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Discursive Representations of Asylum Seekers and Illegal Immigrants in Ireland

Keywords: Ireland, non-EU migration, asylum, illegal immigration, representation, categories, labels, terminology

1 Introduction

Migrants are often referred to as an all encompassing group of people and the "many faces of migration", the variety of people, legalities and complexities involved, can be overlooked. The same can be said for non-EU migrants in the Irish context. Non-EU migrants (or those that are not Caucasian) are generally viewed to be a distinct cohort of comparable migrants. Indeed, these migrants are often portrayed in a broadly negative way by key Irish institutions (such as the parliament or the media), and these representations impact upon how Irish society views non-EU migration and indeed migration in general. While Ireland is by no means the only European country in which this type of practice occurs, this paper aims to draw attention to generalized, inaccurate and misleading representations of non-EU migrants in Ireland, by specifically examining representations of asylum seekers and illegal immigrants. There can be an overlap in how these "types" of migrants are conceptualized and this paper therefore aims to develop an understanding of the implications involved for migrants categorized as an "asylum seeker" or an "illegal immigrant."1 Furthermore, these topics are under-researched within the Irish context, yet they receive much political and public attention. At the same time however, this paper aims to challenge the labels assigned to non-EU migrants and the terminology that is used to define their identity so concretely. In the Irish

¹ The term "illegal immigration" is employed throughout this paper. We are aware of the political connotations associated with this phrase and the preferences of others to use less negative terminology – a stance which we broadly agree with. However, it is important to utilize the term "illegal immigration" in this case, as the phrase "illegal immigration" is used frequently by the Irish Government, state agencies, and the Irish newsprint media to describe immigrants who are residing without permission in Ireland, while the term "undocumented" is mainly utilized to describe Irish citizens who are illegally resident/employed in the US. This paper examines discourses that surround immigrants who are deemed to be illegal, thus, it is important to engage with the term that key institutions use to define them. The alternative, posed by NGOs and academics, to employ a more politically correct term, would be distancing this research from that which is under analysis: the portrayal of non-EU migrants in institutional discourses and the examination of how such representations are linked to identity construction and power formations.

context there is much confusion in relation to the multiple "faces" of non-EU migration, as a range of terminology is used to refer to them. This terminology is often used in an interchangeable manner, in an array of societal contexts. There is a consistent (whether this happens intentionally or unintentionally is debatable) misuse of categories and migration terminology in Irish institutional discourses. Quite often those seeking asylum are referred to as illegal immigrants and vice versa. Paradoxically, to an Irish audience it is very clear who the "undocumented Irish" in the US are, as these Irish emigrants, who are residing and/or employed illegally/without documentation in the US, have gained and still gain huge public and government support, both politically and financially. The paper draws attention to the confusion that exists around the different statuses of non-EU migrants, and explores the differing practices of labelling of non-EU migrants in Ireland. It will be argued throughout this paper that the categorizing and labelling of migrants is an implicitly political act of exclusion.

2 Non-EU Migration in Europe and Ireland

Over the last three decades, asylum and various forms of what is defined as illegal migration have become key policy and political issues in the European context. The practice of restricting unwanted "economic" migrants from Europe has developed into a legitimate practice and is broadly accepted both at a political level and by the general public. Indeed, since the 1990s there has been a broader movement towards "Fortress Europe" with security organizations, such as Frontex, guarding peripheral areas of the EU against unwanted immigration. In recent years those trying to seek asylum have been curtailed through more restrictive policies and narrower interpretations of the 1951 Geneva Convention. Recent migration policies of European States aiming to combat illegal immigration and those "abusing" the asylum system have led to the blurring of the boundaries between refugee protection and immigration control. The increasing relationship at EU level between security, immigration and integration (Maguire, 2010; Maguire et al., 2010) and protection has led to practices that would once have been considered exceptional (for use during times of extreme crisis) becoming the norm - namely detention, incarceration, and deportation (see Bloch et al., 2005; Schuster, 2004; Tyler, 2006). This increasing shift towards the normalization of such practices has led to the further exclusion of migrants from Europe. Alongside these various institutional methods of prevention and expulsion, other additional mechanisms of exclusion exist in Europe, such as discrimination, racism, inequality (Lentin, 2003; Schuster, 2003), and the increased fragmentation (Zetter, 1991, 2007) of labels and categories. Within Europe there is a rising disregard for the basic human rights of non-EU migrants in the name of security and immigration control.

Placed within this broader European context and a developing framework of migration control, the Irish State began to receive significant numbers of immigrants in the 1990s. This increase in immigration to Ireland can partly be attributed to rapid economic growth and a demand for labour, liberal immigration policies at that time, and the general integration of Ireland into the EU's migration system (Samers, 2010, 22-25). Prior to this time period, the country was largely ethnically homogenous (Quinn et al., 2005, viii) and non-EU immigration was quite rare, aside from some professionals in the multinational sector. Apart from the 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. Returning Irish migrants accounted for a considerable proportion of those immigrating to Ireland in recent years. Other immigrants also came to Ireland, including those from both EU and non-EU countries, who were permitted access to the State through short-term work permits, student visas, and asylum applications (Mac Éinri et al., 2008, 153-154). In the early 1990s, the number of people claiming asylum was quite low (39 in 1992). This figure grew to over 7,000 in 1999 and over 11,000 in 2002 (RIA, 2011, 2). The level slowly declined thereafter, due in part to restrictive measures at both Government and EU level, for example, a list of "safe" countries of origin and the policy of Carriers' Liability.² Prior to 2004, all non-EU citizens required a work permit to be employed in Ireland. With the accession to the EU by ten 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 et al., 2008, 154). This amendment contributed to accelerated EU immigration to Ireland (Ruhs, 2009). Following from this, Ireland moved away from its more liberal work permit system for non-EU workers and enforced stricter policies, resulting in the permitting of mainly highly skilled workers only. The country met its low skilled labour needs with migrants from within the enlarged EU area (Mac Éinri et al., 2008, 154; Ruhs, 2009). Currently in Ireland, EU migrants can reside and be employed with virtually no restrictions. Non-EU migrants, on the other hand, consist of wealthy, highly educated and/or skilled individuals in employment (e.g. doctors), students, refugees, those granted Leave to Remain, asylum seekers, or illegal immigrants. The paper will now proceed by discussing the situation of asylum seekers and illegal immigrants in Ireland in more detail.

² As part of EU policies to tackle the number of migrants entering Europe, "carrier sanctions" are carried out against transport companies who allow "improperly documented aliens" to reach Europe (UNHCR, 2000).

2.1 Seeking Asylum in Ireland

As referred to previously, migrants seeking protection, or asylum, have only very recently arrived in Ireland in significant numbers. Those that are permitted to seek protection through the Office of the Refugee Applications Commissioner (ORAC), are placed within the "direct provision" system where they reside in a reception centre and are provided with full board, accommodation, and a minimal allowance (€19.10 per week per adult and €9.60 per child). These centres consist of a variety of types of accommodation, including former hotels, nursing homes, army barracks, and holiday villages. This system was initially established in 2000 as an emergency measure in order to deal with the rising number of asylum applications. Previous to this, asylum seekers could access the mainstream social welfare system (Breen, 2008). The establishment of the "direct provision" system was accompanied by a dispersal policy, whereby centres were located in different areas of the country, in line with similar programmes in the UK (Conlon, 2010, 101).

In conjunction with the number of asylum applications decreasing significantly since its peak in 2002, the number of those granted refugee status has also declined considerably, falling from almost 10% in 2007 to below 1.5% in 2010 (IRC, 2011, 2). These figures are significantly below the average EU rate of 27% (Smyth, 2011b). According to Eurostat, the Irish Government rejected nearly 99% of asylum claims at first instance in the third quarter of 2010 (Smyth, 2011a). These numbers reflect the "culture of disbelief" (IRC, 2011, 3) that is inherent within the Irish asylum system. The direct provision system was originally designed to accommodate people for up to six months while they awaited a decision on their claims. However, the system is marked by long delays, with people residing in direct provision centres for many years awaiting a decision, causing misery to people and incurring a huge and unnecessary expense on the State. In February 2013, there were 4,826 people living in thirty five direct provision centres across the country. Over half (59.4%) of these people had been living within the system for over three years and 9% for over seven years (RIA, 2013, 19). According to the Irish Refugee Council (2011), one of the main reasons for the delays in the Irish system is the lack of a single protection procedure. Those denied asylum in Ireland (the majority of applicants) have a number of narrow options. Firstly, they can appeal to the Refugee Appeals Tribunal. If the result of this application is negative, they may submit to a deportation order. Alternatively, they may apply for Subsidiary Protection and/or Leave to Remain on humanitarian grounds. The final alternative for those denied asylum in Ireland is to remain illegally without documentation.

2.2 Illegal Immigration in Ireland

In contrast to the relatively detailed information that is known about those seeking asylum in Ireland, there is very little known about illegal immigrants. There are no official or accurate figures on the quantity, the countries of origin, the average age, gender, family status or location of people residing illegally in Ireland (Quinn et al., 2005, ix-9). The State does not maintain a register of resident non-EU migrants. Those that stay in the country for less than 90 days (e.g. on a tourist visa) are not required to register with the State, there are no exit checks at the borders, and some of those assigned a deportation order may leave of their own accord. Therefore, it is not known how many migrants have overstayed their permission to be in the State or how many have left voluntarily. Nonetheless, some varying estimates have been made. Quinn et al. (2012, ix-55), for example, approximate a figure of 4,325 for 2010, while the Migrant Rights Centre of Ireland published a significantly higher figure of 30,000 for the same year (Quinn et al., 2012, 4). One method of estimating the number of people attempting to enter the State illegally is to identify those refused permission to enter the State. This data shows that over 42,000 people were refused permission to enter between 2002 and 2009. Of these migrants over 5,000 subsequently applied for asylum (Shatter, 2012), which in itself is an indication of the limited "legal" options non-EU migrants have to enter the State. These figures point out, to some extent, the level of immigrants trying to enter the country, but this does not reflect exactly how many immigrants entered the country through legal methods and subsequently became undocumented or illegal (Coghlan, 2007, 13). This data also reveals the overlaps that exist between illegal immigration and asylum and how people can move between legally defined categories.

There is much debate about whether the majority of illegal immigrants entered the State illegally or became undocumented over time. Given Ireland's peripheral geographic location, the number of people entering the country through illegal methods is likely to be low. When illegal entry does occur, however, it most likely takes place either through the ports or through the land border with Northern Ireland, which is easily accessed due to the Common Travel Area agreement between Ireland and the UK (Quinn et al., 2005, 10-11; Ruhs, 2005, 22-23). In recent years, members of government have argued that most illegal immigrants entered the country by travelling through the border with Northern Ireland (Ahern, 2009, 693; McDowell, 2006, 613). In contrast, the majority of civil society groups hold the view that most illegal immigrants initially enter the State legally and become illegal over time (Coghlan, 2007; Ruhs, 2005, 2009). A recent study by Quinn et al. (2012, xi) reveals that the Garda National Immigration Bureau found that the majority of illegal immigrants overstayed their permission to visit or reside in the State. This evidence indicates that the immigration system is so inflexible and difficult to navigate that it can lead to permissions expiring and to people becoming illegal (Crosscare Migrant Project, 2009, 6-7). It is important to make this distinction, as it shifts negative attention away from non-EU migrants and highlights the inadequacies of the Irish immigration system. Indeed, the lack of legal migration channels for non-EU migrants and/or regularizations (although a time-limited "Bridging Visa" regularization scheme was granted in 2009) leaves illegal migrants with some narrow options. They can apply for asylum or Leave to Remain. However, as previously mentioned, the number of applicants granted either of these statuses is very low and if an application is unsuccessful the person will be assigned a deportation order. Alternatively, these migrants can either leave the State of their own accord or they can remain illegally (Quinn et al., 2012, xii-xiii).

3 Discursive Representations of Non-EU Migrants

Thus far we have examined the current situation of asylum seekers and illegal immigrants in Ireland, focusing on the specifics of these legally defined categories, but also identifying the multiple overlaps that exist between these statuses. Our attention now turns to discursive representations of these migrants. This discussion is also inclusive of references to all non-EU migrants, due to the substantial overlap in the usage of migration terminology. Discursive representations of non-EU migrants are constructed through two aspects: firstly, through legally defined categories/legal language (e.g. "asylum seeker"); and secondly, through associated terminology/ phrasings (e.g. "bogus asylum seeker"). Both the legal categories and the associated terminology are loaded with implicitly negative connotations. Examining the legal categories firstly, the term "asylum seeker" identifies people as "not-refugees". It indicates that they are yet to be proven to be legitimate and implies that they are bogus and illegal (Tyler, 2006, 190). The category "illegal immigrant" is more explicit in its message, definitively representing migrants as unwelcome, unsanctioned, and associating them with deception, danger, and criminality. The categorizing of migrants leads to the perpetuation of stereotypes, which serves bureaucratic and political ends by aiding in the process of exclusionary procedures. Categorization ignores the complexities of peoples' lives, experiences, and identities. The label "asylum seeker" or "illegal immigrant" creates an illusion of a homogenous identity, where a certain "type" of migrant with a particular experience "fits" into that category of migrant. These categories are employed as a method of smoothing over complexities and clearly identifying the "other", both discursively and legally (Mountz, 2011, 256; Rotas, 2004, 52). These legal categories are moulded and amended into a range of terms which have highly negative connotations and no legal basis, such as "failed asylum seeker", "bogus asylum seeker", "economic refugee", "economic migrant", "irregular migrant", and "non-national".

All of this language (in terms of both categories and terminology) materializes in multiple forms depending on the context (e.g. place, time, or political agenda). In addition, there is much confusion in the use of this language; it is employed interchangeably, inaccurately, and inappropriately in various societal contexts. The most notable instance of this in the Irish context is the practice of referring to asylum seekers as illegal immigrants and vice versa. This takes place regularly in the Irish Parliament and newsprint media. Two brief examples vividly illustrate this practice. The first example is taken from the Irish Parliament:

Major economies can be attained by ensuring that illegal immigrants are dealt with speedily...They must be deported with the minimum of delay to the country from which they last travelled to this State. To underline the urgent need for this course of action, we must bear in mind that senior Gardaí [police officers] and government officials are reported as believing that the vast majority of claims for asylum are bogus. (O'Flynn, 2003, 565)

Asylum seekers are represented here as "bogus" and as "illegal immigrants". The second quotation (below) relays the Irish Government's firm approach towards illegal immigration through one of the country's leading newspapers, *The Irish Times*. Once again the topics of asylum and illegal immigration are referred to in tandem. Additionally, asylum seekers are referred to as "failed", implying that they have not passed some type of immigration test:

The programme for Government makes it clear that the new Cabinet will take a tough line on illegal immigration and seek to increase the rate of repatriation where asylum applications have failed...The Coalition Government is anxious to devise a voluntary repatriation programme for illegal immigrants. (*The Irish Times*, 2002, 15)

A further aspect that is notable from Irish institutional discourses is the manner in which illegal immigration and/or asylum are discussed in conjunction with other (at times unrelated) topics. Indeed, on one particular occasion in the Irish Parliament, illegal immigration was referred to in the context of human trafficking (Naughten, 2009, 694) and in *The Irish Times* illegal immigration was mentioned in an article that concentrated upon prostitution (O'Regan, 2009, 8). This practice adds to the confusion around migration issues, fosters uncertainty, and creates a general haze around migrant identities.

While we recognise that not all discourses from the Irish Parliament and newsprint media are negative about non-EU migration (indeed some representations are quite

positive), the above examples highlight that skewed and inaccurate representations occur in these key institutions. Indeed, these institutions have often served as vessels of exclusion by portraying immigrants in general, and particularly non-EU immigrants, in a variety of negative ways. It is argued here that the consistent use of categories and terminology has become so normalized, naturalized and taken for granted (Zetter, 1991, 45) that a steady negative attitude towards non-EU migrants in Ireland has been maintained over time. The consistent use and misuse of these terms form general stereotypes, representing migrants as cheats, liars, criminals, and spongers (Schuster, 2003, 244). Indeed, classifications and labels are often used as a method of dehumanising people. Lentin (2003, 305) refers to the use of language in this way as a form of "psychological distancing", employing certain discourses/terms to represent non-EU migrants negatively, which can lead to practices of "legitimate" exclusion. These discourses can influence both public and political attitudes towards migrants, and, more importantly, migration policies. The labelling of migrants functions to decrease their chances of protection, rights, or regularization (Duvell, 2008, 484). Certainly, one can argue that the increasing exclusion of non-EU migrants in Ireland through policy and legislation has developed side by side with a variety of negative, stereotyped representations and "common-sense" (Schuster, 2003) understandings of migration control. An example of this is the removal of asylum seekers from the mainstream Irish welfare system. It has become natural for asylum seekers to have lesser welfare and education rights and to be excluded from policies aimed at addressing poverty and disadvantage (Fanning, 2007, 11). Similarly, it is "legitimized" through Irish legislation that illegal immigrants are not entitled to any rights of employment, accommodation, education, or welfare. Ultimately, the labelling and classification of migrants is a political act, which is often a means of justifying their exclusion.

4 Conclusion

This paper has examined recent non-EU migration to Ireland, drawing particular attention to the categories of "asylum seeker" and "illegal immigrant", and placing the current situation in Ireland into the context of recent restrictive policies in Europe. Following this, the paper explored the various categories and terms used to refer to non-EU migrants in the Irish context, offering some examples from the Irish Parliament and newsprint media. It is argued here that the perpetuation of negative representations of non-EU migrants through categorization and labelling is a political act. The use of language in this way fosters negative attitudes towards non-EU migrants and allows for processes of exclusion from the State and from mainstream society to be justified. Repeated negative discourses and the labelling and mislabelling of migrants can influence policies and attitudes towards immigrants.

This process allows for the erosion of migrant rights over time to seem like a "natural" process. In addition to this, these practices homogenise migrant identities, reproduce stereotypes, and overlook complexities and overlaps between categories. Awareness of the use of language in relation to migration, and the political implications of how this terminology is misused in Irish society is extremely important. As researchers, we have a responsibility to draw attention to, and to challenge, the manner in which these classifications, labels and terms are employed. By highlighting these issues in the Irish context, we hope to bring awareness to the constructed nature of discursive representations and the ways in which language can influence policy, attitudes, and most importantly, individual lives.

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Diskurzivno predstavljanje prosilcev za azil in nezakonitih priseljencev na Irskem

Ključne besede: Irska, migracije izven EU, azil, nezakonito priseljevanje, reprezentacija, kategorije, oznake, terminologija

V irski družbi obstaja negativen odnos do migrantov, zlasti tistih, ki niso iz Evropske unije. Negativno prikazovanje (ki diskurzivno izhaja tako iz političnih kot medijskih virov) je še posebej značilno za tiste, ki iščejo azil, ter za tiste, ki so opredeljeni kot nezakoniti priseljenci. Namen tega prispevka je osvetliti ta »tipa« migrantov, saj sta deležna manj znanstvene pozornosti kot druge kategorije migrantov, obenem pa jima je namenjena pomembna pozornost politike in javnosti. Prispevek se posebej osredotoča na kategorizacijo in označevanje priseljencev izven EU ter na terminologijo, ki se v ta namen uporablja. Avtorici razpravljata o tem, da nejasna uporaba ali zloraba oznak in z migracijami povezane terminologije prispeva k razvoju negativnih reprezentacij nekaterih vrst migrantov. Takšna raba jezika je impliciten politični način izključevanja. Medtem ko je sprejeto, da se je uporabi migracijske terminologije in praks označevanja težko izogniti, želita avtorici opozoriti na krivične tehnike negativne reprezentacije ter spodbuditi obzirnejšo in pravičnejšo uporabo migracijske terminologije.