



## IRELAND

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### GENERAL INFORMATION ON MIGRATION



### MAIN FIGURES AND TRENDS

#### Migrant Population in Ireland

The Irish Census in 2022 showed a population of over five million people for the first time since 1841, with all twenty-six counties in the State experiencing a migration-related population increase since the Census in 2016. The more in-depth population and migration estimates reveals the scale of this population increase, with 2022 reporting the largest population increase from migration in fifteen years. The estimates also show approximately 703,700 non-Irish nationals living in the State, accounting for 13.8% of the total population. This is a significant increase from the 2021 estimates, which reported 645,500 non-Irish nationals, accounting for 12.9% of the April 2021 population.

People wish to come to Ireland for a wide variety of reasons. These include to:

- Visit;
- Work;
- Study;
- Live;
- Join family and;
- Seek protection

A range of Schemes and Permissions are in place to facilitate these various groups, granting individuals certain rights of residence. Residence in Ireland for the purpose of work and study represent the majority of these permissions.



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Recent years have seen an increase in the number of people seeking international protection in Ireland. From 2008-2021, there were just under 34,000 asylum applications in Ireland. In 2022 the number of people claiming international protection increased significantly with 13,651 applications received. This is a 186% increase compared to 2019, the last year in which application numbers were not impacted by COVID-19. Over the course of 2023, there were a total of 13,282 international protection applications. The breakdown of nationalities for 2023 illustrates that Nigeria (2,088) had the most applications, followed by Algeria (1,462), Afghanistan (1,106), Somalia (1,098), and Georgia (1,065).

## **Illegal Immigration**

Dublin Airport accounts for 90% of person refused leave to land (RLTL) into the jurisdiction in 2023, with Albania, Zimbabwe and Iran the top three nationalities RLTL at Dublin Airport.

In 2023, the top airports of embarkation were in 2023 were Madrid, Schiphol, Paris, Barcelona and Lisbon. An Airline Liaison Officer is currently deployed in Madrid and further expansion is currently being considered.

In 2023, the total number of individuals RLTL at air borders was 6,474. This represented a decrease of 23% compared to the previous year, which had a total of 8,362 refusals. The review of sea borders in 2023 (excluding clandestine) shows a decrease in the total number of people who were RLTL, with a 14% drop from 293 in 2022 to 252 in 2023. 96% (or 242 individuals) were returned to Port of Origin, and 4% (or 10 individuals) claimed International Protection. In 2023, the total number of individuals refused leave to land at sea borders clandestinely was 74, which was a decrease of 40% from the 2022 total of 122. 57% (42 individuals) did not claim international protection and were returned, while 43% (32 individuals) claimed international protection.

In 2023, the total number of individuals RLTL at land borders was 77, which marked an increase of 67% from the 2022 total of 46. Interestingly, there had been a decrease of 48% in refusals at borders from 2021 (with a total of 89) to 2022. Thus, while 2022 saw a significant drop in refusals at borders, 2023 experienced an increase.

Of all these refusals at points of entry into the Irish State in 2023, the majority were male and between the ages of 18-34.



With regard to refusals from the UK specifically, the Holyhead - United Kingdom route had the most illegal entries (196 entries), followed by the border with Northern Ireland (72 entries) and London Heathrow Airport (27 entries). These refusals would be effected by the relevant Immigration authority/officers based at the relevant airport or sea port.

## False and No Documents

The Garda National Immigration Bureau (GNIB) in conjunction with the Border Management Unit (BMU) are currently running an Operation, on those who have arrived in the State without a valid travel document (3,275 in 2023) or with a false travel document. The top four Nationalities for the recorded undocumented are Georgian, Somalian, Chinese and Syrian.

The total number of arrivals with false documents for 2023 was 1,010, a 5% increase from the previous year. This suggests a slight upward trend in false document detections at Border Control Posts (BCPs). Over the past year, the top five nationalities were Albania (254), Zimbabwe (210), Iran (113), Algeria (107), and Somalia (56). This data shows that Albania consistently had the highest number of false document detections at BCPs.

## Deportations

Over the course of 2023, a total of 998 Deportation Orders were issued, and a total of 624 were revoked, with 51 persons deported on foot of Deportation Orders.



## MIGRATORY ROUTES

At present the primary source of third country nationals entering the State appears to be coming from the UK, via Northern Ireland. This assertion is based on the fact that approx. 85% of persons (asylum seekers) presenting at the International Protection Office (IPO) have not been previously recorded as entering through an airport or other (sea) port. When a person enters Ireland illegally from an airport or port, they are RLTL and a record is created on GNIB-IS<sup>1</sup>. If they claim asylum following refusal a preliminary interview is conducted under Section

<sup>1</sup> GNIB-IS – Garda National Immigration Bureau Information System is a database which record data in respect of all non-EEA nationals in Ireland and their status in the country.



13 of the International Protection Act, and the person (or family) is asked to present in the IPO. Records in the IPO, indicate that 85% of persons presenting for International Protection have not previously been RLTL at a port or airport, so persons are either arriving as undetected stowaways, or as clandestine into Irish ports or are crossing the Irish border. Operations being conducted by GNIB and cross-border operations support the assertion that the vast majority (of the 85%) are coming across the border. An applicant may not always be subject to a RLTL prior to claiming asylum. Foreign nationals may arrive into the State with valid travel documents and subsequently claim asylum for various reasons.



## INSTITUTIONAL ORGANISATION

### Department of Justice

The Department of Justice works to advance community and national security, promote justice and equality and safeguard human rights, to achieve our vision of a safe, fair and inclusive Ireland. The Department's aim is to build a safer Ireland by reducing and preventing crimes such as migrant smuggling, as well as continually working to enhance national security.

The Minister for Justice has responsibility for immigration in Ireland through the following:

- Immigration Service Delivery
- The Garda National Immigration Bureau (GNIB)

GNIB in particular plays an integral role in the detection, prevention and repression of migrant smuggling into the State.

### An Garda Síochána/Garda National Immigration Bureau

GNIB is responsible for all Garda matters that relate to immigration on a national basis such as:

- Deportations and investigations (smuggling/facilitation)

While the Border Management Unit are responsible for frontline immigration control at Dublin airport, GNIB have a supporting, investigative and enforcement role at Dublin airport. An Garda Síochána is operationally responsible for immigration duties at all other ports and airports in



the State, and the border with Northern Ireland, with GNIB providing a coordination role across these ports and airports. The GNIB and the Garda National Protective Service Bureau (GNPSB) jointly participate in a number of EMPACT Joint Action Days (JADs) in this area.

The GNIB has carried out a number of successful migrant smuggling investigations, securing prosecutions in the Circuit court. GNIB members have interviewed illegal immigrants when they enter the state with a view to identifying modus operandi, travel routes, involvement by Organised Crime Gangs in trafficking and supply of fraudulent documents.

GNIB is based at 13/14 Burgh Quay, Dublin 2 and also at Dublin Airport. It is headed by a Detective Chief Superintendent who reports to the Assistant Commissioner, Organised & Serious Crime.

GNIB liaise on a daily basis with other agencies involved in the management of immigration related matters, such as the following;

### **Domestic Agencies**

- Border Management Unit;
- Immigration Service Delivery;
- International Protection Office;
- International Protection Accommodation Service

### **International Agencies**

- UK Home Office / Border Force;
- Police Service of Northern Ireland (PSNI);
- Interpol;
- Europol;
- Frontex

### **The Border Management Unit**

The Border Management Unit (BMU) works to protect the security of the Irish State and to prevent illegal immigration. The BMU, under the directorship of Immigration Service Delivery (ISD) of the Department of Justice, is operationally responsible for frontline immigration duties at Dublin Airport only. All passengers entering the State via Dublin airport are required to pass



through customs and immigration controls. GNIB is operationally responsible for immigration duties at all other ports and airports in the State, and the border with Northern Ireland.



## LEGISLATIVE FRAMEWORK

*This section could include information on national legislative instruments in the field of migrant smuggling, including relevant substantive and procedural criminal law, as well as the potential definitions of migrant smuggling and related criminal activities that they might feature.*

**The Criminal Justice (Smuggling of Persons) Act 2021** was signed into law on 15 December 2021. Its purpose is to strengthen Ireland's regime against the smuggling of persons, and to implement several important international instruments. The Act was motivated by two goals; to extend those provisions in line with the relevant EU and UN instruments, ensuring that Ireland meets its shared international obligations; and to address the practical limitations of **the Illegal Immigrants (Trafficking) Act 2000**, which have hampered successful prosecutions. The Act ensures that Ireland will play its part in the international response to migrant smuggling.

This legislation replaces most aspects of the Illegal Immigrants (Trafficking) Act 2000 and provides for the transposition of three international legal instruments in the area of people smuggling:

1. **EU Council Directive 2002/90/EC** defining the facilitation of unauthorised entry, transit and residence;
2. **EU Framework Decision 2002/946/JHA** on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence; and
3. **UN Protocol against the smuggling of migrants by land, sea and air**, supplementing the UN Convention against Transnational Organized Crime, adopted in November 2000.

**Under the Act, section 6** makes it an offence for a person to assist in the unlawful entry into, transit across or presence in the State of another person, where that person's



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entry/transit/presence in the State is in breach of a specified provision and the first-mentioned person knows or has reasonable cause to believe that such entry/transit/presence is in breach of a specified provision. This includes situations where such conduct is engaged in from outside the State. **Section 7** creates offences for a person intentionally assisting unlawful entry into, transit across or presence in a designated state where that person knows or has reasonable cause for believing that such entry/transit or presence is in breach of immigration law in the designated state. A designated state is defined under section 2 to include a Member State, Iceland, Liechtenstein, Norway, Switzerland, the United Kingdom, and a state party to the Protocol against the Smuggling of Migrants by Land, Sea and Air. Under section 28, the Minister may also declare a state to be a designated state where the Minister is satisfied that the state has, by agreement between the state and the EU, agreed to implement and apply Council Directive 2002/90/EC and Council Framework Decision 2002/946/JHA, or an act or measure taken by the EU to amend or build on these acts.

**Section 8** makes it an offence to produce, procure, provide, possess or control fraudulent travel or identity documents for the purpose of assisting entry into, transit across or presence in the State or a designated state. **Section 9** provides two defences to any offence committed under section 6 or 7. First, in order to provide assistance to a person seeking international protection in the State or an equivalent status in another state in the course of one's work on behalf of a bona fide organisation if the purpose of that organisation includes giving assistance without charge to persons seeking protection, or, second, for the purpose of providing humanitarian assistance.

Part 3 of the Act concerns enforcement measures against the smuggling of persons, including enforcement powers in respect of ships (section 14), the power to detain a vehicle (section 15) and the forfeiture of ships, aircraft or other vehicles (section 16).



## JUDICIAL FRAMEWORK

Under The Criminal Justice (Smuggling of Persons) Act 2021,

1. a person guilty of an offence under **section 6,7, or 8 is liable**



- a) On summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months or both, or
  - b) On conviction on indictment, to a fine or to imprisonment for a term not exceeding 10 years or both
2. Without prejudice to any other enactment or rule of law, a court shall, in determining the sentence to be imposed on a person for an offence under section 6,7 or 8 except where it considers that there are exceptional circumstances justifying its not so doing, treat as an aggravating factor any behaviour by the offender related to the commission of the offence –
- a) That endangered or was likely to endanger the life or safety of the person to whom the offence related, or
  - b) That resulted in the exploitation or inhuman degrading treatment of the person to whom the offence related,
- And the court shall impose a sentence that is greater than that which it would have imposed in the absence of such an aggravating factor.
3. The sentence imposed as a result of the application of subsection (2) shall not be greater than the maximum sentence permissible for the offence concerned.

## **The Office of the Director of Public Prosecutions**

The Office of the Director of Public Prosecutions (ODPP) delivers a fair, independent and effective prosecution service on behalf of all the people of Ireland. A cross sectional team of specialist prosecutors has been established within the ODPP to deal with human trafficking and people smuggling cases. This group is made up of prosecutors from its prosecutorial decision making function as well as trial lawyers who attend court and liaise with victims in relation to these cases. These specialist prosecutors participate in national and international training initiatives and engage in cross agency discussions and forums like the Global Consortium and International Organisation for Migration (IOM) networks.



## **INTERNATIONAL CO-OPERATION**

### **Co-operation with International Bodies**

An Garda Síochána, as a Competent Authority in the Irish Passenger Information Unit (IPIU) manage PNR data requests received from Europol and from other EU Member States in





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respect of Serious Crime (including organised migrant smuggling and human trafficking) and Terrorism. An Garda Síochána also facilitate Watchlist requests from other Member States, placing known criminals involved in serious crime on Garda Watch lists in the PIU and such co-operation is reciprocated by Member States.

An Garda Síochána / GNIB also attends Europol and EuroJust co-ordination meetings with various Member States, dependent on an identified connection to this jurisdiction and has carried out parallel investigations and coordinated action days (arrests and searches) with other EU Member States. An example of this is Operation Mombassa, targeting a Georgian organised crime gang based in Dublin who were producing and distributing false travel documents across Europe. In this case, GNIB coordinated arrests and searches with Spain and Italy.

Both GNIB and the Garda National Protective Service Bureau (GNPSB) jointly participate in a number of EMPACT Joint Action Days (JADs) carrying out inspections of work premises, making arrests where appropriate and feeding significant intelligence back to Europol and the Empact Leader.

GNIB provides data on a monthly basis to Frontex on migrant trends, false documents (FRAN), persons refused leave to enter the state and GNIB has linked in directly with the Frontex - Air Borders Risk Analysis Network (AB-RAN) participating in meetings and intelligence sharing and receiving bi-weekly reports, that focus GNIB targeted operations.

GNIB has seconded one Sergeant to Frontex and allocated an Airline Liaison Officer (ALO) to Madrid airport. In addition, GNIB has two qualified document examiners assigned to the Bureau, who assist frontline immigration controls and provide training to frontline Immigration officers and air carrier staff. In this regard, GNIB Document unit engages with the Frontex Centre of Excellence for Combatting Document Fraud.

An Garda Síochána also participates in several international information sharing systems in the fight against migrant smuggling including SIS II, Stolen and Lost Travel Documents (SLTD), SIENA, and FADO.

## **Information Sharing with UK Agencies**

There are a number of Memorandum's of Understanding (MOU) in place that allow An Garda Síochána to share data between UK & Ireland for the purposes of Immigration.



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In October 2014, an MOU was put in place with regards to the 'exchange of information between Ireland and the United Kingdom as part of ongoing co-operation to preserve and enhance the operation of the Common Travel Area'. This MOU facilitates the sharing of information on a case-by-case basis for 'intelligence purposes only' between Ireland and the UK.

More recently in November 2023, an MOU was signed between An Garda Síochána and the PSNI covering all UK agencies under the Cross Border Joint Agency Task Force umbrella.

### **Garda Liaison Officers**

To maximise synergies in priority third countries, and to address cross-border crime and migrant smuggling, An Garda Síochána has deployed Garda Liaison Officers (GLOs) to a number of third countries with a view to enhancing international and operational co-operation amongst law enforcement partners.



### **RELEVANT CASES**

GNIB currently have a number of ongoing investigations into transnational organised crime groups based in Ireland. These investigations are being run from the Major Incident Room, Burgh Quay under the supervision of a Senior Investigating Officer. Three examples of such investigation are as follows:

### **Operation Mombasa**

Operation Mombasa which commenced in 2018 was centred on an organised crime group (OCG) of foreign nationals (primarily Georgian nationals) who were known to be resident in Ireland. These individuals were believed to be involved in the large-scale production of false identity and travel documents (Passports / national ID cards / Driving licences) and distributing same throughout Europe. Many of these individuals were themselves involved in the use of false identity documents within the State, in some cases using these false identities to live and work within the State for a number of years.



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In addition to investigations which were being conducted in Ireland, there were also several related investigations being conducted into the activities of this group in several other European Member States and third countries, all of which was coordinated on an international level by Europol.

Through the analysis of data, investigators identified approximately 530 packages sent from Ireland over the course of 2017-2019 by members of this OCG, mainly to addresses in other EU States, all of which are believed to have contained false travel or identity documents. These packages were identified as being sent via a courier company and other postal services. Based on evidence gathered, it is estimated that the number of false travel and identity documents transmitted by this OCG over the period 2017-2019 may be as high as 10,000 false documents.

Investigations were progressed over the course of 2018-2021, with a full operational day-of-action conducted on 30 October 2019 during the course of which GNIB investigators executed thirteen search warrants at various locations around Dublin. A further nine search warrants were executed on subsequent dates in relation to this operation with major search and arrest operations being conducted in December 2020.

Over the course of the investigation, seven suspects were arrested by GNIB on suspicion of the offence of enhancing the ability of a criminal organisation to commit a serious offence, an offence contrary to Section 72 of the Criminal Justice Act 2006 and they were all detained under the provisions of Section 50 of the Criminal Justice Act 2007

In total seven members of the OCG based in Ireland were convicted in respect of a total of 282 charges in respect of offences, including;

- Unlawful custody of false instrument
- Conspiracy to commit serious offences
- Money Laundering
- Trafficking Illegal immigrants
- Deception

The last conviction was recorded in December 2023 and custodial sentences totalling 14 years (with three suspended sentences) were imposed.



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## Operation Frankincense

Operation Frankincense commenced in June 2021 and primarily focused on passengers who were RLTL at Dublin Airport having travelled to Ireland on inbound flights from Spanish airports.

The aim of the investigation at that stage was to identify, target and disrupt OCGs involved in the smuggling / trafficking of illegal immigrants to Ireland. A large amount of data and information was obtained from these initial investigations which was analysed An Garda Síochána.

As a result of this analysis, a number of persons were identified as persons of interest to this investigation and it was quickly established that other police / immigration authorities throughout Europe had an interest in the persons identified as part of Operation Frankincense in Ireland.

It is believed that the principal subject of Operation Frankincense, and indeed parallel investigations being conducted by other state authorities throughout Europe, is an Iraqi born UK National who it is believed currently resides in Turkey. It is further believed from investigations that he is the head of a large OCG involved in the extensive smuggling / trafficking of individuals throughout Europe from mainly Arab countries.

GNIB have identified a network of persons in Ireland linked to this wider OCG by liaising with the Border Management Unit and the UK Home Office – Criminal & Financial Investigations Unit. In November 2023, a Joint Day of Action was held with the assistance of the UK Home Office members where four addresses and eight vehicles in Ireland and one address in the UK were searched under warrant.

Two persons were arrested and detained under organised crime legislation where they were questioned in relation to their involvement of the smuggling of twenty adults and four children of suspected Iraqi origin over a five-month period from Ireland into the UK via an abuse of the land border with Northern Ireland. These persons had all initially claimed International Protection on arrival into Irish airports, but did not continue their application.



During the course of the searches cash in excess of €40,000 was found and jewellery in excess of €150,000 was found. Various documentation including financial, travel and identification were found. This investigation is ongoing.

## Operation Wattle

Operation Wattle is the investigating into the activities of an OCG, primarily of Albanian nationals operating in Ireland. This OCG was involved in the procurement and provision of false travel and identity documents which were used to facilitate the illegal entry into the state of other Albanian nationals and their onward travel to the UK.

Members of the OCG provided false identity documents to these foreign nationals which were used to illegally travel to the UK by commercial flights or by crossing the land border with Northern Ireland and onward to the UK mainland by ferry or air.

The members of the OCG benefited financially from this criminal enterprise, where it is believed that a payment of approximately €1,500 was paid by the foreign national to members of the OCG for the logistical support to illegally travel to the UK from Ireland.

Three of the main members of this OCG have been charged and convicted in Ireland in relation to smuggling and money laundering offences. Investigations are ongoing into the criminal activities of two further members of the OCG.

**The following cases highlight the joint working and liaison between the Border Management Unit and the Garda National Immigration Bureau, in respect of people smuggling investigations at Dublin airport**

1. Referral from BMU on the 18 February 2022. Belgian suspect arrested for section 6 (1) smuggling offence, subsequent Garda investigation identified four additional incidents of smuggling at Dublin Airport. **Convicted on the 2 March 2023 and sentenced to 3 years imprisonment.**
2. Referral from the BMU on the 21 May 2022, Irish suspect arrested for section 6 (1) smuggling offence, subsequent Garda investigation identified one additional incident of smuggling at Dublin Airport. **Convicted on the 2 June 2023 and sentenced to community service in lieu of 6 months imprisonment.**

# COUNTRY FACTSHEET\* – Smuggling of migrants



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3. Referral from the BMU on 24 November 2022 - Bolivian suspect arrested for section 7 (1) smuggling offence, Garda investigation located another suspect who was arrested and deported from the State. **Conviction on 19 January 2023, sentenced to 4 months imprisonment with 4 months suspended.**
  
4. Referral from the BMU on 10 May 2023 - British suspect arrested for section 6 (1) smuggling offence. **Convicted on 23 June 2023 and sentenced to 2 months imprisonment, bond to the peace for 3 years.**