

**Opening remarks to Joint Committee on Children, Disability, Integration and Youth, on
*Experiences of Migrant Communities engaging with State Bodies, the Health Care System and other
Social Services; Tuesday 16th November 2021***

I would like to thank the committee for the invitation to come before you today to highlight some of the *experiences of migrant communities engaging with the state bodies, the health care system and other social services*. My name is Edel McGinley, Director with Migrant Rights Centre Ireland (MRCI) and with me here today is Sancha Magat, MRCI's Drop in Centre Manager.

For twenty years, MRCI has been working with migrant workers in precarious and low wage sectors of the labour market, across agri-food, fisheries, homecare, domestic work, carwashes, entertainment, cleaning and in restaurants. In 2020 we provided information, support and advocacy on 3,442 cases. This year (2021) from Jan to September, we provided supports on over 2,000 cases. One third of the people who come to MRCI for support are undocumented.

Determining Rights and Access

How a person enters the country and their corresponding immigration status determines their rights and entitlements and mediates their experiences over time. This includes how they engage and experience state and social services and receive supports. Many people who access our services are in situations of vulnerability due to their immigration status, the type employment permit they hold, poor terms and conditions of employment, their housing situation and their family and personal circumstances.

Experiences are compounded by immigration processing delays, problems changing employer, delays in renewals of employment permits, the habitual residence condition, limits to family reunion, being a victim of trafficking for labour exploitation or domestic violence, lack of access to state supports including sick pay, housing and homelessness, isolation, exploitation, health and safety breaches and discrimination.

Experiences of engaging with state bodies and other social services are exacerbated by a lack of understanding by public service workers of rights and entitlements at point of entry, cultural bias, and institutional and direct racism. We set out below our priority concerns, which is not an exhaustive list.

Vulnerable Workers

Through our work with agri-food and meat processing workers, we found that many experience exploitation, bullying and harassment, discrimination, and health and safety issues. This is compounded

by low levels of training by employers, poor access to information and supports, vulnerability of being on employment permits, lack of immigration status for some and language limitations.

In addition, injuries at work are significantly underreported due to lack of sick pay scheme and state supports. People simply cannot afford to be sick, or go to a doctor and many take holidays if sick or injured. Newly arrived migrants from Non-EEA countries or people without any tax contribution history in another EEA state do not qualify for illness benefit. This leaves newly arrived migrant workers to Ireland and workers entering the labour market for the first time, unable to access ANY form of illness benefit and significantly limits engagement with the state in their 1st year. This also exposes people to working while sick, and to potential long term health complications. Many people plan health and doctors' appointments and checkups for when they return to the country of origin, putting their long term health at risk.

Throughout Covid, many workers did not receive quality contact tracing and follow up in a language they could understand.

Employment Permit System

Right now, there is a renewed demand for essential workers on employment permits as evidenced by the removal of jobs from the ineligible list in healthcare and construction and a significant increase in quotas in meat processing and horticulture. It is certain that migration will continue to be a feature of the global and Irish labour market, but Irelands outdated labour migration legislation and model is worrying.

Right now for workers the current system limits mobility and people are afraid to speak up about bullying and harassment, or health and safety concerns as they are tied to their employer and fear losing their immigration status. Putting rights in the hands of workers allows people to have control over their lives. This approach enables workers to engage with the inspection and enforcement apparatus of the state to bring about better conditions for workers.

The Government can address this through incoming legislation - *Employment Permits (Consolidation and Amendment) Bill 2020*. This requires giving gradual mobility to all general employment permit holders, the same as Critical Skills Permit holders; (1) mobility after 2 years for all employment permit holders the same as critical skills; (2) immediate right to family reunion and (3) the right to work for spouses/dependents.

Undocumented Children

Children of undocumented families are impacted by their legal status. They are more likely to have poorer outcomes in terms of access to third level education and the labour market, and are more at risk of poverty and social exclusion. Under the Child First Act, all children living in Ireland, whether born here or not, should be treated equally and afforded the same rights. This is always the case as undocumented children do not have access to Child Benefit payment, due to the Habitual Residence Condition. Without access to this universal payment, this perpetuates cycles of poverty and inequality in undocumented communities.

In addition, children of undocumented parents are impacted by their immigration status and the absence of a PPSN. This prevents some parents registering the birth of their children, enrolling them in primary school and accessing basic health needs.

It is important to recognise and welcome the incoming regularisation scheme due to be announced shortly. However it is vital that as many children of undocumented families as possible are included in the scheme to address the above concerns.

Maintaining a Firewall Approach

Undocumented people often do not access services, report a crime or abuse for fear as it will result in their deportation. This limits engagement across all state services for this group. However, at the beginning of the pandemic government departments introduced a Firewall for undocumented migrants between the Department of Justice and Equality and the Department of Social Protection and Employment to access PUP payments. This meant that no data is shared if a person accesses a payment that would result in an intention to deport order being issued. Further assurances were given on accessing health services and vaccinations, all of which we extremely welcome. These now need to be maintained and expanded to Labour inspections and across all state service, so people can engage with services and the inspection and enforce apparatus of the state.

Access to Workplace Relations Commission

MRCI believes that all work is work, and that undocumented migrant workers perform work just like any other worker and as such should be protected by the same rights and regulations as other workers. Consequently, they should have access to the Workplace Relations bodies. Legislation should be amended to ensure undocumented workers can take cases of exploitation to the WRC.

Victims of Domestic Violence

Migrant women continue to experience barriers in exiting situations of domestic violence, accessing support services and retaining their immigration status. Because there is no entitlement to retain an immigration status following separation, many migrant women risk becoming undocumented as they exit a situation of domestic violence.

Recently, the Department of Justice introduced measures to retain status in certain circumstances, but this is only applicable to spouses registered as dependents and under condition that they have a valid immigration status. Undocumented people who are victims of domestic violence have little access to shelter's, refuges or emergency accommodation. Overall, Ireland lacks comprehensive immigration legislation, including the provision for independent status to foreign spouses of Irish nationals and migrant workers alike.

Translation and Interpretation

The lack of quality interpretation services across all state services remains a key concern. Currently there is no accredited training course for interpreters. Nor is there an accreditation system to establish if interpreters are competent or even a system of quality control to monitor interpreting.

In industries where migrant workers have limited English proficiency, and account for most of the labour force, state inspections often have no language provision, which means that most migrant workers cannot communicate on-site issues to the inspectors. For example Health and Safety and Labour inspections occur often without the presence of interpreters which prevents workers raising concerns in the language they can speak.

In addition, inadequate implementation of language provision causes frustration not only for migrant communities using public services, but equally for service providers, many of who do their best to communicate. This approach, has resulted in people who are victims of crime and/or who experience exploitation finding public service workers, such as Garda and health care workers, labor inspectors, community welfare officers as cold, indifferent or disrespectful. This approach further marginalises people.

Recommendations

- 1. Urgently write to the Minister for Justice to ensure the upcoming regularisation scheme is as broad and inclusive as possible by reducing the qualifying years criteria and allowing some legal residence as part of this.**
2. Write to Minister for Enterprise, Trade and Employment to outline concerns on the situation of general employment permit holders, and in support of giving mobility after 2 years to all employment permit holders to enable workers to engage with the enforcement apparatus of the state
3. Write to Minister for Enterprise, Trade and Employment to raise specific issues on sick pay for migrant workers in upcoming legislation on sick pay, to enable access to services and health care system
4. Introduce and maintain permanent Firewalls across different state agencies so that no data is shared, and people can come forward and access and engage with relevant services
5. Provide all frontline state staff with the tools to deliver quality services, including access to quality interpretation, and training on bias and anti-racism
6. Address delays in the renewal of immigration status which led people to become undocumented, losing their employment and having gaps in their residency
7. Ensure independent status and access to services for all victims of domestic violence
8. Develop a state accreditation and quality control system for interpreters
9. Provide resources for organisations working with vulnerable migrant workers to access state services and hold these services to account

Thank you for your time and we are happy to answer any questions

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