



**Chambers
Ireland**
Advancing business together

Chambers Ireland submission to the Department of Justice and Equality on proposed scheme to regularise undocumented workers in Ireland

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Chambers Ireland is the state's largest business representative network. We are an all-island organisation with a unique geographical reach; our members are the chambers of commerce in the cities and towns throughout the country – active in every constituency. Given the importance of local economies to our members, and member businesses, Chambers Ireland's perspective is unique within the Irish business community – we seek to support thriving local economies and recognise the diversity of business environments that exist across cities and towns.

Chambers Ireland is pleased to have the opportunity to make this submission to the Department of Justice and Equality. We commend the Minister for Justice and the Department of Justice for the introduction of this regularisation scheme and for honouring the clear commitments made in the Programme for Government.

Introduction:



In September 2019, on the fourth anniversary of the SDGs, all affiliated Chambers across Ireland pledged their commitment to the SDGs.¹ This involved all our Chambers, including Chambers Ireland, committing to upholding, promoting, and integrating the SDGs throughout the work that they are engaged in.

We have chosen to focus initially on five of the seventeen Goals, and we commit to championing these in the broad range of work that we carry out:

¹ [Chambers to lead the way on SDGs](#)

- **Decent Work and Economic Growth (Goal 8)**
- **Climate Action (Goal 13)**
- **Sustainable Cities and Communities (Goal 11)**
- **Industry, Innovation and Infrastructure (Goal 9)**
- **Gender Equality (Goal 5)**

If we are to deliver the objective of Decent Work and Economic Growth, it is our view that for local economies to grow sustainably, inclusive workplaces must be at the heart of how these economies grow.

With respect to the issue of undocumented workers, we have [long been supporters of campaigns to “regularise” situations](#) for undocumented workers, and give a pathway to residency. It is our view that “who lives here, belongs here”, and that undocumented workers play an important role in local economies throughout the country, responding to skills shortages, providing essential services, and playing critical roles in their communities, workplaces, and wider local economies. Providing an accessible mechanism for these workers and their families to apply to regularise their situation is crucial, and we welcome Government’s commitment to introduce a mechanism to provide this certainty.

With respect to the Department’s draft proposals, we welcome indications that permission given will allow full access to the labour market and a path to citizenship, that the scheme will be open for a period of 6 months, and that there will be a clear appeals process for those who are unsuccessful in their applications.

However, concerns have been raised by expert groups and advocates who work with undocumented workers that the proposed criteria could undermine the intention of this scheme to be broad and inclusive. There are concerns that the current residency requirements, coupled with a lack of clarity on the inclusion of those with Section 3’s and deportation orders, puts thousands of people at risk of being excluded from this scheme.

We would ask that the Department commit to reviewing and revising this aspect so that the Scheme will be as broad and as inclusive as possible. If the Scheme is too narrow, there is a risk that vulnerable members of the undocumented community may not engage with the Scheme, undermining the objective of a pathway to regularisation.

Question 1

The scheme is for persons considered to be long-term undocumented persons living in Ireland for a minimum number of years. Do you have any views on how

undocumented should be defined in the context of this Scheme and/or in relation to the residence requirements and how these should be verified?

Response 1 A) in relation to how undocumented should be defined:

All undocumented population estimates for Ireland include three categories of people, (1) the undetected undocumented population, (2) those with applications under section 3 of Immigration Act 1999, and (3) those with unenforced deportation orders.

It is our view that a failure to include the latter two groups will lead to low numbers taking up the scheme and has the potential to exclude several thousand people (estimated by advocacy groups at between 4,000 and 6,000 people).

Further, in the past schemes run by the Department of Justice, for example in the Student Scheme 2018, both groups were included.

Lastly, it is important that any new Scheme include a family approach, and allow dependent partners, spouses and de facto partners of the main applicant to be included in applications.

Children who came to Ireland with their parents or legal guardians and/or those born in the State, who are undocumented, and who are now in the care of the State, must be included and supported with a clear process to apply for regularisation under this scheme.

Response 1B) in relation to the residence requirements:

The Catherine Day report suggested 2 years as period for asylum seekers and we believe this sensible timeframe can be applied to undocumented people in this scheme.

1. We strongly recommend a shorter residence requirement to be part of the scheme
2. We strongly recommend that people who reach the residence requirement during the lifetime of the scheme be included
3. We strongly recommend that the undocumented residence requirement should not have to be continuous and unbroken
4. We strongly recommend that legal residence prior to becoming undocumented should also be considered.

Response 1C) in relation to verifying residency & undocumented residency requirements:

While we recognise the need to provide some proof of how long a person has been in the State, this should be kept at a low threshold to ensure the application process is fast and to avoid undue complications in sourcing documents.

This is particularly important given that the undocumented are among the most vulnerable members of society and are especially exposed to living, employment, and domestic conditions which do not allow them control over their own documents, or ordinary engagement with state bodies.”

Verification of residency & undocumented residency must be made as simple as possible. We suggest that a mixed approach could be adopted, which allows for a variety of possibilities of supporting evidence. (See below).

Consideration must also be given to people who have lost or do not have full access to a set of documents, for example a lost and/or surrendered passport, tax records etc. and make provision to accept alternative evidence to be made on behalf of the applicant as in Tier B below.

Question 3

It is proposed that the immigration permission to be awarded will allow unrestricted access to the labour market. Are there any points you wish to raise in relation to the permission to be granted?

We welcome that permission given will allow full access to the labour market and a path to citizenship. We recommend that a renewable Stamp 4 for an initial period of two years is granted. This is the most widely known immigration permission by employers and will allow for faster uptake of employment.

Question 4

How can we ensure that all those eligible to apply are aware of the Scheme? What would assist those eligible in making their applications?

The promotion of the scheme is vital to ensure a wide uptake. This includes promoting the scheme to community groups, advocacy groups, but also to employers and representative bodies. The promotion of the Scheme should be available in a multitude of relevant languages (in line with typical origin countries for un-documented workers).

It would be useful for a promotion campaign to be launched ahead of the scheme opening, to give undocumented communities the maximum amount of time to engage.

Fees should only apply to the “main applicant” and should be low, to ensure there are no un-necessary financial obstacles to engagement.

From the perspective of making the process user-friendly, the Department must use plain language and allocate resources within the Department to support and mentor applicants during the process. It should not be necessary that applicants would be required to obtain independent legal advice to navigate the process. The indicator for success in this scheme will be high take-up and a significant increase in regularisation for un-documented workers.

It is imperative that the scheme adopts a “non-punitive” approach to encourage people to come forward, so that workers and families can regularise without difficulty. Further, we recommend a non-punitive approach for employers who have employed undocumented people. Employers may be required to verify a person's employment for the purposes of validating time spent in the state and must be assured that there will be no negative consequences to do so.

Finally, we welcome the inclusion of an appeals process. The Department should make it clear at the earliest possible stage the grounds for appeal, timeframe to appeal, and timelines for a decision triggered and the time frame for appeal.

Question 6

How will your organisation help to promote the scheme to eligible persons and support them to apply?

Chambers Ireland represents 41 member Chambers in every major town, city and community across the island. These Chambers represent close to 8,000 businesses, of all sizes, across sectors. We would be happy to promote the Scheme to our member employers, through local chambers, and through relevant partner organisations.