Politische Diskurse | Political Discourse | 1

Elaine Burroughs

Political and Media Discourses of Illegal Immigration in Ireland

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Chapter 1: Framing Illegal Immigration in Ireland

Illegal immigration occurs in a multitude of countries around the world at differing scales and intensities. When people move across national boundaries, their status is determined through the nation state construct of governance (Chavez, 2007: 192). In contrast to ratified citizens, those without a legal status are positioned outside of the conventional bounds of the nation state and are deemed to be illegal (Willin, 2007: 2). The term illegal immigration is quite abstract and often occurs in conjunction with legalistic language that assumes the legitimate exclusion of unwanted migrants from society. Referring solely to a migrant's legal status, this terminology lacks a human element or a face(s) behind such phrasings. This book examines institutional and authoritative discourses of illegal immigration. The two institutions that are under analysis are the Irish Parliament and the newsprint media, as these institutions provide the core parameters within which the Irish public gained their knowledge about illegal immigrants between 2002 and 2009. Over time, Irish Institutions repeatedly assigned various discursive attributes to the "subject" (illegal immigrant) and these discourses influenced how the public conceptualized this type of migration. These ideological discourses must be deconstructed in order to uncover their function. This book identifies that Irish Institutional discourses tend to amplify a particular framing of illegal immigration and the function of this may be to "legitimately" exclude unwanted migrants from society. It is argued here that discourses that surround illegal immigration are an avenue to identifying manifestations of power and mentalities of belonging and exclusion. This chapter frames this issue by discussing illegal immigration in the international and European contexts. This is followed by an in-depth exploration of illegal immigration in the Irish context. Placed in the context of Ireland's migration history and legislative reforms, the nature and extent of illegal immigration is outlined. Furthermore, this chapter relays the manner in which illegal immigration is defined and the terminology that is utilized to describe it. The chapter concludes by examining the overall aims of this book, the various contributions the book aims to make, and the contents of the chapters.

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1.1 Illegal Immigration in the International and European Contexts

At the international level a delicate balancing act broadly takes place between discourses of the wanted (i.e. skilled, rich migrants) and discourses of the unwanted (i.e. poor migrants). It seems that the general focus of those in powerful positions at the international scale is to prevent and combat illegal immigration (Guild, 2004: 3). This focus largely ignores broader governmental and capitalist processes that cause people to migrate without official permission. Placed within this framework of controlling and preventing illegal immigration, different countries have diverse issues with it. While acknowledging that there are exceptions to this broad generalization (e.g. Mexico/South Africa), there is the obvious distinction in concerns between richer and poorer countries (that is, between sending and receiving countries). Receiving countries (such as America or France) are often concerned with a perceived lack of control of illegal immigrants entering their country, potential threats to national security, and the effects of illegal immigration on the domestic labour market. Sending countries may be concerned with the effects emigration has on their country, or the problems associated with the trafficking industry. Reciprocal relationships have developed between sending and receiving countries in an attempt, on both parts, to control illegal immigration. These relationships can materialize in the form of bilateral agreements (Papademetriou, 2005).

The rich and powerful countries of the world (e.g. the US, Canada, Australia, and several European nations) are forceful in their attempts to control their borders and to prevent illegal immigration. They place huge investment in exterior protections, materializing mainly in the form of border enforcement, air/coastal patrols, fences, and surveillance devices. States also exchange various enforcement measures. For instance, Canadian officials have studied detention practices in Australia, prosecution processes in Europe, and interception strategies in the US. By collaborating with other states and sharing information with private corporations, governments can reach across borders and oceans to manage illegal immigration. Although these control measures are substantial in terms of the cost involved in executing them, in the image they portray, and in the power they wield, these measures have not been a deterrent for illegal immigrants. Highly motivated migrants, driven by numerous incentives (be they economic or humanitarian), have found multiple ways to circumvent tighter border controls. The most notable of these is the use of professional people smugglers. Nation states also utilize interior protections to prevent

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illegal immigration. An example of this is the implementing of immigration laws in the workplace. Nevertheless, laws that penalize employers who hire illegal immigrants have generally failed due to (among other reasons) the low fines imposed and the lack of criminal penalties enforced on employers (Cornelius and Tsuda, 2004: 8; Mountz, 2010: 8-48).

The extent of illegal immigration in the international context is largely unknown and is probably not quantifiable. Organizations and state authorities have attempted to estimate the number of illegal immigrants through various methods, for example by assessing the number of refused immigrants, deportations, regularizations, falsified documents, and by using specialized surveys. The degree to which these indicators are accurate and reliable is debatable. The reasons for this are multiple. Firstly, many of the figures can include those fleeing persecution and seeking asylum. Secondly, the methods of measuring illegal immigration can reflect administrative procedures (i.e. ways of defining an illegal immigrant), rather than all "illegal" movements of people. Indeed, the number of apprehensions only indicates illegal immigrants that were identified by the State. Thus, one must assume that the figures gathered by state authorities are only fragmentary indications of all illegal immigration movements (Mitsilegas, 2004: 29-39). Thirdly, the procedural data that is available is not comparable between countries. This is because each country has its own system of recording and defining illegal immigration. Indeed, even within the EU there is a lack of a common legal definition. Furthermore, the status of illegality may change over time and overlap with the status of legality (Duvell, 2006: 6-7; Mitsilegas, 2004: 29-39). Fourthly, by its very nature illegal immigration concerns unobservable events and people, therefore, it is impossible to definitively quantify it. For these various reasons the number of illegal immigrants at the international scale is impossible to accurately assess, which in many ways adds to the illusive characteristics that are assigned to illegal immigrants by those in positions of power (Jandl, 2004: 142).

Nevertheless, it is worth briefly noting some estimates of the number of illegal immigrants internationally. It has been suggested that the global illegal immigrant population could be as many as 30 to 40 million, which is between 15% and 20% of the total immigrant population of the world. The US is estimated to have the largest number of illegal immigrants – between 10 and 12 million. South Africa is said to have the second highest level of illegal immigrants (Mountz, 2010; Papademetriou, 2005; Skeldon, 2000). Most sources estimate that there is anywhere between 2 and 8 mil-

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lion illegal immigrants in the EU (Duvell, 2006: 6-7; Quinn and Kingston, 2012: ix). Estimates for continental Europe are large (between 3 and 8 million). It is also projected that there are between 2 and 3 million illegal immigrants in East and Southeast Asia. As referred to above, illegal immigration not only occurs in wealthy, "Western" countries. Mexico, for example, hosts approximately 1 million illegal immigrants; many of these people are American retirees who have settled in Mexico without official permission. Two groups of countries account for the remaining cohort of illegal immigrants internationally. These are the growing regional economies of the "developing" world and countries that are adjacent to "advanced" industrial nations. Countries adjacent to desirable countries (e.g. Georgia is adjacent to the EU) are locations where many illegal immigrants are often stranded or temporarily deposited by traffickers or smugglers (Mountz, 2010; Papademetriou, 2005; Skeldon, 2000). Overall, these estimates may offer some context to the situation of illegal immigration internationally. However, these figures are unreliable as they are frequently compiled by those with a political agenda (e.g. to control illegal immigration or to offer humanitarian assistance). Indeed, the statistics for illegal immigration reflect this, as they are either unbelievably high or implausibly low (Duvell, 2008: 485-486).

Focusing within the European context, different levels of illegal immigration occur between countries. The proportion of illegal migrants to the overall immigrant population ranges from 1% to 2% in Sweden (the lowest in the EU) to 15% in Germany (Duvell, 2006: 6-7). Illegal immigration has increasingly become a major concern, especially for certain countries (Albrecht, 2002: 1-5). The main EU receiving countries include Germany, Spain, Italy, France, and the UK (Duvell, 2008: 482). Some countries (such as France) have larger levels of illegal immigrants than other countries (e.g. Ireland). Illegal immigrants can enter a country from neighbouring states, whilst other countries have illegal populations from countries outside of Europe (e.g. migrants from African countries that travel to the UK). Some countries are only transited by illegal immigrants (e.g. the Ukraine), whilst other countries are the destination for illegal immigrants (e.g. Italy). Frequently, but not always, a certain nationality will illegally migrate to a particular country. An example of this is the large number of Moroccan people that continually migrate to Spain (Duvell, 2008: 481-483). Illegal immigration remains on the European political agenda due to the opening of the borders between Eastern and Western Europe, the creation and implementation of the Schengen Treaties, the abolition of

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internal border controls in most of Western Europe, the enormous reduction in opportunities for legal immigration, and the general increase in the control of immigration to Europe (Albrecht, 2002: 1-5). In the European context, there seems to be two main, but contrasting patterns of illegal immigration. Firstly, once in a European country, migrants remain as long as possible and add to the increasing number of those residing illegally. Secondly, migrants remain in a country on a temporary basis. It has been found that the easier it is for migrants to enter, leave, and re-enter a country, the more likely it is that they will come and go, instead of permanently settling in a country. Vice versa, the more rigid a country's entry and exit controls are, the more likely it is that once a migrant has made it successfully into a country, they will remain there. Some illegal immigration is economically driven and once the demand for labour decreases, illegal immigration also decreases. Illegal immigration may also display more complex patterns and can be driven by a culture of migration, family reunification, or by mere dreams and perceptions of a European lifestyle (Duvell, 2008: 481-483). Thus, illegal immigration in the European context is a complex issue and there are huge variations in the nature and extent of it between countries. The next section pays particular attention to the Irish context.

1.2 Illegal Immigration in the Irish Context

People have immigrated to and emigrated from the island of Ireland for thousands of years; from historical migration (e.g. colonialization) to large scale emigration during the time of the Irish famine. However, in the context of the current period, the 1990s (with the exception of a short period during the 1970s) is considered the key period of significant immigration. At this time the country was still largely ethnically homogenous (Quinn and Hughes, 2005: viii). Prior to the 1990s, few immigrants came to Ireland, except for those of Irish or British backgrounds. Non-EU immigration was insignificant, aside from a few professionals in the multinational sector. Furthermore, apart from a very modest inward migration of a number of "programme refugees" (planned and agreed to by the Government), substantial immigration from countries outside of the English speaking world is very recent to Ireland. The 1996 Census marks the beginning of a modern period of net immigration to Ireland. The emergence of the economic boom saw growth in the economy, inward multinational investment,

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and an increase in employment. Returning Irish migrants accounted for a considerable proportion of this early immigration. Of course, over this same time period other immigrants arrived, including EU immigrants and non-EU immigrants (who were permitted access to the State through short-term work permits, student visas, and through asylum applications) (Mac Éinri and White, 2008: 153-154). The number of people claiming asylum in Ireland grew from a very small amount (39) in 1992 to over 7,000 in 1999 (NCCRI/Equality Authority Ireland NFP, 2003: 2). People had sought asylum in Ireland prior to the 1990s through organized reception or resettlement programmes, but the number of migrants involved were very low and the Government had control over the number of those admitted. The amount of immigrants claiming asylum in Ireland rose steadily until 2002 (to 11,000), when the figure slowly declined thereafter (due to a number of control measures by the Government, for example a list of "safe" countries of origin and the policy of Carriers' Liability). The majority of those seeking asylum in Ireland came from Nigeria and Romania, although Romanian applications fell when Romania joined the EU in 2007 (Mac Éinri and White, 2008: 153-154; Ruhs, 2009). Prior to 2004, all non-EU citizens required a work permit to be employed in Ireland. These were referred to as the Working Visa/Work Authorization programmes (for highly skilled, well-educated employees, and those employed in skilled manufacturing positions) and the Work Permits scheme (for lower skilled workers from outside the EEA in catering positions, agriculture, nursing, etc.). With the accession to the EU by 10 new Member States in 2004, the Work Permit scheme altered when Ireland (along with the UK and Sweden) permitted citizens of the new Member States access to the labour market (Mac Éinri and White, 2008: 154). This amendment contributed to accelerated EU immigration to Ireland, a large proportion of which came from Eastern European countries, such as Poland (Ruhs, 2009). Following from this, Ireland moved away from its more liberal work permit system for non-EEA workers and enforced stricter policies on non-EEA immigrants, resulting in the permitting of mainly highly skilled workers to the labour market. The country met its low skilled labour needs with migrants from within the enlarged EU (Mac Éinri and White, 2008: 154; Ruhs, 2009). The current situation in Ireland is that, on the whole, EU migrants reside and are employed legally in Ireland with virtually no restrictions, while non-EU migrants are either rich, highly educated/skilled individuals in employment (e.g. doctors), students, those seeking asylum (or granted refugee status), or illegal immigrants.