



Minister for Foreign Affairs Simon Coveney
Department of Foreign Affairs,
Iveagh House,
80 St Stephen's Green
Dublin 2

Fitzgerald House
Summerhill North
Cork
T23 TD9

13 April 2022

Re: Equality, Diversity and Inclusion -Visas, Skills and Anti Racism

Dear Minister,

Cork Chamber represents 1,200 members together employing 100,000 people throughout the city, metropolitan area and county. Our vision is to be a world-leading Chamber of Commerce, delivering on a progressive economic, social and sustainability agenda at the heart of a vibrant business community. As such, we are determined to ensure that our over two-hundred-year old Chamber leaves a legacy, and that our direction is guided by our formal pledge to uphold the United Nations Sustainable Development (SDG) goals and stronger integration with our local community and the principles of sustainability, resilience, inclusion, equality and diversity. We champion SDG 5 Gender Equality and take a broader interpretation, to include all of equality, diversity and inclusion.

I am writing to express concern about the serious issues businesses are currently experiencing with staff shortages and the recruitment of skilled labour. Beyond typical recruitment or retention problems - a genuine skills shortage exists across numerous sectors, evidently among the Chamber membership, it is acute in the hospitality, health, manufacturing, technology, and financial services sectors. Skills consistently rank in our top 3 threats to business as verified in our Quarterly Economic Trends.¹

It must be noted that distinct from and beyond the current Ukrainian humanitarian crisis, inward migration of skills is key to the goals and the population projections of Ireland 2040. In the Southern Region, the National Planning Framework (NPF) plans for up to 380,000 additional people and Cork will be home for 60% of these people. Cork will also host 135,000 new jobs. It is clear that to meet this ambition, diversity and the attractiveness of our region will be key.

¹ Cork Chamber Quarterly Economic Trends <https://www.corkchamber.ie/economic-trends/>

Ukraine

Separately, but inextricably linked, we welcome the recent application of emergency measures to remove the visa requirement for Ukraine nationals travelling to Ireland and understand this is under review and the impact monitored closely. We are stronger when we stand together and this stance must shape our response to Russia's invasion of Ukraine and our efforts to support Ukraine through these dark times.

With over 20000 Ukrainian refugees already in Ireland the State needs to make enormous efforts to ensure that they can be speedily integrated into local communities and the workforce.

In a Chambers Ireland meeting with the Ukrainian Ambassador to Ireland, Larysa Gerasko on 16 March last, the Ambassador encouraged Irish businesses to consider how they can provide employment opportunities to Ukrainian citizens arriving in Ireland, many of whom have excellent language and technical skills.

Many refugees with poorer English will need help in finding opportunities where they will be able to take advantage of their skills and talents. With so many of the refugees being women, childcare will be a serious problem for those who seek to work while they are here.

Recognition of professional qualifications (such as childcare certification and drivers', including HGV, licences) needs to be accelerated. Government need to resource the Garda vetting service to ensure that people who are here can be facilitated in finding work as quickly as possible.

Visa Processing & Skills Attraction

Talent attraction is a complex issue and Covid-19 has undoubtedly exacerbated the problem, with a fall from 28,900 per annum to 11,200 of net migration last year. The number of immigrants to the State in the year to April 2021 decreased by 23.7% to 65,200 from 85,400 in the year to April 2020. Overall, population growth of 34,000 (+0.7%) in the year to April 2021, represents the smallest population increase since 2014.²

As travel and the economy opens once again, employment permit policy must be part of the response to addressing skills deficits. Wait times and existing inefficiencies in Ireland's current Employment Permits System are a frustrating factor for many businesses.

Cork Chamber and its members understand the requirements of the Critical Skills Visa and the associated 'Occupations List' which specifies qualifications, experience or skills which are required for the proper functioning of the economy. However, the requirement to recruit from outside the European Economic Area (EEA) is critical for business continuity and survival. It is critical that non-EEA citizens can travel to Ireland for many purposes including for work and business reasons.

Mobility for workers, investors, visiting academics, researchers, graduates and interns all contribute to the dynamism of the Irish economy. Therefore, the permit system needs to be responsive and ensure that the processing of visas for workers coming to Ireland from non-EEA countries is done in a fast, less expensive and more flexible fashion with the applicant and employers remaining central to the process at all times.

² CSO Population & Migration, April 2021, <https://www.cso.ie/en/releasesandpublications/ep/p-pme/populationandmigrationestimatesapril2021/mainresults/>

In recent months, Cork Chamber has received many first-hand accounts of issues and experiences with the visa system from both applicants and employers across SMEs, large indigenous businesses and multinational employers.

We understand Ireland's Critical Skills Employment Permit is issued for a period of two years, after this period immigrants may apply for a Stamp 4. Experience of the process is cumbersome and slow with many restrictive and inefficient elements. We urge for the prompt and transparent processing of Stamp 4 which allows applicants to live and work in Ireland on a permanent basis. The uncertainty, delay and poor communication in this process causes needless disruption for both applicants and their employers.

For reference, the UK processes critical skills visas in one month whereas the minimum time in Ireland is 12 weeks (although this is reported to be currently 14 weeks plus). Members have lost skilled workers to the UK and EU locations due to the timeframe offered in Ireland. The processing of Critical Skills visas needs to be prioritised. Roles attached to such visas are generally mobile roles that could be moved and located in a different jurisdiction where visas are more readily available. An additional challenge is that candidates can only give a notice period to their current employer only once their permit has been approved. This time lag between notice period and starting a new role means it often takes 5-6 months to recruit a non-EU worker and there is high risk of loss and cost for the recruiter, prospective employer and employee.

Visa application could be viewed as one of the first interactions with the Irish state and as a 'customer' experience. Delays in accessing Garda clearance should be avoided and there should be clear communication and milestones from the point of commencement to completion with binding timelines in place.

In the case of graduate international students, it is not feasible to insist motivated applicants wait until qualification and receipt of parchments. Course completion should be the point of eligibility.

At the point of visa renewal utmost speed and clarity is required. It is discourteous to expect applicants to live in uncertainty and limbo, without adequate transparency of process or communication.

As we put the pandemic behind us, we expect restrictions on entry visa and preclearance processing, which were brought in as a necessary interim measure, have now been lifted and administration to be at full capacity. Although cognisant of the current emergency measures for Ukrainians travelling to Ireland, we urge for the visa processing system to be reviewed and for continuous improvements to be made to meet the needs and expectations of the applicants and that of their employers. The system and visa process should continually seek to maximise the benefits of economic migration while minimising the risk of disrupting the wider Irish labour market.

For further insight, this letter includes an appendix, offering the specific anonymised insight provided by a member, who almost lost a key manager through the frustration of the process.

Quality of Life and Skills Attraction

The Critical Skills Employment Permit is designed to attract highly skilled people into the labour market with the aim of encouraging them to take up permanent residence in the State. In addition to this visa regime, the associated issues of the high cost of living in Ireland should not be an additional deterrent to applicants.

Quality of life factors including, a dearth of accommodation, childcare and public transport connectivity all influence migrant workers decisions and erode Cork and Ireland's competitiveness as destination of choice.

It is for this reason among others that Cork Chamber continually champions urban living and regeneration, and capital project plans such as CMATS. If we cannot create an attractive internationally competitive environment our position of economic strength will be severely challenged.

Non- EEA workers on work permits have played and will continue to play an important and positive role in the Irish economy. Their experience and often first interactions with the state through the visa system should be constructive. In turn, employers availing of the Critical Skills Employment Permit must continue to meet the challenge of up-skilling, lifelong learning, and maximising the potential of all in the workforce.

Anti-Racism and Skills Attraction

A pro-diversity society must also be strongly anti-racist society. However, Ireland is one of the only countries in the EU which does not currently have legislation establishing bias motivation as an aggravating circumstance of a crime. Considering the relatively progressive nature of Irish society, this must be improved at pace and the processing of the Criminal Justice (Hate Crimes) Bill 2021 through the houses of the Oireachtas must be a Government priority. On its own it will not resolve the issue of hate, but it is an important step.

To quote Minister for Justice Helen McEntee, "Hate crimes are signal crimes."³ In other words, crimes motivated by hate send a message to the victim, and to the wider community to which they belong, that they are not welcome or safe in Irish society – resulting in damaged community relations. The underlying issue is the continued presence of racism, sexism, ableism, etc. that exists in our communities. Though this new legislation will not necessarily combat these systemic societal issues directly, it will ensure that when these hateful incidents occur, they will be recorded, reported and prosecuted correctly by law enforcement agencies; signalling to the perpetrators that this type of behaviour is no longer acceptable.

Additionally, this new legislation will send a positive signal to the members of the protected categories to which it applies – letting these groups know that they are welcome in Irish society and that they will be protected by the law. We specifically applaud the inclusive nature of the bill. Expanding the protected category of gender to include gender identity and the ethnicity category to include member of the Travelling community is a big step in the right direction to a more inclusive and equal society. If implemented in a timely and effective manner, this bill should result in increased feelings of inclusivity, improved community relations, higher confidence in state law enforcement as well as act as a deterrent for future hate crime perpetrators.⁴

In order for Ireland to become a more diverse, equal and inclusive society, everyone, regardless of any protected characteristic, must be able to feel welcome, safe and heard. Without specific legislation against hate crimes, the further away we get from this goal. Therefore, we call on the participating

³ Helen McEntee, "Legislating for Hate Speech and Hate Crime in Ireland," Department of Justice, p1, available at: http://www.justice.ie/en/JELR/Legislating_for_Hate_Speech_and_Hate_Crime_in_Ireland_Web.pdf/Files/Legislating_for_Hate_Speech_and_Hate_Crime_in_Ireland_Web.pdf.

⁴ Irish Network Against Racism, "Why Hate Crime Legislation," available at: <https://inar.ie/hate-crime-legislation/>

parties to act swiftly and decisively to see that this legislation is fully enacted at the earliest possible time.

Taking Ownership of Skills Attraction

In addition to IDA Ireland working in close consultation and assisting FDI companies to navigate the immigration process to secure visas and employment permits, Cork Chamber would welcome an improvement in the efficiency of the migration infrastructure and additional supports for individuals and companies outside of the foreign direct investment model. The Irish Immigration Service could be one part of a 'one stop shop' service which processes all applications for work permits, and visas and provides broad support and integration advice for economic migrants. A strong case can also be made for resourcing a dedicated national talent attraction team, like those in place in multiple other states and city regions.

Conclusion

Given the importance of the United Nations Sustainable Development Goals, of having a diverse society that values equality, of meeting the goals of Ireland 2040 and of ensuring that access to talented motivated people is not a barrier to economic growth, I ask that you carefully consider and act on the above.

In a global world and in a competitive world for mobile talent, Ireland needs to live up to its reputation as place of welcome and a céad míle fáilte!

Yours Sincerely



Conor Healy
CEO

CC: Tánaiste and Minister for Enterprise, Trade and Employment Leo Varadkar TD, Minister of State for Business, Employment and Retail Damien English TD, Minister for Justice, Helen McEntee TD & Cork based Oireachtas Members

Appendix: A Visa Process Experience Case Study

The following case study is copied as written and provides an example of the experience being lived by people seeking visa approval and the companies to which they contribute.

- In the case of granting a long stay 'D' visa to remain in the State for longer than 3 months, registration for an Irish Residence Permit (IRP) is required.
- The application process is manual - there is no online visa application option for applicants outside of Dublin. In Dublin, appointments are available online, even though this cumbersome and time consuming it is far more efficient than queuing. Why is this the case?
- Securing an appointment with the Garda Immigration Office before the pandemic, required queuing for hours in the morning to simply secure an appointment. The office is open from 9.30AM -4.00PM and closed from 12.00PM- 2.00PM daily. Instances include queuing from

5am to try to get an appointment for that day. If no appointment is secured within that timeframe on the day of queuing, applicants need to que the next day and so on.

- During the pandemic, an email request for an appointment was required to be sent to Cork Immigration Office at Angelsea St. A response email with an appointment date took up to 2 months to secure.
- If there is a mistake in the registration card when received, it's required to send an email and wait to get an answer. Due to a backlog the request will not be answered for up to 15 working days, even though the 'registration card' is a requirement for any interactions with the state as well as bank, driver licence, insurance, etc.
- The registration card can take up to 4 weeks to be delivered as it is processed in Dublin and sent to Cork. The card indicates - 'This is not an ID' yet is required for anything you need to do in the country as a form of identification, even though only the Gardaí has the authority to ask you for the document according to what it says on the document.
- It is reported that there is no helpline for phone calls – simply an email with a slow reply rate and no real answers or solutions are offered.
- Information and communication on the website is poor and does not have all the information of the documents required. If there is subsequent failure to supply documents at an appointment, the applicant is required to again wait for the earliest available appointment (up to two months).
- For stamp changes to visas, documents are submitted in an email instead of an online system. There is no transparency, tracking or tracing delivery and progress in the system.