

Immigration and Ireland

Join this program to dive into the history of immigration and emigration from Ireland and what is happening today. The discussion will include highlights of the causes of emigration from Ireland; compare and contrast the U.S. asylum process today; examine how Americans of Irish ancestry can become Irish citizens; and how to hire Irish citizens to work stateside.

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Irish in America

By: Dorothy Harbeck

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This presentation is intended for instructional purposes. This is not a substitute for legal advice.

- The views expressed here do not necessarily represent the official position of the United States Department of Justice, the Attorney General, or the Executive Office for Immigration Review. The views represent the author's personal opinions. The author is licensed to practice law in NJ and NY.
- The author is not licensed to practice law in Ireland.
- The author is a student in the Kings Inn of Court Advanced Diploma Program in immigration and Asylum Law and this presentation is a draft of a project on comparative asylum law.

One of the Highest Immigrant Stream into the U.S.

- In the 2020 United States census, 38.6 million person identified as Irish Americans.

Prior to the Great Hunger

- Irish Immigration to the Americas in the early days is tied to religious unrest in England. Irish immigration to the Americas was the result of a series of complex causes. The Tudor conquest and subsequent colonization by English and Scots people during the 16th and 17th centuries had led to widespread social upheaval in Ireland. Many Irish people tried to seek a better life elsewhere. Many of these were Protestant, landed gentry from Northern Ireland, also known as Ulster Irish.

Irish-Catholic immigrants came to America during colonial times

- Charles Carroll immigrated to America in 1706. His grandson, Charles Carroll of Carrollton, signed his name to the Declaration of Independence.



Pope Gives England Direction to Invade Ireland

- England's political connection with Ireland began in 1155, when Pope Adrian IV issued a papal bull, which gave Henry II permission to invade Ireland as a means of strengthening the papacy's control over the Irish Church.
- That was followed in 1169 by the Norman invasion of Ireland, which was led by the general Richard de Clare, or Strongbow.

By the middle of the 18th century, Ireland had settled down to life under the Ascendancy Government. It was a land of great contrasts.

- On the one hand, the rich landowners, an elite composed mostly of Church of Ireland members, were flaunting their wealth by erecting great houses and palaces and laying out parks and gardens. They held parties and laid bets worth fortunes.
- On the other hand, the peasantry was sunk into extreme poverty. They did have their champions, men such as Oliver Swift the dean of St. Patrick's Cathedral in Dublin and George Berkely the Church of Ireland bishop of Cloyne. Both of these men angered by the attitude of the ruling classes towards the poor led a ferocious and robust campaign lambasting and castigating the rich.

The Cold Winter of 1741 and The Handel-Aid Concerts

- A winter of terrible coldness fell across the country. The temperatures fell so much that the ports were blocked by ice and coal could not be brought in from Britain. The trees, the wildlife, even the cattle, and sheep perished, the potatoes, which were by now the mainstay of the Irish diet, were turned to mush in the ground.
- By April people were beginning to fear. Whatever farm animals that survived the heavy frosts now had nothing to graze upon. The corn, which had been planted in the hope that rain would come, failed to grow in the fields.
- The price of corn more than doubled which led to disturbances. In Drogheda, a corn ship was boarded by the mob and its load removed, in Dublin mobs attacked bakeries in the search for bread. The drought caused mill streams to dry up thus preventing corn mills from making the flour. It also caused the timbers of houses to dry out and many fires took hold in diverse towns and villages.
- Oliver Swift, George Berkely and Lord Justice Hugh Butler the archbishop of Armagh all set up schemes to feed the poor. The hunger was accompanied by smallpox and dysentery. Typhus was also prevalent. These diseases also took the lives of many of the wealthy classes.
- Dublin and its hospitals were swamped by hungry and disease-ridden refugees from the countryside.
- In an effort to raise money to alleviate the suffering, the Viceroy of Ireland, the Duke of Devonshire invited George Frideric Handel to give a concert in Dublin. He agreed to do so and on the 8th of April he performed his "Messiah" at the Musick Hall in Fishamble Street. This performance raised a sum of £400. He then repeated this performance on the 3rd of June.
- It is estimated that out of a population of approximately 2,500,000 there were up to 450,000 deaths.

Henry VIII

- The English Crown did not attempt to assert full control of the island until after Henry VIII's repudiation of papal authority over the Church in England, and the subsequent rebellion of the Earl of Kildare in Ireland in 1534 threatened English hegemony there.
- Until the break with Rome, it was widely believed that Ireland was a papal possession, which was granted as a mere fiefdom to the English king and so in 1541, Henry VIII asserted England's claim to Ireland free from the papal overlordship by proclaiming himself King of Ireland.

Protestant Ascendancy

- After the Nine Years' War (1690 to 1703), political power rested in the hands of a Protestant Ascendancy minority and was marked by a Crown policy of plantation, which involved the arrival of thousands of English and Scottish Protestant settlers and the consequent displacement of the pre-plantation Roman Catholic landholders. As the military and political defeat of Gaelic Ireland became more pronounced in the early 17th century, sectarian conflict became a recurrent theme in Irish history.
- Roman Catholics and members of dissenting Protestant denominations suffered severe political and economic privations from Penal Laws. The Irish Parliament was abolished in 1801 in the wake of the republican United Irishmen Rebellion, and Ireland became an integral part of a new United Kingdom of Great Britain and Ireland under the Act of Union.

The 1840s and the Great Hunger/Famine

- The Great Famine, during the 1840s saw a significant number of people flee from the island to all over the world. Between 1841 and 1851, as a result of death and mass emigration, mainly to Great Britain and North America, Ireland's population fell by over 2 million. In Connacht alone, the population fell by almost 30%.



Famine

- Ireland's 1845 Potato Famine is often credited with launching the second wave of Irish immigration to America.
- The fungus which decimated potato crops created a devastating famine. Starvation plagued Ireland and within five years, a million Irish were dead while half a million had arrived in America to start a new life.
- Living conditions in many parts of Ireland were very difficult long before the Potato Blight of 1845, however, and a large number of Irish left their homeland as early as the 1820s.

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Laws the Squeezed the Poor

- Irish people who still lived in Ireland were subjected to discrimination by Great Britain based on their religion. Evictions increased after the repeal of the British Corn Laws in 1846, the passage of the Encumbered Estates' Court in 1849 and the removal of existing civil rights and class norms.
- Any remaining hope for change was squashed by the 1847 death of Daniel O'Connell, the political leader who championed liberal and reform causes and emancipation for Ireland's Catholics, and the failed rising of the Young Irelanders in 1848.

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From 1800 to 1844, Irish emigrants were mainly skilled and economically sufficient Ulster Protestants, including artisans, tradesmen and professionals, and farmers.

- The Famine and the threat of starvation amongst the Irish Catholic population broke down the psychological barriers that had discouraged them from making the passage to America before.
- After the second potato blight in 1846, panic over the need to escape their difficult situation in Ireland led many to the belief that "anywhere is better than here". Irish Catholics traveled to England, Canada, and America for new lives.
- Irish immigration increased dramatically during the period 1845–1849, as ships started transporting Irish emigrants during the autumn and winter periods to meet the demand.

Indentured Servants

- At the time European colonies were being founded in the Americas, offering destinations for emigration. Most Irish immigrants to the Americas traveled as indentured servants, with their passage paid for a wealthier person to whom they owed labor for a period of time. Some were merchants and landowners, who served as key players in a variety of different mercantile and colonizing enterprises.

In the late nineteenth and early twentieth centuries, Irish Americans became a powerful political force in U.S. cities.

- Building on principles of loyalty to the individual and the organization, they helped build political machines capable of getting the vote. Though remembered most for their perceived corruption, these political machines created social services long before they were politically mandated by national political movements.

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Coffin Ships and the American Urban Centers of the Northeast

- Of the total Irish immigrants to the U.S. from 1820 to 1860, many died crossing the ocean due to disease and dismal conditions of what became known as coffin ships. [Irish immigration had greatly increased beginning in the 1830s due to the need for unskilled labor in canal building, lumbering, and construction works in the Northeast.
- The large Erie Canal project was one such example where Irishmen were many of the laborers. Small but tight communities developed in growing cities such as Philadelphia, Boston, and New York.
- Most Irish immigrants to the United States during this period favored large cities because they could create their own communities for support and protection in a new environment.

The Great Hunger, the Migration and How the Irish Catholics Differed from The Ulster Irish

- Many Irish Catholics that had made the passage across the Atlantic, especially after the rapid increase in Irish Catholic emigration after the Great Famine in 1845, had formed their own communities inside urban cities. The Irish Roman Catholic community did not share the same patterns of life, coming from a peasant society, as Protestant Americans the same way that the Ulster Protestants did before them and therefore couldn't integrate as easily into American society. They quickly found themselves on the bottom of the socioeconomic ladder due to their lack of skills from agricultural serfdom and lack of funds which resulted in many Catholics moving into Irish ghettos.
- In 1870, 72% of Irish Americans were concentrated in the urban industrial estates of Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Ohio, and Illinois. Catholics found that urban living suited their lifestyle as a gregarious, community-minded population. Urban areas offered close proximity to other ethnic Irish peoples in their community that rural America couldn't offer.

In the 1800s, Irish immigrants in the United States tended to stay in the large cities where they landed.

- The Irish were having a huge impact on America as a whole. In 1910, there were more people in New York City of Irish ancestry than Dublin's whole population, and even today, many of these cities still retain a substantial Irish-American community. The best urban economic opportunities for unskilled Irish women and men included "factory and millwork, domestic service, and the physical labor of public work projects."
- During the mid-1900s, immigrants from Ireland were coming to the U.S. for the same reasons as those before them; they came looking for jobs.

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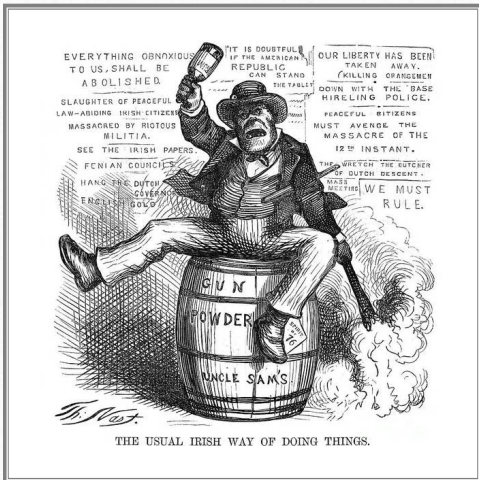
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The Coppers

- By 1855, according to New York Police Commissioner George W. Matsell (1811–1877), almost 17 percent of the police department's officers were Irish-born (compared to 28.2 percent of the city) in a report to the Board of Aldermen; of the NYPD's 1,149 men, Irish-born officers made up 304 of 431 foreign-born policemen. In the 1860s more than half of those arrested in New York City were Irish born or of Irish descent but nearly half of the city's law enforcement officers were also Irish. By the turn of the 20th century, five out of six NYPD officers were Irish born or of Irish descent. As late as the 1960s, 42% of the NYPD were Irish Americans.
- Up to the 20th and early 21st century, Irish Catholics continue to be prominent in the law enforcement community, especially in the Northeastern United States. The Emerald Society, an Irish American fraternal organization, was founded in 1953 by the NYPD. When the Boston chapter of the Emerald Society formed in 1973, half of the city's police officers became members.

The Inferior Irish Race

- There were also Social Darwinian-inspired excuses for the discrimination of the Irish in America. Many Americans believed that since the Irish were Celts and not Anglo-Saxons, they were racially inferior and deserved second-class citizenship. The Irish being of inferior intelligence was a belief held by many Americans. This notion was held due to the fact that the Irish topped the charts demographically in terms of arrests and imprisonment. They also had more people confined to insane asylums and poorhouses than any other group. The racial supremacy belief that many Americans had at the time contributed significantly to Irish discrimination.
- From the 1860s onwards, Irish Americans were stereotyped as terrorists and gangsters, although this stereotyping began to diminish by the end of the 19th century. This image as terrorists emerged due to the antics of the Fenian Brotherhood and its associated organizations. Expeditions across the border into Canada to battle British forces and the dynamite campaign of the 1880s contributed to American fears of the radical and unstable nature of the Irish and beliefs of racial inferiority.



Thomas Nast

"No Irish
Need
Apply"

Anti-Irish sentiment was rampant in the United States during the 19th and early 20th Centuries. Rising anti-Catholic and Nativist sentiments among Protestant Americans led to increasing discrimination against Irish Americans in the 1850s. Prejudice against Irish Catholics in the U.S. reached a peak in the mid-1850s with the founding of the Know Nothing Movement, which tried to oust Catholics from public office. After a year or two of local success, the Know Nothing Party vanished.

Catholics and Protestants kept their distance; intermarriage between Catholics and Protestants was uncommon, and strongly discouraged by both Protestant ministers and Catholic

While the parishes were struggling to build parochial schools, many Catholic children attended public schools. The Protestant King James Version of the Bible was widely used in public schools, but Catholics were forbidden by their church from reading or reciting from it.

Irish Jews

- While most Irish Americans are from Christian religious backgrounds, some are Irish Jews. A 1927 news article published by The American Hebrew reported that New York City was home to 1,000 Irish American Jews and that several thousand more lived elsewhere in the United States. In the same year, an organization formed in Brooklyn called "The Irish Jews of America" and planned to establish an Irish-American synagogue.

Irish
American
community
leaders
established of
the Diversity
Immigrant
Visa lottery

- The program, more commonly known as the “green card lottery,” was brought into being due to the rising numbers of Irish citizens working illegally in the US, after traditional routes into legal work in America were choked off.
- The Immigration and Nationality Act of 1965 – spearheaded by Irish American icon Senator Ted Kennedy – ended the bias towards immigrants from Europe and opened the door to the Land of the Free to those from Africa and Asia.

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“Rally, Sons of Notre Dame”

- The Catholic archbishop John Hughes, an immigrant to America from County Tyrone, Ireland, campaigned for public funding of Catholic education in response to the bigotry. While never successful in obtaining public money for private education, the debate with the city's Protestant elite spurred by Hughes' passionate campaign paved the way for the secularization of public education nationwide. In addition, Catholic higher education expanded during this period with colleges and universities that evolved into such institutions as Fordham University and Boston College providing alternatives to Irish who were not otherwise permitted to apply to other colleges.

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Irish-American
Contribution
to Popular
Entertainment

- James Cagney, Bing Crosby, Walt Disney, John Ford, Judy Garland, Gene Kelly, Grace Kelly, Tyrone Power, Chuck Connors, Ada Rehan, Jena Malone, and Spencer Tracy. Gracie Allen, Art Carney, Jackie Gleason and Ed Sullivan.
- Irish-born actress Maureen O'Hara, who became an American citizen, defined for U.S. audiences the archetypal, feisty Irish "colleen" in popular films such as *The Quiet Man* and *The Long Gray Line*.

American Presidents with Irish ancestry

John F. Kennedy

Barack Obama

Chester Arthur

Andrew Jackson

George W. Bush

William Howard Taft

Ulysses S. Grant

Ronald Reagan

Joe Biden

Grover Cleveland

Richard M. Nixon

Andrew Johnson

Woodrow Wilson

U.S.
Supreme
Court
Justices

John G.
Roberts

Neil Gorsuch

Brett
Kavanaugh

Amy Coney
Barrett

William
Brennan, Jr.

William
Paterson

Joseph
McKenna

Edward
Douglas
White

Pierce Butler

Frank
Murphy

Anthony
Kennedy

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The Mighty
Casey—
Irish
American
Sports

- Starting with the sons of the famine generation, the Irish dominated baseball and boxing, and played a major role in other sports.
- Logo of the Boston Celtics basketball team
- John Elway and Tom Brady, Rick Barry, Jimmy Connors and John McEnroe, Nolan Ryan, Derek Jeter, Jason Kidd, Jack Dempsey and Muhammad Ali Kelly Slater, Ryan Max Riley, Ben Hogan.

Comedians

George
Carlin

Bill Murray

Will Ferrell

Ben Stiller

Chris Farley

Stephen
Colbert

Conan
O'Brien

Denis Leary

Colin Quinn

Charles
Nelson Reilly

Molly
Shannon,

Kathleen
Madigan

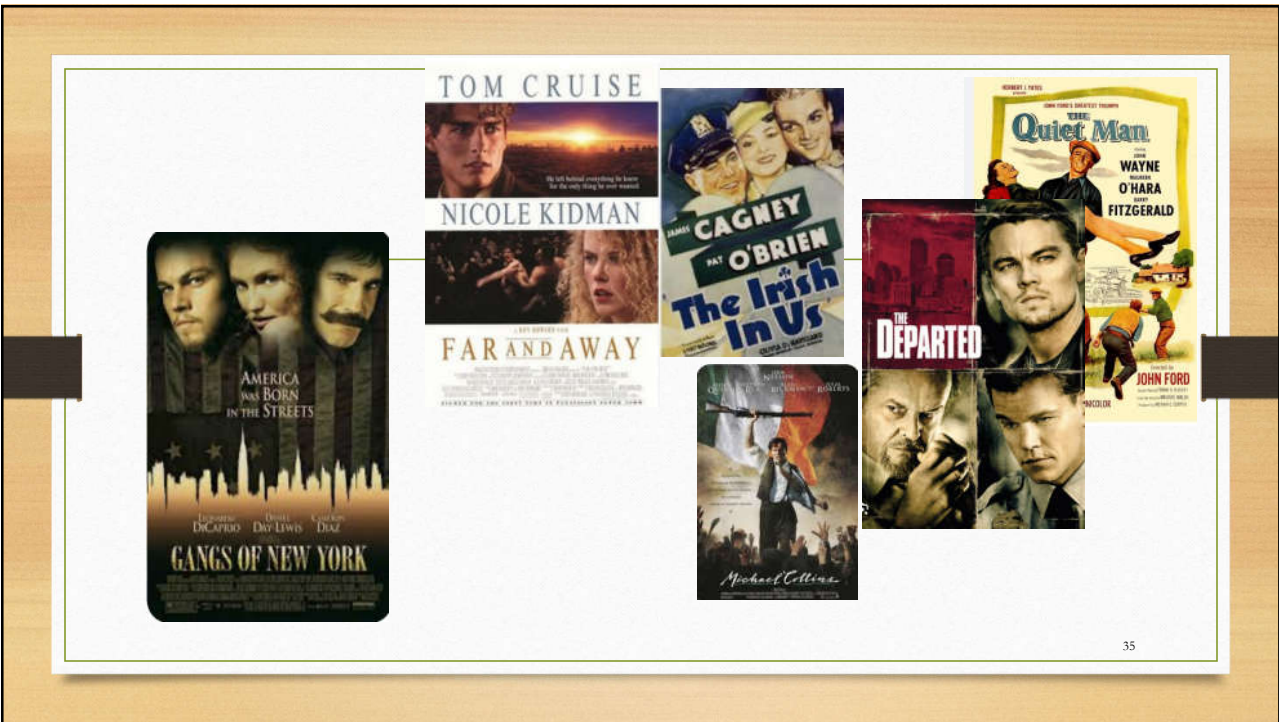
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Resources-2

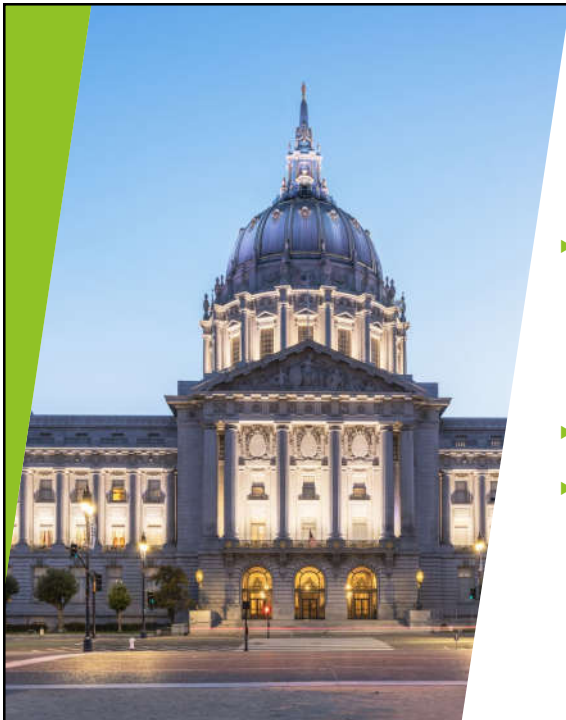
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Irish Asylum Process

By: Dorothy Harbeck, IJ



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The Applicant
can apply for
international
asylum
protection in
Ireland for two
separate
reasons

- ▶ S/he has a 'well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion', and s/he cannot seek the protection of your country. This is called refugee status.
- ▶ S/he cannot return to his/her own country because s/he is at risk of serious harm, but s/he does not qualify as a refugee. This is called subsidiary protection status.

Who is a refugee?

A refugee is someone who cannot return to their country because they have a well-founded fear of persecution there for reasons of race, religion, nationality, membership of a particular social group or political opinion.

Refugee status is the form of protection that is granted to people who meet the definition of a refugee.

- ▶ Subsidiary protection is complementary to refugee status. It means that someone cannot be returned to their country of origin or habitual residence because they face a real risk of serious harm. Serious harm means (i) the death penalty or execution; (ii) torture or inhuman or degrading treatment or punishment; (iii) serious and individual threat to a civilian's life or person by reason of indiscriminate violence in a situation of international or internal armed conflict.
- ▶ Does not qualify as a refugee
- ▶ Substantial grounds have been shown for believing that the applicant if returned to the country of origin would face a real risk of serious harm

What is subsidiary protection?

What is permission to remain?

Permission to remain may be granted to people who have been refused a refugee or subsidiary protection declaration but are not returned home for humanitarian or other compelling reasons.

Permission to remain will only be examined if the applicant is found not to be entitled to refugee status or subsidiary protection. This is where the Minister considers whether to grant the applicant permission to remain in Ireland for another reason such as your family or personal circumstances.

The Minister will consider factors such as: a. the nature of the connection with Ireland, if any; b. humanitarian considerations; c. character and conduct both within Ireland and elsewhere, including any criminal convictions; d. considerations of the common good.

When considering permission to remain the Minister will also take into account the prohibition on refoulement.

How to Determine Which EU Country Should Accept an Applicant

- ▶ The Regulations do not set out to penalize asylum-seekers when they cross borders.
- ▶ Rather, they set out a sliding scale of criteria that help the authorities establish which country is responsible for each individual asylum-seeker.
- ▶ Top of that list of criteria is family links. If the applicant is not already in the country deemed responsible, the Regulations set out procedures to follow to arrange their transfer to that country. They also allow for discretionary transfers, where States agree, in order to unite family members.

Does the Applicant Have to Apply for Asylum in the first EU Country S/he enters?

- ▶ No---The "European Dublin III Regulation" aims to quickly establish only one Member State as responsible for examining an application for asylum within the EU and some associated countries: Norway, Iceland, Switzerland and Liechtenstein.
- ▶ The Regulations help avoid the situation of asylum seekers being sent from one country to another without any taking responsibility for their application. Equally they prevent abuse of the system whereby one person can submit several applications for asylum in different countries.



The Dublin Regulation

- ▶ There may be reasons why an Applicant's asylum claim will not be accepted. This can happen when the applicant has already applied for asylum in another country and you are able to return there.
- ▶ The Dublin Regulation (sometimes referred to as Dublin III) is European Union law. It determines which country is responsible for examining an asylum application - normally the country where the asylum seeker first entered Europe.
- ▶ One of the aims of the Regulation is to ensure that an individual does not make multiple applications for asylum in several Dublin member states. These include the member countries of the EU plus Iceland, Norway, Switzerland and Liechtenstein.

Dublin Regulation-2

- ▶ The Dublin III Regulation; previously the Dublin II Regulation and Dublin Convention) is a Regulation of the European Union that determines which EU member state is responsible for the examination of an application for asylum, submitted by persons seeking international protection under the Geneva Convention and the Qualification Directive, within the European Union.
- ▶ The Dublin Regulation forms a key part of the Common European Asylum System (CEAS). Together with the Eurodac Regulation, which establishes a Europe-wide fingerprinting database for unauthorized entrants to the EU, the Dublin Regulation forms the Dublin System. The Dublin Regulation aims to "determine rapidly the Member State responsible [for an asylum claim]" and provides for the transfer of an asylum seeker to that Member State.
- ▶ One of the principal aims of the Dublin Regulation is to prevent an applicant from submitting applications in multiple Member States.
- ▶ Another aim is to reduce the number of "orbiting" asylum seekers, who are shuttled from member state to member state. The country in which the asylum seeker first applies for asylum is responsible for either accepting or rejecting the claim, and the seeker may not restart the process in another jurisdiction.

Asylum and Migration Management Regulation (AMMR)

- ▶ The Dublin III Regulation is to be replaced by an Asylum and Migration Management Regulation (AMMR), as part of the third phase of the Common European Asylum System.
- ▶ The Justice and Home Affairs Council reached an agreement on a negotiating position towards the European Parliament on 8 June 2023.
- ▶ The Pact was adopted by the European Council on 14 May 2024 and will come into force in two years, from 2026.
- ▶ The revised Regulation applies to all EU member states except those with opt-outs from the AFSJ policy area: Denmark and Ireland. Denmark subsequently notified the EU that it would apply the amendments, while Ireland has the option to opt-in to the regulation.
- ▶ Key to the Asylum and Migration Management Regulation is the institution of a new solidarity mechanism between the member states. Solidarity can take the form of relocation of migrants, financial contributions, deployment of personnel or measures focusing on capacity building.

Where does the Applicant Stay During the proceedings?

While an Applicant seeking international protection is having his/her application assessed by IPO, s/he must be allowed to stay in Ireland. application.

- ▶ Once in Ireland, the asylum application should be made in person at the International Protection Office (IPO). Their office can be found at 79-83 Lower Mount Street, Dublin 2, D02 ND99. The application can be made at an airport or seaport.
- ▶ The applicant can make an asylum claim for him/herself, but also for his/her children who may be with the applicant and are younger than 18 years of age.
- ▶ If any of the applicant's children are born in Ireland, they will automatically be included in the asylum claim. The exception to this is if they are already Irish citizens.

Step 1: Applying for Asylum

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Applying for Asylum-2

- ▶ As of 11/8/2022, any applicant for International Protection attending the International Protection Office (IPO) to apply for international protection will also be asked to complete the International Protection Questionnaire (IPO2) on the same day.
- ▶ This form asks the applicant to explain the reasons why s/he are looking for international protection.
- ▶ On the same day. An interpreter or cultural mediator should be available to help the applicant complete all the information in English.

Safe Countries of Origin-Accelerated Cases

- ▶ Applicants from Bosnia and Herzegovina, the Republic of North Macedonia, Georgia, Kosovo, Montenegro, the Republic of Albania, the Republic of Serbia and the Republic of South Africa will also receive their interview date on the day they apply for international protection which is likely to be within a few weeks of their date of application.
- ▶ These countries are considered by the Irish government to be Safe Countries of Origin and people applying from those countries will be dealt with faster (they are called “accelerated cases”).

Legal Representation

- ▶ All applicants are advised to register with the Legal Aid Board as soon as possible to avoid delay. S/he may also pay for a solicitor privately.

- ▶ After the applicant communicates that s/he would like to make an asylum application in Ireland, an immigration officer or an officer from the International Protection Office (IPO) set up a 'preliminary' or initial interview.
- ▶ The purpose of this preliminary interview is to gather information on the applicant's identity, country of origin, the route travelled to Ireland and the reason for applying for asylum.
- ▶ This preliminary interview will also be used to decide whether the applicant is able to apply for asylum in Ireland.

Step 2: Preliminary Interview

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Preliminary Interview-2

- ▶ A written record of the interview will be kept by the interviewer from the IPO. During the interview, the interviewer will ask the applicant to read the notes of what was said and to correct anything. The applicant will be asked to sign the interview record to confirm its contents.
- ▶ Although the applicant's lawyer can go to your interview, this is not usual.
- ▶ For unaccompanied child applicants, his/her guardian or representative from Tusla (the Child and Family Agency) must be at the interview.

Preliminary Interview-3

- ▶ If the Applicant has difficulty speaking English, the IPO will provide a translator at the interview.
- ▶ If the Applicant does not understand the translator or the questions, the Applicant must advise the officer.

- ▶ After the preliminary interview, the International Protection Office (IPO) will give the applicant a questionnaire to complete. This is the International Protection Questionnaire (IPO2) and it should be completed at the IPO on the day of application. This asks the applicant to explain the reasons for protection.
- ▶ An interpreter or cultural mediator should be available to help complete all the information in English. If the preliminary interview took place at a port of entry (e.g. airport or seaport), the applicant will be directed to the office of the IPO. Here, you and any dependent children (over the age of 14) will be photographed and have fingerprints taken. Fingerprints and photographs help the IPO decide whether the Dublin Regulation applies.
- ▶ The Applicant will then be given a temporary residence certificate which shows s/he has permission to be in Ireland while the asylum application is being decided. It is not an official identity card.

Step 3: Questionnaire

- ▶ The International Protection Office (IPO) will send the Applicant a letter with the date and time of the interview.
- ▶ It is important that the Applicant complete the questionnaire fully and give the most accurate answer to each question.
- ▶ It is important that the Applicant provide any supporting documentation that may be relevant to your application for permission to remain.

Step 4: Personal Interview

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- ▶ After the interview, the International Protection Office (IPO) will consider all the information the applicant has provided. This includes the interview(s), questionnaire and any documentation submitted.
- ▶ The IPO will then make a 'recommendation' to the government.
- ▶ If a recommendation has not been made within six months the Applicant can request an estimation of when s/he may receive one from the International Protection Office (IPO). The recommendation will be received by registered post and will be sent to the Applicant or his/her lawyer.

Step 5: International Protection Office's Recommendation

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- ▶ An Applicant may appeal an International Protection Office (IPO) recommendation that s/he is not entitled to Refugee status or Subsidiary Protection to the International Protection Appeals Tribunal (IPAT). There is no appeal to the International Protection Appeals Tribunal (IPAT) for a refusal of permission to remain.
- ▶ To appeal a decision, the Applicant must complete and submit an appeal form to the IPAT. Depending on the IPO's findings, it is possible to request an oral hearing for the appeal.
- ▶ The Applicant will be contacted when a time and date has been scheduled. During an oral hearing a member of the IPO will be present with the Applicant and his/her lawyer and the 'Tribunal Member' (this is the decision-maker from the International Protection Appeals Tribunal).
- ▶ The Tribunal Member may also have a witness present to give evidence in relation to some part of the appeal application.
- ▶ If the IPAT overturns a negative recommendation from the IPO, the Minister will send the Applicant the new declaration i.e. Refugee status or Subsidiary Protection.

Step 6 Appeal to the International Protection Appeals Tribunal (IPAT)

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- ▶ If the International Protection Office (IPO) did not recommend the Applicant be granted permission to remain, and the appeal to the International Protection Appeals Tribunal (IPAT) is not successful, the Minister will review the decision not to grant permission to remain where the Applicant has submitted any new information since the original decision was made.
- ▶ The Applicant will receive a permission to remain review form to complete. S/he will have just 5 working days to submit any new information.
- ▶ The Minister may also grant permission to remain if failure to do so would result in violating the prohibition of refoulement.

Step 7 Review of Permission to Remain

Review of Permission to Remain-2

- ▶ If the IPO recommends you be granted Refugee status, the Minister for Justice (the Minister) will send you a refugee declaration in several weeks. However, the Minister can refuse to follow the recommendation of the IPO where they have deemed the applicant is a security risk.
- ▶ If the IPO recommends you not be granted Refugee status or Subsidiary Protection the Minister will decide whether you should be granted 'Permission to Remain'.

The International Protection Office (IPO)

- ▶ The International Protection Office (IPO) is responsible for examining international protection applications (i.e. asylum applications). The independence of IPO officers making decisions on asylum applications is protected under Irish law. To claim asylum in Ireland, other than at a port of entry (e.g. airport or seaport), you must apply in person to the IPO's office.
- ▶ The IPO is responsible for the following services:
- ▶ Registering asylum seekers and providing Temporary Residence Certificates to asylum-seekers
- ▶ Examining asylum applications and recommending if someone should be granted refugee status or subsidiary protection
- ▶ Carrying out Permission to Remain review for the Minister of Justice and Equality

The possible
recommendations
the IPO can make
are:

- ▶ To grant Refugee status
- ▶ To grant Subsidiary Protection
- ▶ To not grant Refugee status or Subsidiary Protection

Tusla

- ▶ Tusla is the dedicated State agency responsible for child protection. It provides child protection, early intervention and family support services in Ireland. This includes responsibility for the care of unaccompanied minors who are in Ireland claiming asylum.

- ▶ The International Protection Accommodation Service (IPAS) is responsible for the procurement and overall administration of State-provided accommodation and other services for asylum-seekers and suspected victims of human trafficking.
- ▶ IPAS is responsible for the following services:
- ▶ Arranging accommodation and other necessary services for asylum-seekers and suspected victims of human trafficking
- ▶ Accommodating asylum-seekers at reception centers in Dublin for an initial period to provide orientation, a voluntary health screening, a needs assessment and assistance with the first steps of asylum applications
- ▶ Monitoring the operation of accommodation centers and coordinating the provision of services at the centers

International Protection Accommodation Service (IPAS)



Garda National Immigration Bureau (GNIB)

- ▶ All non-nationals who are not citizens of a member State of the European Union, the European Economic Area or Switzerland, must register with the Garda National Immigration Bureau if they intend to stay in Ireland for longer than 3 months and at all times have in their possession a valid registration certificate in the form of a Irish Residence Permit (IRP) card. The Garda National Immigration Bureau (GNIB) carries out deportations, border control and investigations relating to illegal immigration.
- ▶ GNIB is responsible for the following services:
- ▶ Immigration permission to stay in Ireland for more than 90 days
- ▶ Registration services once you have been given permission to stay in Ireland
- ▶ Issuing Irish Residence Permits (IRPs)



Irish Human Rights and Equality Commission (IHREC)

- ▶ The Irish Human Rights and Equality Commission is Ireland's national human rights and equality institution, mandated by government to protect and promote human rights and equality in Ireland and build a culture of respect for human rights, equality and intercultural understanding in the State. Although publicly funded, it is independent of government.
- ▶ IHREC is responsible for the following:
 - ▶ Providing information to the Irish public in relation to their human rights and available remedies under equality and human rights law in Ireland
 - ▶ Making recommendations to the Government in relation to measures that strengthen, protect and uphold human rights and equality in the State
 - ▶ Providing practical assistance, including legal assistance in certain circumstances, to persons vindicating their rights

Immigration Service Delivery (ISD)

- ▶ Immigration Service Delivery is responsible for administering the functions of the Minister of Justice and Equality in relation to asylum, immigration (including visas) and citizenship matters.
- ▶ ISD is responsible for a number of services, including:
 - ▶ Visas to come to Ireland for non-EU/EEA & non-Swiss nationals
 - ▶ Processing applications for citizenship



International Protection Appeals Tribunal (IPAT)

- ▶ The IPAT is an independent appeals Tribunal. It examines appeals of persons who the International Protection Office (IPO) recommend should not receive international protection (i.e. refugee status or subsidiary protection).
- ▶ The IPAT is responsible for the following services:
 - ▶ Hearing and determining appeals on negative asylum decisions
 - ▶ Hearing and determining appeals under the Dublin Regulation
 - ▶ Hearing and determining appeals for subsequent applications and inadmissible applications
 - ▶ Hearing and determining appeals under the European Communities (Reception Conditions) Regulations 2018
 - ▶ Voluntary Return



Resources

- ▶ <https://help.unhcr.org/ireland/applying-for-asylum/>
- ▶ <https://help.unhcr.org/ireland/where-to-seek-help/government-organizations/>
- ▶ <https://www.unhcr.org/ie/frequently-asked-questions-asylum-seekers-and-refugees-ireland>
- ▶ <https://www.citizensinformation.ie/en/moving-country/asylum-seekers-and-refugees/the-asylum-process-in-ireland/rights-and-obligations-of-asylum-seekers-in-ireland/#84d514>
- ▶ <https://help.unhcr.org/ireland/frequently-asked-questions/>

Irish Citizenship

By: Dorothy Harbeck



Disclaimer

- The presenter is participating in her personal capacity. Her opinions are not necessarily the views and opinions of her employer the USDOJ, the Attorney General or the Executive Office for Immigration Review. This is not legal advice. This is presented for legal educational discussion purposes and as part of the presenter's study in the Advanced Diploma Program at the King's Inns of Court.

Jus Solis

- 'Right of Soil', is the right of anyone born in the territory of a state to nationality or citizenship, also commonly referred to as birthright citizenship. Jus soli was part of the English common law, in contrast to jus sanguinis ('right of blood'), which derives from the Roman law that influenced the civil-law systems of mainland Europe.
- Jus soli is the predominant rule in the Americas; explanations for this geographical phenomenon include: the establishment of lenient laws by past European colonial powers to entice immigrants from the Old World and displace native populations in the New World, along with the emergence of successful wars of independence movements that widened the definition and granting of citizenship, as a prerequisite to the abolishment of slavery since the 19th century. Outside the Americas, jus soli is rare.

The Citizenship Clause of the 14th Amendment to the United States Constitution

- "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside." The concept of birthright citizenship applying to the child born of a foreign national in the country without proper credentials has never been formally litigated, but the U.S. Supreme Court's decision in *United States v. Wong Kim Ark* (1898) allowed the government to deny citizenship to U.S.-born children only in the cases of children born to foreign diplomats and children born to enemy forces engaged in hostile occupation of the country's territory, and, thus, this decision is most often interpreted as barring the government from denying citizenship to those born in the U.S. based on the alienage of their parents.

Jus Sanguinis

- Since the Twenty-seventh Amendment of the Constitution of Ireland was enacted in 2004, no European country grants nationality based on unconditional or near-unconditional jus soli.
- Almost all states in Europe, Asia, Africa and Oceania grant nationality at birth based upon the principle of jus sanguinis ("Right of Blood"), in which nationality is inherited through parents rather than birthplace, or a restricted version of jus soli in which nationality by birthplace is automatic only for the children of certain immigrants.

Immigration into Ireland Affected Birthright Citizenship

- Although Ireland had long granted birthright citizenship to any person born on the island prior to this amendment as a part of statute law, increasing levels of immigration into the country soon affected the degree to which that entitlement would be given. In the 1990 Supreme Court case *Fajujonu v Minister for Justice*, it was ruled that noncitizen parents of Irish-born children were entitled to remain in Ireland through their children's rights of residence. The application of this ruling was extremely permissive in the immediate subsequent period; any non-Irish parent of a child born in Ireland was permitted to remain. The scope of this entitlement was reduced in a 2003 Supreme Court ruling, which determined that the Minister for Justice could examine the circumstances by which a noncitizen parent was claiming a right to remain and held discretionary power to deport any such persons found to be acting contrary to national interest. For Irish-born children with one Irish citizen parent, the noncitizen parent continued to be granted a right to remain without any such qualifications.
- In response to the perceived "abuse" of citizenship, the Irish government proposed a constitutional amendment limiting birthright citizenship only to people with a sufficient existing connection to Ireland.

Descendants

- Citizenship by descent is automatic where at least one parent was an Irish citizen born on the island of Ireland. Second and subsequent generation descendants require registration of each generation in the Foreign Births Register before the birth of the next; citizenship by descent can be continued indefinitely as long as registration is performed this way.

Children Born Overseas

- are Irish citizens by descent if either parent or any grandparent was born in Ireland and is either an Irish citizen or entitled to be one, although those born to an Irish parent who was also born overseas are only entitled to Irish citizenship if their birth is registered in the Foreign Birth Register or the parent was resident abroad while in public service.
- Irish citizenship can be continually transmitted through each generation born abroad provided that each subsequent generational birth is registered in the Foreign Births Register. About 1.47 million Irish citizens live outside of the Republic, although this number does not include those resident in Northern Ireland or Britain.

Dual citizenship

- Both Ireland and U.S. allow dual citizenship.
- <https://www.irishimmigration.ie/how-to-become-a-citizen/dual-citizenship/>
- The Supreme Court of the United States has stated that dual nationality is “a status long recognized in the law” and that “a person may have and exercise rights of nationality in two countries and be subject to the responsibilities of both. The mere fact that he [sic] asserts the rights of one citizenship does not without more mean that he renounces the other” (*see Kawakita v. U.S.*, 343 U.S. 717 [1952]). While recognizing the existence of dual nationality and permitting Americans to have other nationalities, the U.S. Government does not endorse dual nationality as a matter of policy because of the problems which it may cause. Claims of other countries upon dual-national U.S. Citizens often place them in situations where their obligations to one country are in conflict with the laws of the other.

So I Want to Apply to Be an Irish Citizen

- You do this online through the Irish Department of Foreign Affairs.
- <https://fbr.dfa.ie/finprod/fbr301.xsp?t=1730225317175>
- <https://protect2.fireeye.com/v1/url?k=5c1d51e2-39adb697-5c1a7507-74fe48681123-0e5f272841a116a7&q=1&e=9b092043-dae-401b-925f-a4532989252d&u=https%3A%2F%2Fwww.ireland.ie%2Fen%2Fdfa%2Fcitizenship%2Fborn-abroad%2Fregistering-a-foreign-birth%2F>

Ireland Citizenship Link

<https://www.ireland.ie/en/dfa/citizenship/#main-content>

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