

## **Removing Barriers to Returning Emigrants** *A Citizens Information Board Submission (October 2017)*

### **Introduction**

Enabling Irish citizens living abroad who wish to return to Ireland to live to do so as easily as possible is clearly a desirable social and economic goal. Identifying and addressing the barriers that exist to Irish emigrants returning is important and this initiative by the Department of Foreign Affairs and Trade is welcomed by the Citizens Information Board (CIB). We are happy to engage with Indecon Economic Consultants on the matter.

CIB has over the years drawn attention to the need for better integration across government departments and other agencies (statutory and NGO) providing services and supports to migrants, both those coming to Ireland for the first time and those returning from abroad. Of particular importance in this regard is an integrated and cross-departmental approach and the provision of clear and accessible information on job opportunities, services, entitlements and rights as well as on regulatory provisions relating to social welfare income, tax and other aspects of daily living. The work of the Interdepartmental Committee on Diaspora Policy will obviously continue to be important in this regard.

CIB has been aware over the years of the need to make our own services accessible to all migrants and has adapted the citizens' information website, [www.citizensinformation.ie](http://www.citizensinformation.ie), for this purpose. Citizens Information Services (CISs) and the Citizens Information Phone Service (CIPS) provide information and advice/assistance to people who have returned to Ireland or who are thinking about returning. We are also aware of the valuable role played by Crosscare in this regard and the important contribution of their website, [www.migrantproject.ie](http://www.migrantproject.ie). We also note the comprehensive information on the topic provided by the Irish Times on its website <https://www.irishtimes.com/life-and-style/abroad/returning-to-ireland>.

### **Barriers to returning to Ireland**

From our experience of engaging with the public, it would appear that most of the concerns of people returning to Ireland are about matters that are not primarily part of the administrative system but rather issues relating to core aspects of daily living, in particular:

- The high cost of houses for both purchase and private renting
- The availability of social and affordable housing
- Access to schools
- Access to child care
- The cost of motor insurance
- Access to public health services
- The general cost of living

There may also be an issue for some people arising from debt and unfinished business in relation to broken family partnership or a failed business. However, these are unlikely to be particularly relevant in the context of how the State identifies and addresses barriers to people returning to Ireland to work.

Specific administrative difficulties identified are:

- There are difficulties in people getting an Irish Driving Licence
- Proving eligibility for Irish social welfare and health supports may be perceived as problematic and uncertain
- There may be tax liabilities arising from working in more than one jurisdiction in the one tax year which people may not fully understand

#### *The Driving Licence issue*

Irish people whose Irish driving licence has expired while they were abroad cannot legally renew their Irish licences, as there is a requirement that any person applying for an Irish driving licence should be ordinarily resident in Ireland (183 days per calendar year). While there are reciprocal licence recognition agreements between Ireland and several other countries (Australia, Gibraltar, Isle of Man, Japan, Jersey, South Africa, South Korea and Switzerland), which allow a person to drive for a year here before getting an Irish licence, this is not universal.

Spouses of Irish citizens, teenage and adult children of Irish people, and Irish people themselves whose Irish licences have expired are required to re-commence the process of getting a driving licence (within a period of one year of their return to Ireland).

#### *Motor insurance*

The matter of motor insurance is widely regarded as problematic. Many Irish emigrants returning home have difficulty in finding affordable motor insurance. Under a current proposal from Insurance Ireland (which acts as a representative body for insurance companies), the allowance of no claims bonuses gained from claim-free driving experience abroad is to be counted. The proposed protocol sets out that claims-free driving experience in another country could be counted by a motorist applying for insurance in Ireland. This is aimed at helping returning emigrants to get car insurance cover which has been problematic for many to date.

While such a protocol clearly has much merit, it will not deal with the many people who do not have insured driving experience abroad – this can sometimes be the case because people live in areas with high public transport provision and related low levels of car usage.

### *Issues arising for non-EEA spouses*

There are a number of issues that arise from people's household composition/status which can have significant implications for the families involved.

An Irish citizen returning to Ireland with a non-EEA spouse, civil partner, de facto partner or other family member has no automatic entitlement under Irish law for them to join him/her in Ireland. They need to apply for residency permission from the Irish immigration services. They may also need to apply for a visa before coming to Ireland and will have to legalise their Irish residency status after a short period in Ireland.

Also, spouses who are not EU citizens will experience uncertainty and problems when travelling within Europe, and particularly between Ireland and the UK. In some cases, visas will be required. For example, families transiting through Heathrow Airport from non-EU countries are required to have visas for any non-EU family members. This may become a greater problem post-Brexit.

While it may rarely occur, non-EEA spouses/partners may experience difficulties in the event of the death of their Irish spouse/partner, especially if this should occur within a short period back in Ireland.

### *Dealing with the Irish education system*

Children of Irish parents, especially if they were born abroad or have spent a considerable number of years abroad, will need to adapt to an education system that is structured differently, where subject choices are different, and where standards and quality of education differ. This presents significant challenges for many families.

It is also the case that educational qualifications from abroad may not be easily translated into Irish equivalents or may not be recognised at all.

### *Access to social welfare benefits*

Establishing access to a social welfare payment is crucial for many returning emigrants both in terms of getting income for daily living but also being able to access the job activation and training programmes available, for example, through the DEASP Intreo service.

To qualify for most social welfare payments, a person will have to satisfy the Habitual Residence Condition (HRC). The guidelines on determination of habitual residence for returning Irish emigrants state that "a person who had previously been habitually resident in the State and who moved to live and work in another country and then resumes his/her long-term residence in the State may be regarded as being habitually resident immediately on his/her return to the State."<sup>1</sup>

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[http://www.citizensinformation.ie/en/social\\_welfare/irish\\_social\\_welfare\\_system/social\\_assistance\\_payments/residency\\_requirements\\_for\\_social\\_assistance\\_in\\_ireland.html](http://www.citizensinformation.ie/en/social_welfare/irish_social_welfare_system/social_assistance_payments/residency_requirements_for_social_assistance_in_ireland.html)

When determining the main centre of interest for returning emigrants, Deciding Officers in the Department of Employment Affairs and Social Protection (DEASP) take account of:

- The purpose of the return to Ireland, e.g., foreign residence permit has expired
- The person's stated intentions
- Verified arrangements which the person has made in regard to returning on a long-term basis, e.g., transfer of financial accounts and any other assets, termination of residence-based entitlements in the other country, or assistance from Safe Home<sup>2</sup> or a similar programme to enable Irish emigrants to return permanently
- Length and continuity of previous residence in the State

While these requirements are transparent and fairly straightforward, it is important that returning emigrants are fully aware of them and are in a position to provide the required information.

#### *Access to pension savings*

Access by returning emigrants to pension savings established in a jurisdiction outside of Ireland are governed primarily by the rules and regulations applying to pension transfers in that jurisdiction. These rules and regulations differ significantly from country to country and may be influenced by a wide range of factors. People may need assistance in understanding and dealing with these factors.

#### *Other administrative barriers*

Other administrative barriers that have come to light are difficulty in setting up a bank account, difficulty in getting a credit card and difficulty in getting a telephone.

#### **Integrated information provision**

While quality information relevant to returning emigrants is often available, the ability of some people to access it can be limited because of inadequate signposting. Also, the level of support a person may need to act on the information s/he receives is a major consideration, particularly for people who may not be IT literate.

The following factors are relevant in addressing the information needs of returning Irish emigrants:

- 1) Diversity of the returning emigrant population
  - People seeking employment

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<sup>2</sup> Safe Home Ireland assists older qualifying Irish born emigrants to explore the option of returning to secure affordable housing back in their native areas.

- Families with school-going children
  - People in need of social or affordable housing
  - People seeking to enter third-level education or already in third-level education in another country
  - Pensioners and retirees
- 2) There is a need to better target/disseminate information already available – by Government, CIB and CISs and other NGOS, e.g. , Crosscare
  - 3) More provision needs to be made for the active engagement of returned emigrants in developing and implementing appropriate information strategies
  - 4) Additional funding streams should be available to NGOs providing information and support services to returning emigrants
  - 5) The importance of family networks, local communities and the workplace as a source of information needs to be emphasised
  - 6) Trade Unions have a potentially important role to play in providing information and helping to re-integrate returning emigrants
  - 7) There may be potential to expand the role of Irish embassies in respect of information provision and dissemination for those thinking about returning to Ireland

The NGO sector already plays a key role in the provision of information, advice and advocacy services to returning emigrants – this could be further enhanced through partnership arrangements with the Department of Foreign Affairs and Trade and the Department of Employment Affairs and Social Protection. NGOs can make a valuable contribution to ensuring that returning emigrants can fully reintegrate into Irish society by providing opportunities for information exchange, discussion and social engagement at local level. Positive learning outcomes from the *Safe Home* initiative should be replicated in respect of other population categories, e.g. families with young children.

The need for integrated information is particularly important because of the fragmentation of the service delivery system and the diversity of the returning emigrant population. Agencies, particularly at local level, need to work together proactively to eliminate as far as possible the deficits that may arise from a functionally organised system. The ethos of joint working and collaboration needs to be more fully developed if information provision is to be truly integrated. New approaches to meeting the information needs and related supports of

returning emigrants should build on existing networks, including CISs, NGOs at national and local levels and various initiatives already put in place by statutory agencies.

### **Concluding points**

Any campaign to encourage emigrants to return and work here, e.g., *Home to Work*, should include some description of what the situation in Ireland is at present with particular reference to housing issues in parts of the country. This is necessary in order to help people avoid becoming overwhelmed with the different challenges they face when returning 'home'. In this regard, it is important to point out that Ireland has seen the largest population growth since 2008 – the country's population grew by 52,900, to 4,792,500, by April 2017. This will obviously have some bearing on our ability to meet the housing, health, employment, education and welfare requirements of our population. It is crucially important that returning emigrants are fully aware of this context and its implications for what they can expect in the Ireland of 2017.

It may be that there is some divergence between the barriers that returning emigrants perceive when they explore the option of returning and the actual reality when they negotiate the various pathways. While some of the perceived difficulties may be relatively minor, they may have an impact on their decisions regarding making a return to Ireland. Therefore, the availability of good information, targeted at returnees and potential returnees, would go a long way towards solving the problem.

CIB would welcome an opportunity to collaborate with the Department of Foreign Affairs and Trade to explore how we can improve the information available, disseminate it more effectively and ensure that all returning emigrants have the assistance they need to navigate the range of pathways necessary to make a smooth and fruitful transition back to Ireland.