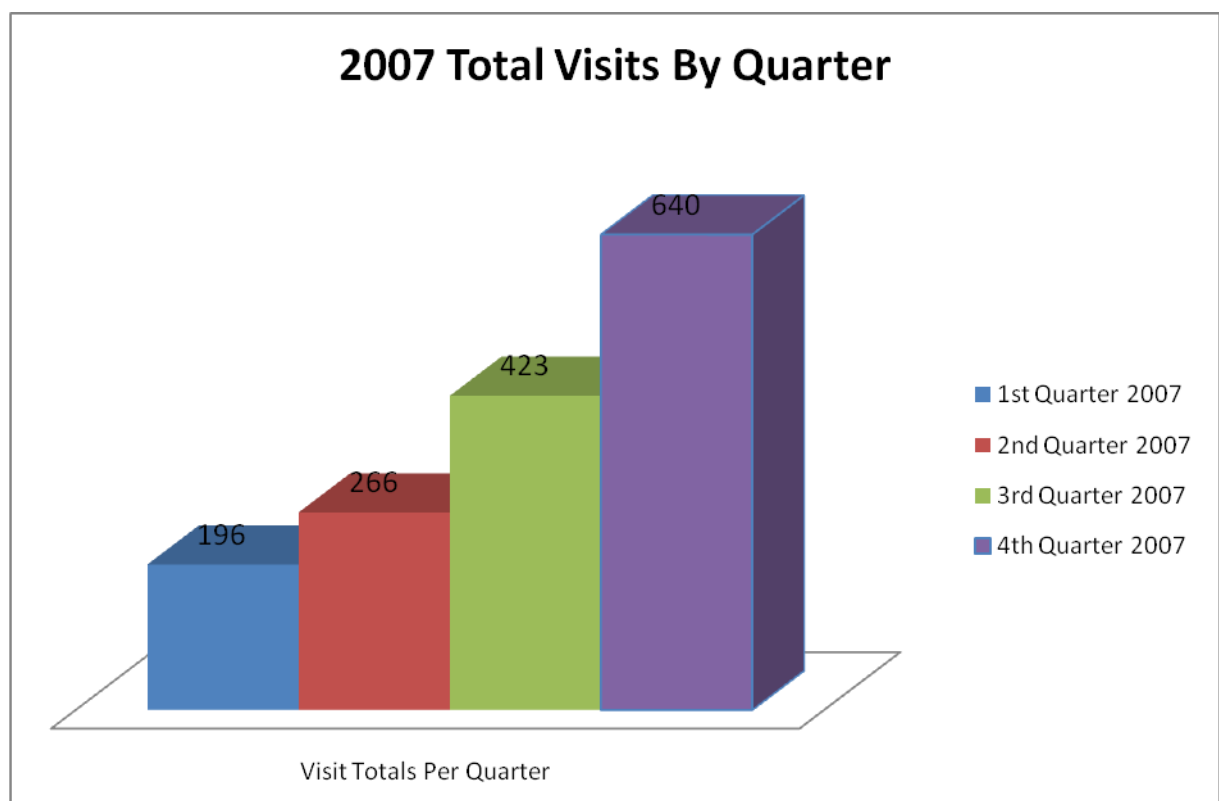
Table 1: Total Number of Client Visits by Quarter

Table 2: Visits per issue April-December

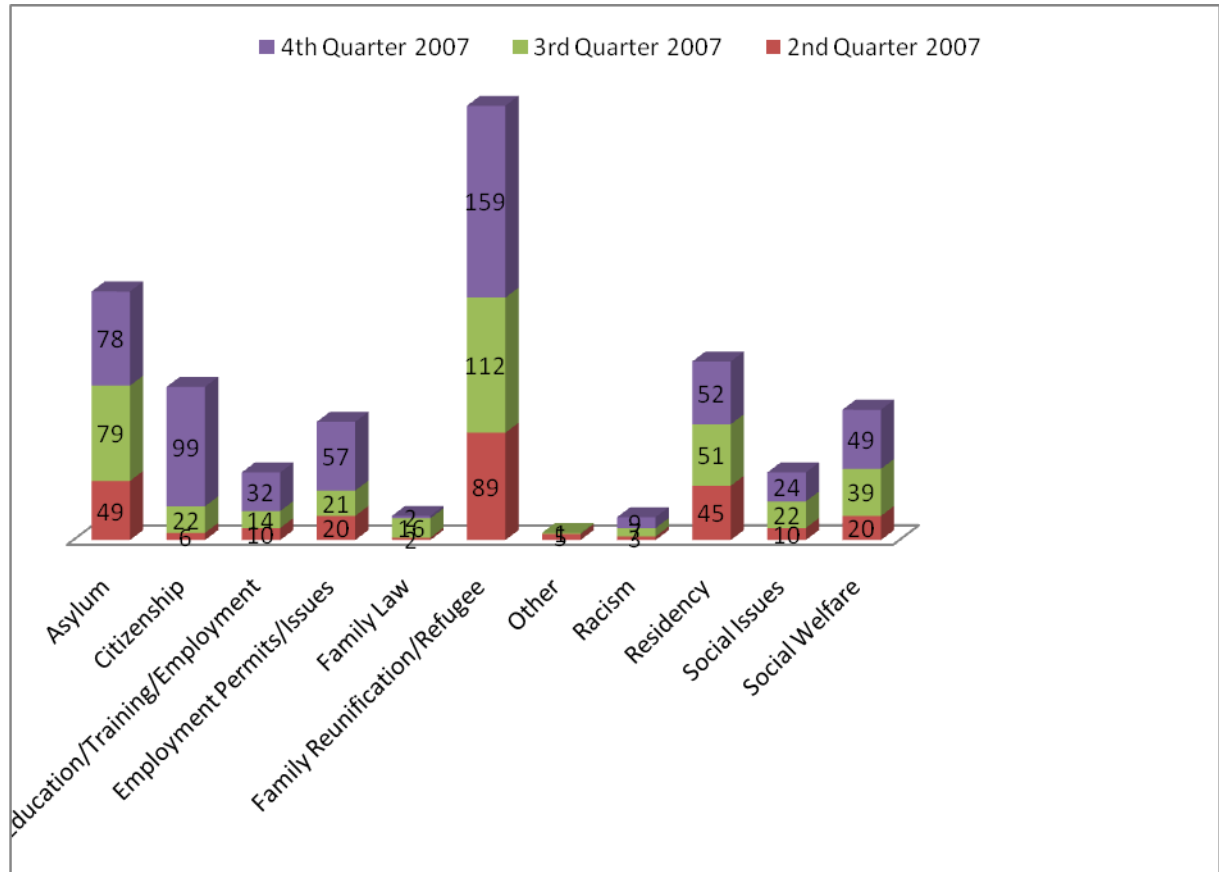
Table 3: Country of Origin Client Profile

**Table 1 Total Visits for Period January 2007 – December 2007**

A total of 1525 client visits were recorded for this period. The figures show a steady increase in recorded clients accessing the service, with 640 clients attending in the final quarter.



**Table 2.a Visits per Issue for period April – December 2007**

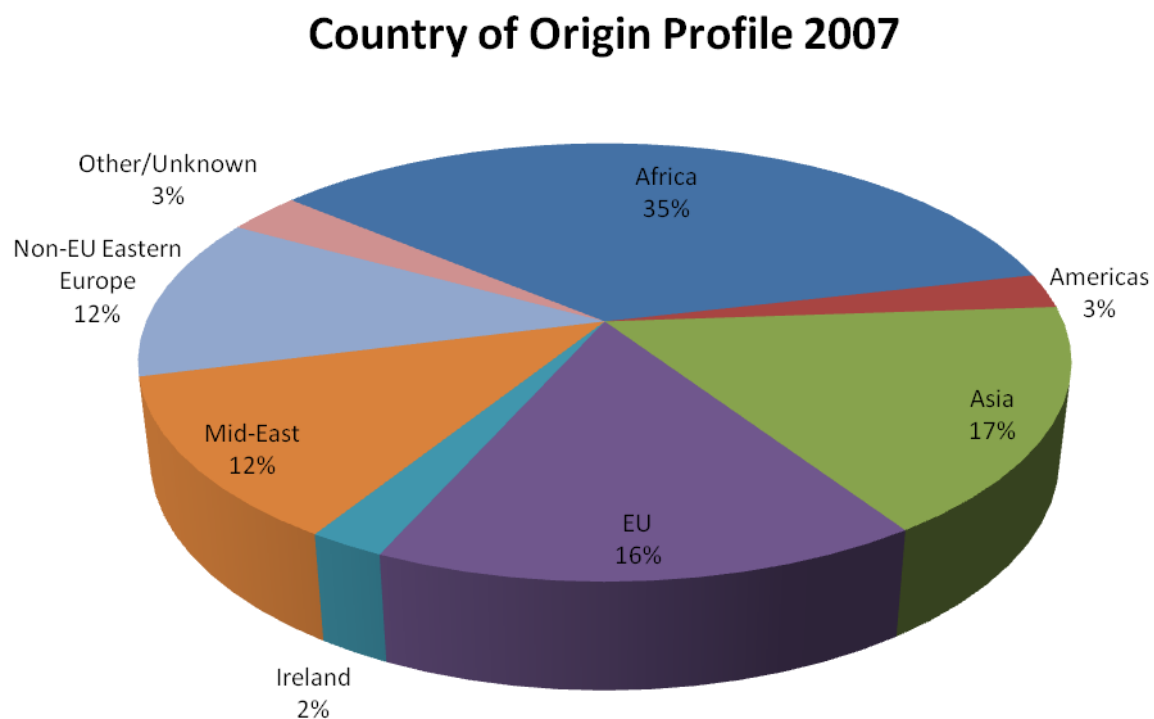


<b>Table 2.b Visits per Issue for period April - December 2007</b>	
Asylum	206
Citizenship	127
Education/Training/Employment	56
Employment Permits/Issues	98
Family Law	20
Family Reunification/Refugee	360
Other	6
Racism	12
Residency	148
Social Issues	56
Social Welfare	108
<b>Total</b>	<b>1197</b>



**TABLE 3: Annual Country of Origin Client Profile Figures**

The figure of 16% for E.U. includes clients from the new E.U. accession countries of Romania and Bulgaria.



## **1. Community Development**

Nasc is a Community Development Organisation. The organisation is run by a voluntary steering committee and managed by staff. We have a range of sub-groups and sometimes community education courses whose aim is to support immigrants to develop as a community in different ways. During 2006 all sub groups were facilitated by the Director and this was clearly an unsustainable situation. Therefore the arrival a new Community Development Officer, in January 2007 was more than welcome. Additional staffing can give more depth, time and dedicated attention to each sub group. Unfortunately the new Community Development Officer had to leave Nasc for personal reasons during in November and was not replaced until March 2008. This meant some gaps towards the latter part of the year.

Our sub-groups include the following:

### **1. Women's Group**

The Women's Group offers support and friendship as well as organising activities, training, trips out of Cork and raising issues with relate specifically to women. Most of their events and training are open to men, except those where women may feel more comfortable to talk alone. During 2007 the group had a series of talks on the Asylum legal system, domestic violence, childcare and Female Genital Mutilation. The meetings are sociable and offer a social space for anyone who wishes to join. A photo of their trip to Blarney shows many happy faces below!



## 2. Social and Cultural Group

This group organises social and cultural activities and offers a social outlet for members both immigrant and Irish.

During 2007 there were several social evenings at Nasc all of which were very well attended. The aim is to simply enjoy ourselves and make friendships. Below is a photo from our Christmas Party. Koko Latt dressed up as Santa and gave presents to many happy small customers.



## 3. Speaker's Panel

The Speaker's Panel is an important sub group for Nasc in that it gives an opportunity for our members to bring their message, ideas and information to a wider audience.

This panel has been in existence for four years. Nasc offers training to the Speaker's Panel and speakers are not allowed to talk on behalf of the organisation without participating in these training sessions. We offer training to new members of the group twice a year. In 2007 training sessions included:

- Speaking in Public About Immigrant, Refugee and Asylum-Seeker Rights and Issues
- Telling Your Story or the Story of Your Country
- What is Development Education?
- Anti-Racism
- How to facilitate groups
- How to facilitate anti-racism workshops

The Speaker's Panel offers an invaluable service to the community. We are give talks and workshops on a range of issues including immigrant and refugee rights, anti-racism and information on Countries of Origin. We run a Country of Origin project which raises awareness about countries which we come from. Members of the Speaker's Panel.

The group meets regularly to discuss progress, share experiences and provide encouragement.

### ***Speaker's Panel Service to Wider Community***

The Speaker's Panel offered their services to the wider community throughout the year. They have become very well known and in constant demand. They visited approximately 50 schools, colleges or organisations during the year and spoke to approximately 2000 people.

Examples of types on groups include:

- Staff at Health Board Executive, Southern Region, working with adoptive parents
- Secondary Schools
- Third level colleges
- Youth organisations
- Community Organisations
- Other NGOs
- Common Ground Event October 2007 attended by secondary schools of Cork City

*Chantelle Kumba is a Member of Nasc's Speaker's Panel*



In addition Nasc is developing a Development Education Strategy for the organisation for the years 2008-2010. Nasc is now considered one of the leading organisations in the country in relation to Development Education and the immigrant sector.

We also form part of a network called Common Ground which is a network of organisations in Cork working in the area of Development Education.

### **4. Policy and Campaigning Group**

The policy group meets on a monthly basis to matters which are important to Nasc's policy work. For the year 2007 members discussed such items as the Immigration, Residence and Protection Bill, the Family Reunification campaign and Nasc's Employment, Education and Enterprise strategy. Members have also assisted with collecting signatures for the Family Reunification campaign and have expressed an interest in being involved with Nasc's upcoming campaign on asylum seekers rights. The group support all of Nasc's Policy and Campaigning pillar as described on page 50-55.

## **5. Courses at Nasc**

### **1. Computer Classes**

We offered ECDL training to 8 participants while funding was available. Funding is not always available for this service.

### **2. Evening English Language Classes**

Nasc continued to run some English language classes but we made a clear decision that we would discontinue such classes and concentrate instead on advocating for the provision of appropriate well-funded classes in the Cork area. We therefore initiated a significant strategic project in relation to Education, Enterprise and Employment which is described under Pillar 3 of our work below.

### **3. Training for Transformation**

This 20 week course on personal, community and global development continues to run at Nasc each year.

## **6. Training Rooms and Space to other Organisations**

Nasc provided rooms free of charge to Minority Ethnic Led Organisations in 2007. We are delighted to be able to offer this facility where groups can have their own meetings at weekends and in the evenings and see Nasc as a place where they can feel at home. Again we thank all the minority ethnic led groups for their continued good will.

Below are the queues for the Polish national elections – although the space was not adequate we were happy to support the Polish community for this important event. The queues went down Mary St and along Sullivan's Quay..see below.



### **Pillar 3: Policy and Campaigning Work**

Nasc's business plan, published in May 2007, specified five key areas of policy which Nasc is to concentrate over the period 2007-2010. The five areas are as follows:

- Integration
- Family Reunification
- Direct Provision and the Asylum/Protection System
- Employment
- Education

#### **Employment, Education and Enterprise Project**

Nasc secured funding in early 2007 from the Department of Justice, Equality and Law Reform to undertake a year-long project on access for migrants to employment, education and enterprise. This project was intended to focus on 2 of Nasc's core policy areas as set out in the business plan i.e. employment and education. One of the objectives of the project was to develop a strategy for Cork city which would outline a range of measures which could be implemented with a view to improving access for migrants to employment, education and enterprise.

Another objective was to produce an information booklet on "How to Find Work and Education in Cork".

The Strategy and the Booklet will be launched in April 2008.

The project involved the formation of consultation committees comprising key stakeholders in the fields of employment, education and enterprise in Cork. Committee members were drawn from such institutions as migrant groups and individuals, UCC, Fas, CIT, Trade Unions, Cork Chamber of Commerce, Cork City Enterprise Board and Cork City Partnership. These committees met in order to map out existing services in Cork, identify problematic areas, look at ways of coordinating work and advising the work of the project.

This project also involved extensive research, consultation, focus groups and outreach to both migrants and service providers.

We also hosted a major symposium on November 1<sup>st</sup>, 2007. The following speakers gave presentations at this event:

Symposium Opening: Ms. Gertrude Cotter, Director, Nasc;  
Lord Mayor of Cork, Cllr. Donal Counihan)

Address from Mr. John Haskins, Head of Integration, The Office of the Minister for Integration

Keynote Address 1: "How Norway approaches integration: education and employment as paths towards an inclusive society" (Dr. Eamonn Noonan, Director of KIM, Norway's Contact Committee for Immigrants and the Authorities)

Keynote Address 2: “The integration and employment of migrants in the UK labour market” (Mr. Patrick Wintour, Employability Forum, UK)

Panel:Chair: Mr. Piaras MacÉinrí, Dept. of Geography, UCC & Chairperson, Nasc)

Mr. Jack Jedwab, Executive Director, Association for Canadian Studies

Presentation of Research on Migrant Access and Participation in Education /

Employment in Cork (Mr. Paul Dunbar, Consultant Researcher)

A Personal Perspective on Employment (Ms. Kasia Kowalski, Accounts Assistant)

A Personal Perspective on Enterprise (Mr. Hafeez Rehman, Aiysha’s Spice House)

A Personal Perspective on Education (Ms. Chantelle Kumba, Board Member, Nasc)

Recognition of Foreign Qualifications in Ireland: The National Qualifications

Authority of Ireland (Ms. Niamh Lenehan, NQAI)

The afternoon session involved the attendees splitting up into seven workgroups, each of which discussed a particular issue/question and was asked to report back to a plenary session in the late afternoon. The breakdown of the groups was as follows:

- Recognition of Qualifications
- Access to Employment
- Information Provision
- Racism and Discrimination in the Workplace
- Access to Education
- English Language Provision
- Enterprise

The symposium was deemed a success and received widespread local and national media coverage.

To further complement the work done at the symposium and through the consultative committees Nasc commissioned a team of researchers to conduct independent research on the barriers to employment and education for migrants. Furthermore, four focus group sessions, two on education and two on employment were held in the beginning of 2008. Members of these focus groups were again drawn from the key stakeholders in the Cork area. All of the above information and consultation was intended to inform the strategy document which is to be published in April 2008.

initiate a pilot course within a further education institution which would provide an orientation for migrants; develop a model of good practice for the recognition of qualifications and prior learning; and organise a training session for employers on all aspects of hiring migrant workers.



## **Pilot Course with St Johns College of Further Education**

Another project within the Education, Employment and Enterprise Project was a pilot course with St John's Central College. In response to the needs of the growing number of immigrants in the Cork City and County area, St. John's Central College, in conjunction with Nasc, initiated a pilot program which would offer immigrants a foundation in a number of practical subjects and provide a basis upon which they may continue to further education and training. When looking at the needs of the students it was decided that the structure would benefit by including modules to help the learners to integrate both the ability to communicate in a social setting, as well as the skill to process and manipulate data in a technological setting. Thus, the overall aim of the course was to provide the learners with the necessary skills as the first step in enabling them to embrace their future life in Cork with confidence in their ability to fully integrate in both the academic and social environment.

The course consisted of 4 separate units:

- UNIT 1: English Language Tuition
- UNIT 2: Computer Literacy
- UNIT 3: Communication Technology
- UNIT 4: Local Orientation

Having completed the program above those students who wish to continue on the academic path will find that they now have the basis to be used as a stepping stone to further education. The program elements included will endeavour to introduce the learners to the cultural side of Ireland symbolising the beginning of a new lifestyle for some. As well as preparing them for the academic or work field those students who have difficulties making contact with the available services will be guided. While setting out on the path to a full-time programme, St. John's Central College will provide the students with an environment of mutual encouragement and support during the programme.

I would like to thank all of those who helped in different ways with this ambitious and positive project. The project shows what an organisation like Nasc can do with some funding and Nasc joins all the other NGOs in the country who are angry that this funding initiative has not been continued by the government. We will continue to work on the area of Education, Employment and Enterprise but the depth of work possible in 2007 was possible only because of increased funding which we were lucky to receive.

## **Family Reunification**

The Family Reunification Campaign was launched on February 14<sup>th</sup> 2007. Speakers at this event included

- Peter O'Mahony - who at the time was CEO of the Irish Refugee Council.
- Piaras Mac Einri - Migration Studies, UCC
- Siobhán Mullaly – Law Faculty, UCC
- Speeches from two women who are effected by problems with the family reunification campaign (Anonymous)

As part of our Campaign we and the Refugee Information Service organised a conference on family reunification was held in November 15<sup>th</sup>, 2007.



The following people spoke at this event:

- Nell McCafferty, Journalist
- Salome Mbugua, Akidwa
- Dr Siobhán Mullaly, Law Lecturer, UCC
- Michael Lynn, Barrister
- Manuel Jordao, UNHCR
- Catherine Kenny, Refugee Information Service
- Catherine Cosgrave, Barrister
- Hillka Becker, Chief Solicitor, Immigrant Council of Ireland
- Eoin Collins, Gay and Lesbian Network
- Maeve O'Donnell, International Organisation for Migration
- Piaras Mac Einri, Migration Studies, UCC

The conference was well attended and received a good deal of media attention in the form of national and local newspaper coverage and radio interviews. The collection of signatures for this campaign is continuing and volunteers have been collecting on Patrick St, and at CIT and UCC and are actively seeking further signatures.

Nasc, in conjunction with Frameworks film company, has produced a film on family reunification. The intention is to launch the film in May of 2008.



### **At the Family Reunification Conference**

From Left: | Michael Lynn, Barrister & Immigration Specialist | Catherine Kenny, Information & Advocacy Officer; RIS | Dr Siobhan Mullally, Department of Law, UCC | Cllr Donal Counihan, Lord Mayor of Cork | Marie Claire Kah, Nasc Irish Immigrant Support Centre | Gertrude Cotter, Director, Nasc Irish Immigrant Support Centre | Josephine Ahern, Director RIS | Salome Mbugua, AkiDwA African Womens Network | Manuel Jordão Deputy Representative UNHCR | Centre: Faith Okuns, Nasc Irish Immigrant Support Centre

## **Direct Provision and the Asylum/Protection System**

Nasc, in conjunction with other major immigrant-focused NGOs, decided to concentrate a significant portion of its policy and campaigning work to achieving reform in the Direct Provision and in the Asylum/Protection legal system. In order to inform this campaign Nasc commissioned independent research. A team of three researchers spoke to 23 asylum seekers for their perspectives on their accommodation and interaction with the state. The report was delivered in December 2007 and is to be launched in April 2008.

The first stage of the campaign will involve the production of a campaign pack which will outline Nasc's concerns with the asylum system in Ireland. Core to this campaign, entitled '**Cuan Cinnte?**' ('A Safe Harbour?'), will be six key messages, which are as follows:

### **1: The Asylum/Protection System**

#### **1. Port of Entry Monitoring**

Nasc is calling on the Government to set up an independent human rights monitoring body which will be present at the key points of entry to the state. We would envisage the Garda Ombudsman as an agency which could serve as an example of how this body might be constituted.

#### **2. Fair and Transparent System**

Nasc wishes to see the implementation of a system which has improved translation/interpretation services, high quality Country of Origin Information (COI), access to improved legal advice, and timely processing of applications. Expediency should not take precedence over quality.

#### **3. Independent Appeals Mechanism**

Nasc has serious concerns regarding the mechanism whereby all decisions related to asylum/protection claims are referred. Nasc is calling on the Government to implement an appeals mechanism which is independent, fair and transparent.

### **2: Direct Provision**

#### **4. Right to Work**

The Right to Work, as set down in the United Nations Universal Declaration of Human Rights, is an inalienable right. Nasc believe, as is the case in most other EU countries, that asylum seekers should be permitted to take up employment.

#### **5. Social Welfare**

The weekly allowance paid to asylum seekers is currently €19.10 per adult and €9.60 per child and is intended to cover everything outside of accommodation and meals.

Nasc argues that this payment, which has not increased since 2000, is wholly inadequate to meet the needs of asylum seekers and should be substantially increased as a matter of urgency, and reviewed each year to keep it in line with inflation and other social welfare increases. In addition, the children of asylum seekers should be automatically entitled to child benefit, a right which was removed in 2004.

## 6. Self-Catering

The issues of food quality, privacy, and overcrowding are recurring problems for those living in Direct Provision. Therefore, Nasc is calling for a system of accommodation which affords asylum seekers greater autonomy over their day-to-day lives.

At the time of writing, this campaign pack is in the process of being finalised and will be ready to launch on April 7<sup>th</sup>. Nasc is also exploring the possibility of showing a feature-length documentary called ‘Seaview’, which is based on the lives of asylum seekers in Mosney, Co. Meath.

## **Networking**

Nasc is engaged in a range of local and national networks and projects and this expertise has been built up over the past five years. These include

Key networks, partnerships, projects which Nasc was involved with in 2007 were:

- o CADIC: Campaign Against the Deportation of Irish Born Children – Nasc was on the Management Committee of this Network which during 2006-2007 has been working on (1) legal cases relating to IBC refusals (2) the renewal process for those who were accepted under the 2005 scheme and (3) policy issues such as Family Reunification and rights of people under the 2005 IBC scheme.
- o Integrating Ireland: Nasc was on the Board of Integrating Ireland which campaigns on a wide range of issues. Nasc has had a particular interest in Education and Direct Provision.
- o Cork Networking Committee (Engaging with key statutory organisations).
- o VEC Education Network for New Communities.
- o Cork Social Housing Forum
- o UCC – Legal volunteers from Law Department, Community Development Work placements from Dept. Applied Social Studies, Childcare volunteers from Dept. Early Childcare Studies. Strong links with the Dept. of Geography’s Migration Studies Departments. Nasc has research links with that department and had four student placements from their Masters in Migration Studies programme.
- o CIT, St John’s Central College, FAS and Gardai: all have work placements at Nasc – social care workers and typists/computer operators – we particularly encourage work placements from immigrant communities.
- o Nasc’s Speaker’s Panel have established links with a range of voluntary and community organisations, schools, colleges and statutory agencies
- o Through our policy work we engaged in partnerships with a wide range of agencies in the education, employment and enterprise sectors in Cork.
- o Nasc’s offices are used by a range of Minority Ethnic Led Organisations including:
- o Nasc is developing a “Development Education” method of working across its work and in so doing has become an active participant in a Development Education committee which comprises organisations such as Trocaire, Bother, Hope, SMA Fathers and others. We organised a major event in October 2006 called “Common Ground” which involved presentation stands and workshops aimed at secondary schools and youth groups in the Cork area. This network is called Common Ground.
- o Other NGOs: Nasc is a member of various projects and networks and partnerships with other NGOs e.g. on Family Reunification, Direct Provision and the Immigration, Residence and Protection Bill.

## **Work Placements, Volunteers and Members of Nasc**

Nasc always attracts volunteers, interns, students and new members to our work.

**Volunteers and Members:** At the end of 2007 Nasc had 410 members many of whom are active volunteers in various sub groups or who help at our offices or in our legal clinics. We have devised a comprehensive database of members which is updated on a regular basis. We would like to thank all of those who helped our work in many different ways during 2007.

**Interns and Student Placements:** Nasc attracts students from various courses including FAS training schemes, Youth and Community work at UCC, UCC's Migration Studies Department, Social Care Studies and CIT and WIT, EUROPA English language programme which attracts Italian students.

The following is a list of all those who helped in the office as an office volunteer, tutor, facilitator or as a student/intern during 2007.

### **Our thanks to all.**

1. Alfonso Inclima
2. Andrea Barbero
3. Arthur Chan
4. Brian Hanley
5. Chantelle Kumba
6. Claire Cumiskey
7. Claire Lyons
8. Claire McCarthy
9. Damien Mullins
10. Dave Walker
11. Deirdre Morgan
12. Delphine Dorsi
13. Edith Deremo
14. Eileen O'Brien
15. Emily Drinkwater
16. Fabio Capoferri
17. Faith Okuns
18. Frank Flynn
19. Fredericke Nurge
20. Goretti Keane
21. Inken Reimer
22. Katja Dolinar
23. Kieran O Mahony
24. Leire Ruiz
25. Liam Thorton
26. Lucia Gianni
27. Marion Hamm
28. Mary

- 29. Matt Byrne
- 30. Michelle
- 31. Rabson Ndlovu
- 32. Rene Gonzales
- 33. Robert Habimana
- 34. Sarah Coppinger
- 35. Sean Brady
- 36. Sian Langley
- 37. Suzie Brock



There are many volunteers who deserve a special mention but we would like to extend a special thanks to Dave Walker (above) and Robert Habimana who have helped us in so many ways during 2007. Nasc would not be the organisation it is without the support of dedicated and selfless people like Dave and Robert.

## ***Corcaigh evening***

*A Poem by Nasc Member Koko Latt and Our Congratulations on all his Creative Work*

=====

*Green grass of carpets  
Roses of scent  
In the garden named  
" Mardyke Park "  
An erotic evening  
A bunch of Lavender  
Hanging on the window ....  
Flowing A river named " Lee "  
A poem and A glass of Red wine  
A groups of girls ....  
Laughing .....*  
*It's sound like bells from churches  
I am reading a poem  
And listening an Irish' song named  
" The Rose of Tralee "  
Drinking a glass of Red wine  
All those things made me  
A crazy evening in the city named  
" Corcaigh \* " ( \* Cork in English )*

*Cool wind from Atlantic  
Multiple sound of languages  
People crossing over streets  
The News paper seller's shouting  
" Echo\* " " Echo\* " " Echo\* "  
You can see in the " Patrick street "  
I imagined about you ... my darling  
If you are close to me  
How is wonderful in this moments  
You will crazy with me  
For this beautiful evening  
In the city named " Corcaigh\* "*

*( \*Corcaig ( Irish word ) = Cork in English )  
( \*Echo = Evening echo = A newspaper of Cork )*

*Compose by MICHAELKO  
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