

Coalition Against the Deportation of Irish Children

c/o Dominick Court, 40 - 41 Lower Dominick Street, Dublin 1

Minister for Justice Equality and Law Reform
Michael McDowell TD
Department of Justice Equality and Law Reform
72-76 St Stephen's Green
Dublin 2

20 November 2003

Dear Mr McDowell,

On Universal Children's Day, we write to you to express our disquiet at the current policy of deporting migrant parents of Irish citizen children. Our concern echoes similar concerns of the human rights organisations, migrant organisations, migrant support organisations and groups organised under the *CADIC* umbrella, as well as those of the Irish Human Rights Commission and the National Consultative Committee on Racism and Interculturalism (NCCRI).

The Human Rights Commission has noted in its recent submissions to you that prior to the Supreme Court decision of January 2003, the Department of Justice Equality and Law Reform had a procedure whereby families of Irish children could lawfully apply for residency. The Human Rights Commission also noted that many of those families who had been in the asylum procedure, abandoned their claims on advice that they could rely on their application for residency. Those families were advised, often by government officials as well as lawyers, and legitimately expected, that they would be able to remain and raise their Irish child in Ireland. Now many families who lawfully applied for residency are having their applications returned to them and are being told that they will not be processed any further, and no consideration will be given of their claims pending the initiation of the deportation process.

This sudden retrospective change in policy is placing the families of Irish citizen children under undue strain, confusion and hardship. The fact that you have announced that these families would not be entitled to free legal advice, is also putting these families under extraordinary financial pressure. The Human Rights Commission recommends that, rather than continue these families' state of uncertainty, you be asked to allow these families to remain in Ireland. Granting these families residency will not affect the integrity of the asylum process. Bearing in mind the high cost of deportations and the potential contribution to be made by these migrant families, many of whom are highly educated professional people, it also makes economic sense to allow this group of people to remain.

We support the HRC's recommendations wholeheartedly and ask you to allow the families of Irish citizen children, whether former asylum seekers or not, to remain, thus ending their limbo and uncertainty, and treating them fairly and with dignity, rather than criminalizing them.

At the same time we are asking you to put in place a transparent and fair procedure for determining future applications for residency from families of Irish citizens. As the Human Rights Commission has stated to you, the rights of the Irish children of these families should form

a primary consideration in this procedure. In accordance with their rights under the Irish Constitution and the UN Convention on the Rights of the Child you should factor in not only their risk of exposure to threats to the right to life and bodily integrity, but also the impact their forced removal would have on their welfare and rights to education and health care, and how disruptive or traumatic removal from the State would be for the children concerned.

All Irish children are entitled under the Constitution to be treated as equal citizens of the nation of Ireland and it is therefore essential that this is reflected in your policies on residency for all Irish children and their families. We would therefore call on you to adopt, as a matter of urgency, the recommendations of the Human Rights Commission and the NCCRI and to resolve the plight of these Irish citizen children and their families in a just and humane way.

This Letter has been endorsed by:

Mary Robinson, Ethical Globalisation Initiative, New York
Patricia McKenna, MEP, European Parliament
Ciaran Cuffe, Green Party, T.D. Dáil Éireann
Joe Costello, Labour Party, T.D. Dáil Éireann
Finian McGrath, Independent, T.D. Dáil Éireann
Joe Higgins, Socialist Party, T.D. Dáil Éireann
Aengus O'Snodaigh, Sinn Fein, T.D. Dáil Éireann
Caoimhghin O'Caoláin, Sinn Fein, T.D. Dáil Éireann

Signatories

John Arden, Author, Galway,
Roddy Doyle, Author, Dublin,
Robbie McVeigh, Author, Derry,
Fintan O'Toole, *The Irish Times*, Dublin
ATGWU,
Banúlacht, Dublin,
BARN, Blanchardstown Asylum Seekers and
Refugee Network, Dublin
Cairde, 19 Belvedere Place, Dublin- Patrick
Connolly, Chief Executive Officer,
Catholic Youth Care
Cherish, Dublin,
Community Workers Cooperative, Galway,
Cork Women Graduate Association, Cork,
Development Studies Centre, Kimmage
Manor, Dublin - Tom Campbell,
Donegal Gender Equality Project, Co
Donegal,
Dublin Rape Crisis Centre, Dublin,
EWM-Women with Disabilities Project,
Dublin,
ICTU, Dublin
INTO, Dublin - Mary Enright,
NTDI, Dublin - Lindie Botha,
Louth African Women's Support Group,
Dundalk,

Galway Refugee Support Group
Gay Community News, Dublin - Marie
Mulholland, General Manager,
Inner City Renewal Group - Seanie Lambe,
Inner City Organisations Network - Tom
Redmond,
Jesuit Centre for Faith and Justice -
Margaret Burns,
Meitheal Management Team,
NASC, Immigrant Support Centre, Cork
Dublin,
National Parent's Council Primary
National Youth Council of Ireland, Dublin,
One Parent Exchange Network, Dublin
One World Spirit (Dundalk Refugee Support
Group), Dundalk,
Partners Training for Transformation,
Dublin,
Pavee Point
Residents Against Racism, Dublin
Ruhama, Dublin,
SIPTU - Regional Executive Committee, Des
Derwin,
Sligo Rape Crisis Centre, Sligo,
Society of St. Vincent de Paul - Mairead
Mahon,
Tallaght Partnership - Anne Prendiville,

Young Christian Workers Movement (YCW), Dublin, Women in Media and Entertainment, Galway - Margaretta D'Arcy, Chair,

From Trinity College Dublin - Prof Ivana Bacik, Faculty of Law; Dr Barbara Bradby, Department of Sociology; Colm Brethnach, Department of Geography; Dr Andrew Finlay, Department of Sociology; Robbie Gilligan, Children's Research Centre; Dr Nalini Persram, Department of Political Science,

From University College Cork - Dr Shane Kilcommins, Faculty of Law, Siobhan Mullaly, Faculty of Law, Dr Darius Whelan, Faculty of Law,

From University College Dublin, - Dr Kieran Allen, Department of Sociology; Prof Kathleen Lynch, Equality Studies; Ailbhe Smyth, Director, Women's Education, Research and Resource Centre; Patricia Towey, Equality Studies Centre,

From NUI Galway - Donncha O'Connell, Faculty of Law; Diarmuid O'Donovan, Department of Health Promotion, Prof. William Schabas, Director, Irish Centre for Human Rights,

From DIT School of Social Sciences and Legal Studies - Kevin Lawlor,

From Anglia Polytechnic University, UK- Prof. Bronwen Walter

From Oxford University, Refugee Studies Centre - Dr Alana Lentin,

From Falmouth College of Arts, UK – Dr. Angeline Morrison,

From Hertford College Oxford - Dr Aoife Bhreatnach,

From Center for the Study of Culture, Race and Ethnicity, Ithaca College, New York - Dr Elisa Joy White,

From Bowling Green State University, Ohio – Department of Ethnic Studies Robert Buffington, Associate Professor of History; Jeannie Ludlow, Lecturer, Women's Studies Programme; Eithne Luibheid, Assistant Professor; Michael T. Martin, Chair and Professor; Susana Pena, Assistant Professor,

From University of California, Santa Barbara - Horacio N. Roque Ramirez, Ph.D. Assistant Professor,

From University of California, Berkeley - Judith Butler, Maxine Elliot Professor in the Departments of Rhetoric and Comparative Literature

From Keogh Institute for Irish Studies, University of Notre Dame - Prof Luke Gibbons,

From Massachusetts College of Art, Fellow W.E.B. Du Bois Institute for Afro-American Research, Harvard University, Boston - Prof Noel Ignatiev,

CADIC, chaired by Ronit Lentin, Department of Sociology, TCD includes Amnesty Ireland (Irish Section), Akina Dada Wa Africa , the Children's Rights Alliance, Conference of Religious Of Ireland, the Free Legal Advice Centres, the Immigrant Council of Ireland, Integrating Ireland, the Irish Council for Civil Liberties, the Irish Refugee Council, the Jesuit Refugee Service, the Refugee Project of the Catholic Bishops, Refugee Information Service, Residents Against Racism, National Women's Council of Ireland and the Vincentian Refugee Centre.