

Migrant group warns of Bill's deficits

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THE GOVERNMENT'S new immigration Bill will perpetuate barriers facing Irish emigrants who want to return home with family members from outside the European Economic Area (EEA), a social care agency has said.

In a submission to Minister for Justice Brian Lenihan on the Immigration, Residence and Protection Bill, Crosscare Migrant Project (formerly Emigrant Advice) said one of the "glaring deficits" of current legislation was that non-EEA family members of Irish citizens did not have a stated right to live in Ireland. "This is in contrast to some categories of immigrants in Ireland, who actually have stronger rights to family reunification than Irish citizens," it said.

"We have dealt with returning families who have been discouraged and frustrated as the non-EEA spouse faces lack of clarity and the prospect of not being able to work in Ireland for 12 months while his/her application is being processed," said Joe O'Brien, policy officer with Crosscare.

"We see this Bill as an opportunity not only to do something very positive for Irish/non-EEA families, but also for our diaspora, some of which have been frustrated by the current lack of rights for their families."

Meanwhile, two US-based lawyers working with undocumented Irish citizens there have criticised the same aspects of the Bill.

Chris Lavery, who works in Boston, said many of his Irish clients who ultimately secured legal status through marriage "would be permanently excluded from legalisation and face summary deportation if the US enacted provisions as broad and sweeping as those currently under construction in the Oireachtas.

"I hope that the Irish Government will look to the problems its nationals have faced in the United States when considering immigration reform and will enact a comprehensive system that assures individuals with significant ties to Ireland do not face summary removal without a fair opportunity to seek lawful status on the basis of those ties," he added.

Another Boston-based immigration lawyer, Eoin O'Reilly, said: "Rather than pursuing what I see as a rather draconian solution to what are only problems in the abstract - marriages of conveniences, when statistics show that this is not a major issue - a more sensible approach would be to be more inclusive initially and work on refinements as the need arises. Any immigration Bill is a living document and needs to change with the times."

The Vincentian Refugee Centre, based in Phibsboro, Dublin, said the draft legislation contained little on the important issue of family reunification.