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# Making Immigrant Rights Real

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Evaluation of the One Foundation's  
support of advocacy in immigrant rights.

The **One** Foundation



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# Introduction

The One Foundation was co-founded in 2004 by Declan Ryan and Deirdre Mortell to improve the lives of disadvantaged children in Ireland and Vietnam. The foundation will have invested €75 million, mostly in non-profit organisations over a ten-year period between 2004 and 2013, in part via co-investments with another limited life foundation operating in Ireland, The Atlantic Philanthropies.

In June 2012, the foundation commissioned an external evaluation of its advocacy investments focusing specifically on three advocacy goals named in mid-2008:

- 1) To make children's rights real
- 2) To make immigrant rights real
- 3) To build political will on mental health

The following is the review of the foundation's advocacy on 'making immigrant's rights real' and a case study on the Migrant Rights Centre of Ireland.

The full report "Evaluation of The One Foundation's (2004-2013) Support of Advocacy on Children's Rights, Immigrant Rights and Mental Health Reform, Ireland," including methodology and context is available on [www.onefoundation.ie](http://www.onefoundation.ie)

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# Making Immigrant Rights Real

This section opens with an overview of Ireland's changed migration landscape, followed by a description of The One Foundation's (OF) thinking on measures to effect change in response to a growing immigrant population, and the investments made to achieve its goal – to make immigrant rights real in Ireland. A case study of an investment in the Migrant Rights Centre Ireland (MRCI) follows to provide a deeper understanding of some advocacy approaches taken, their impact, and lessons learned.

## Migration – Ireland

From the late twentieth to the early twenty-first centuries, Ireland (Republic) experienced a dramatic change in migration patterns - emigration flows reduced to a trickle as unprecedented numbers were drawn to Ireland because of its thriving economy. “The potent combination of economic growth, a property bubble, and a relaxed immigration regime’ led to a ‘rapid increase in the number of migrants moving to Ireland.”<sup>1</sup> With the global downturn in 2008, patterns reversed again, and Ireland became once more a country of net emigration. While many migrants returned to their places of origin, a significant number had settled, and have stayed in Ireland.

The 2011 census showed that “non-Irish nationals” accounted for almost 12% of the population. In a little over a decade, Ireland, with its population of 4.5 million people, had gone from a largely homogeneous population to one of ethnic and cultural diversity. These changes occurred during OF’s limited lifetime. The table below provides an overview of main national groups living in ROI from 2002 to 2011. A significant number of migrants entered from EU/EEA nations and were therefore entitled to work in Ireland.<sup>2</sup>

The table shows trends of relevance to the evaluation. For example, the number of migrants from Poland (an EU member state) almost doubled between 2006 and 2011 (63,276 to 122,585), workers who were entitled to freedom of movement within the EU. Non-EU/EEA migrants, officially termed TCNs (Third Country Nationals) also arrived in increasing numbers. For example, the number from Nigeria doubled between 2002 and 2006 (8,650 to 16,300), while the number from the Philippines more than tripled in the period 2002-2011 (3,742 to 12,791). In the context of over 4.5 million people, the number of migrants entering Ireland was relatively small. In addition 80% of migrants to Ireland from 2006-12 had EU nationality, and were entitled to live and work in Ireland.<sup>3</sup> Nevertheless, one study found the Irish media’s stance to be “largely negative,” focused on “issues of control and security” and portraying immigrants as “exploited workers or victims.”<sup>4</sup>

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1 Mary Gilmartin, The changing landscape of Irish migration, 2000-2012. National Institute For Regional and Spatial Analysis, Working Paper Series, No. 69, October 2012.

2 European Union (EU) member states, currently at 27. European Economic Alliance (EEA) countries are Iceland, Liechtenstein and Norway. No records of entry and exit of EU nationals are retained by the Irish state and therefore numbers are CSO estimates.

3 Gilmartin op cite.

4 Helene Perold, 2010, Media, public storytelling and social justice. FOMACS Forum on Migration and Communications.

**Table 1. Ireland (Republic, ROI) – Top Ten National Groups, 2002, 2006 and 2011**

Rank	2002	2006	2011
1.	UK (101,257)	UK (112,548)	Poland (122,585)
2.	USA (11,135)	Poland (63,276)	UK (112,259)
3.	Nigeria (8,650)	Lithuania (24,628)	Lithuania (36,683)
4.	Germany (7,033)	Nigeria (16,300)	Latvia (20,593)
5.	France (6,231)	Latvia (13,319)	Nigeria (17,642)
6.	China (5,766)	USA (12,475)	Romania (17,304)
7.	Romania (4,910)	China (11,161)	India (16,986)
8.	Spain (4,347)	Germany (10,289)	Philippines (12,791)
9.	South Africa (4,113)	Philippines (9,548)	Germany (11,305)
10.	Philippines (3,742)	France (9,064)	USA (11,015)

Sources: CSO, 2003 and 2012 in Gilmartin (2012:9). ROI, Republic of Ireland not including NI.

Migrants whose country of origin was not EU or EEA, such as those entering from the Philippines, had to seek permission to enter through work or study visas, and their movements were “carefully monitored.”<sup>5</sup>

Legislation to deal with the emerging situation in relation to work permits came into force from 2003 onwards.<sup>6</sup> By 2009, with the economic downturn, and unemployment at over 14%, the government “tightened up” its work permit legislation, a move that had a direct impact on vulnerable migrant workers. Work permits could generally only be availed of for occupations with annual salaries of €30K, except in “exceptional” cases.<sup>7</sup> For example, in Domestic Work and Care in private homes, new applicants were no longer eligible for permits. Work permits were issued to the employer, not the migrant, and required regular renewal for the migrant to remain “in status.” When granted, permits were issued for two years initially, then renewed for three years, by which time, the migrant could apply for long-term residency.

The pattern of work permit allocations reflected the reversal of migration trends – a decline of 8% to 7,271 recorded in 2010-2011.<sup>8</sup> According to recent figures, there has been a 70% decline in the number of foreign nationals seeking work in Ireland since 2006.<sup>9</sup>

Similar patterns of increase and decrease in numbers of immigrants were recorded for another category – refugees and asylum seekers. Asylum seekers, who constitute a small proportion of overall migrant flows, live in Ireland while their application is processed. Ireland does not have a single procedure for

5 Gilmartin op cite. Ireland's borders are staffed by members of the Garda Síochána/Police. No record is kept of EU/EEA migrants, because of their right to freedom of movement within the EU.

6 Employment Permits Acts were introduced in 2003 and 2006. In 2012, special provision was made to allow migrants from Romania and Bulgaria to access work permits. See [www.djei/labour/workpermits](http://www.djei/labour/workpermits).

7 Positions with an annual salary below €30k must be advertised for six days in the media and lodged with FÁS (the government's national training body) for eight weeks, before a work permit is issued to a migrant worker.

8 ESRI report commissioned by the Integration Centre, 2012.

9 CSO figures reported on Morning Ireland, 1 March 2013.

assessment of protection claims - refugee, subsidiary protection and leave to remain cases are decided on separately.<sup>10</sup> In fact a small percentage of asylum seekers, approximately 10%, are granted asylum or leave to remain, with the overall refugee recognition rate for 2010 as low as 3.4%.<sup>11</sup> During the application process (which can take several years), asylum seekers and refugees are accommodated in Direct Provision Centres (often underused hotels or hostels), and given a weekly allowance of €19.10 (with €9.60 per child). They have no right to work or to social protection. A report by the Irish Refugee Council documented serious shortcomings with the system and described direct provision as “State-sanctioned child poverty and exclusion.”<sup>12</sup>

In addition to specific pieces of legislation to address areas such as work permits, legislation on forced labour and trafficking was passed in 2013. The General Scheme of Criminal Law, the Human Trafficking (Amendment) Bill will ensure victims are protected and employers prosecuted. Most important, however, is the Immigrant Residence and Protection (IRP) Bill, which has been drafted and re-drafted over several years. At one point, prior to a change of government in 2011, the IRP Bill had over 700 amendments, following consultations and submissions with relevant parties. The Department of Justice has pledged that the IRP Bill will address procedural and processing gaps and make clear and transparent the terms for immigration and family reunification, employment etc. The current Minister for Justice decided to draft a new bill, promised in 2013, a process that has been described as *taking place very much behind closed doors...highly sensitive* (EI:24). There is also a rise in racist incidents according to a poll conducted with Irish politicians (almost half of whom felt there was an increase from 2011 to 2012).<sup>13</sup>

Therefore, during OF's limited lifetime, Irish society had to adapt to an unprecedented inflow of migrants, the vast majority of whom had every right to enter, live and work here. Nonetheless, government systems and social services were unprepared and inexperienced in dealing with this scale of inward migration. Legislation needed to be hastily developed in response to emerging issues. Ultimately, social policy responses lagged behind developments. Media coverage - an important indicator of how immigration is understood by the general public and politicians - highlighted the challenges rather than the contributions of migrants and their families.

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10 Gilmartin, 2012.

11 Joyce, 2011 cited in the ESRI, Annual Monitoring Report on Integration, 2012 for the Intergration Centre.

12 Irish Refugee Council, 2012, State Sanctioned Child Poverty and Exclusion: The Case of children in Accommodation for Asylum-seekers. Of the 5,098 residents in Direct Provision, over a third are children.

13 Millward Brown Landsdowne (MBL), 2011 and 2012 for the Integration Centre, Attitudes towards Immigration and Immigration Policy Among TDs. Available on The One Foundation website.





#### Advocacy Goal and Strategy – “make immigrant rights real”

The advocacy goal identified by OF during its 2008 review was “to make immigrant rights real.” The other goal in the Integration programme was – “to make multi-denominational education a real option in Ireland.” This evaluation was concerned with the advocacy goal, though clearly measures to ensure a diverse, non-denominational education that could impact on the advocacy goal. The aim was to have “minorities integrated into Irish society so their children have the same rights and opportunities as others’ children.” To ensure good integration outcomes for the children of immigrants, OF investments needed to have an impact on legislation, immigration systems, and national/local policy and processes.

Immigrant rights are protected in Ireland, as evidenced by the following:

1. Immigrant Rights appear in legislation
2. The immigration system is fair, transparent and accountable
3. Immigrants have access to information on their rights, entitlements and services.

#### Investments, 2005-2008 and 2009-2013

OF sought to secure long term improvements in the lives of immigrant children by investing in organisations already established and working with adult migrant populations and their families. Investments and supports were provided to support integration at national and local levels; to enable migrants to access their statutory rights and entitlements (through information and support provided via grantee organisations), and to encourage statutory agencies to revise their services in light of the needs of this new constituency. Legislative change was required for a fair and transparent immigration and asylum system.

OF’s process for selecting grantees, common across all its programmes, was particularly challenging among immigrant rights NGOs. Certain NGOs did not make it through the due diligence and business planning processes central to OF’s venture philanthropy approach. The selection process sparked debate about

performance within NGOs generally and the need for a focus on outcomes as well as activities. *There were a lot of tensions. Organisations wanted cash, but found the model we were introducing tough – business planning was very engaged, we made them jump through hoops, to develop both a strategic and operational plan and then made them pitch it to our board.* (EI:4)

## Legislative change was required for a fair and transparent immigration and asylum system.

Four organisations were selected for funding for 2004-2008: The Migrant Rights Centre Ireland (vulnerable migrant workers and their families), Integrating Ireland (a national network), Irish Refugee Council (asylum seekers and refugees) and The Irish Traveller Movement. Three other organisations were also funded: NASC, in Cork city, (information and legal advice), Refugee Information Service and Longford Women's Link (mother and child programme for migrants in direct provision). These early investments were made to build organisational capacity in addition to improving services and supports to migrants. The grants were to *professionalise how they were doing their business. Get them to step up their game* (EI:4). A major piece of research commissioned and published by OF collated all available data on migrants in Ireland for the first time.<sup>14</sup>

By 2008, immigration and integration policies had not changed dramatically. In addition, with the economic recession, the context for advocacy work to advance immigrant rights had become more challenging. OF decided to support a small number of NGOs who were emerging leaders working with immigrants, refugees and asylum seekers: Migrant Rights Centre Ireland, Irish Refugee Council and The Integration Centre, with two city-based NGOs, NASC (Cork) and Doras Luimní (Limerick), as the regional/local arm to the advocacy effort. All five NGOs were deemed to have developed *“trusted working relationships”* (EI:4) with advocacy allies within the sector, the civil service, local authorities, politicians, equality allies etc. In addition, they could provide a strong evidence-base and casework to demonstrate the impact of legislation and immigration procedures. Grantees were actively supporting the Citizens Information Centres (local information centres operated by a mix of some paid workers and volunteers, financed by the state) via the provision of training and information to enable the mainstreaming of these points of reference/support for migrants' rights. All five organisations were working with local authorities to develop and implement local Integration Plans.

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<sup>14</sup> Prospectus, 2008. Analysis of The New Communities Sector in Ireland.

Table 2. Immigrant Rights – Grantees &amp; Amounts, 2005-2008 and 2008-2013

	2004-2008	2009-2013
MRCI	363,000	367, 110
Irish Refugee Council	535,380	628,495
Integrating Ireland	337,238	1,205,000
NASC	118,500	9,613
RIS	52,500	228,900
ITM	184,200	345,000
LWL*	50,000	120,000
ITM		248,250
<b>TOTAL</b>	<b>€1,640,818</b>	<b>€3,152,368</b>

**€4,793,186**

Source: OF records. OF moved LWL to its Children's Programme in 2008-9.

## Key Achievements – Advocacy wins and Impact

There is no doubt that progress in relation to making immigrant rights real has been spasmodic at best, with the most important advances established in the early years of the foundation's work. Once the recession took hold in 2008, high unemployment rates and a reversal of migration patterns seriously challenged the advocacy efforts of grantees. Nonetheless, activities of the five NGOs have contributed to the following achievements in relation to each of the OF objectives identified above. These achievements point to gradual wins towards the main advocacy goal – to make immigrant rights real - in terms of legislative change, statutory services and supports and integration measures:

### Improved Legislation

Objective 1. Immigrant Rights appear in legislation)

Some legislation has been enacted with increased protections (e.g. on worker exploitation and means of redress). The government has delivered secondary legislation on forced labour and trafficking, and there have been advances on migrant workers' protections. An Immigration Residence and Protection Bill is pending and should at least provide clarity and transparency on terms and conditions of immigration, residence and protection measures for immigrants.

### Improved Services & Supports

Objective 2. The immigration system is fair, transparent and accountable

There has been significant mainstreaming of information on immigrant rights. For example, from a base of zero in 2009, 80% of Citizen Information Centres (CICs) around the country should have received training on migrant issues by end 2013.<sup>15</sup>

<sup>15</sup> For information on Citizen Information Centres (CICs) see [www.citizensinformation.ie](http://www.citizensinformation.ie)

## Improved Integration Measures

Objective 3. Immigrants have access to information about rights, entitlements, and services

There has been a marked increase in the number (and quality) of local integration plans, from a base of 10% in 2009 to an anticipated 88% of local authorities having plans by end 2013. Local authorities have also committed to on-going assessment of targets in the plans, as evidenced in the cities of Limerick, Waterford and Cork.<sup>16</sup>

In addition to improvements in legislation, services and supports, and integration measures, grantee activities have contributed to the following factors that are important in terms of the sustainability of immigrant rights.

**Stronger Sectoral Advocacy** - There is a more coherent immigrant NGO sector that at the very least collaborates on certain agreed advocacy issues, campaigns and actions - for example, in relation to legislation on forced labour and the new IRP Bill.<sup>17</sup> There is also an exchange of information on national and local strategies. A number of highly regarded leaders have emerged as spokespersons on immigrant rights. Advocacy links have been established with allies in Europe, in the US and in the UN, transnational advocacy connections that allow a two-way exchange of good practice.

**Evidence-base** - There is now a substantial body of evidence on immigrant experiences in Ireland in employment, social services, immigration procedures etc. All grantees have contributed to the body of evidence according to their area of specialization (worker rights, asylum etc.) either through a combination of in-house data gathering processes, and/or commissioned research. For example, a number of OF grantees have collated evidence and collaborated in a shared analysis of trends to substantiate claims for change to the Department of Social Protection's practices.<sup>18</sup>

**Social cohesion** – While it is difficult to attribute social cohesion benefits to the cumulative effect of grantees' work, their contribution alongside that of many organisations working to promote integration, equality and anti-racism was best framed in terms of what has not happened: *Ireland hasn't had the race riots that have happened in other countries* (EI:1). As another interviewee reported, social cohesion is a critical consideration for future stability: *If we don't get it right, it will bite us later* (EI:26).

**Appreciation of Ireland's permanent diversity** – Despite some serious setbacks raised in the FOMACS report on media representations, public discourse has advanced at the very least in a positive direction to reflect a growing appreciation of diversity, an awareness of the permanence of Ireland's multiculturalism, and an intolerance of racism. However, recent opinion polls highlight the need for continued vigilance and demonstrate how fragile the base of support is for migrant rights given renewed net emigration.<sup>19</sup>

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16 The Integration Centre, Integration Plans, Waterford, Cork and Dublin. [www.integrationcentre.ie](http://www.integrationcentre.ie)

17 NGO Coalition Briefing Paper on IRP Bill, 2010. See [www.mrci.ie](http://www.mrci.ie)

18 Crosscare, Doras Luimní and NASC, 2012. Person or Number? Barriers Facing Migrants Accessing Social Protection.

19 MBL polls, 2011 and 2012 commissioned by The One Foundation. See [www.onefoundation.ie](http://www.onefoundation.ie)

## Migrant Rights Centre Ireland – Case study ([www.mrci.ie](http://www.mrci.ie))

MRCI was selected as the case study site for several reasons including its commitment to building immigrants' capacity to advocate for their rights, its use of creative advocacy strategies and because of evidence of government "take up" of solutions it proposed.<sup>20</sup> (The author worked with MRCI as Independent External Evaluator from 2006 to 2011).<sup>21</sup>

### MRCI – Background, Activities and Milestones

Established in 2001, the Migrant Rights Centre Ireland (MRCI) is a national organisation that seeks to promote the rights of migrant workers and their families in an intercultural society. In the early years, direct support and advice was provided to migrants via a Drop-in Centre in a city-centre basement location, operated by two Catholic nuns with funding provided by the Columban Fathers. Following receipt of OF's first investment in 2005/6, MRCI moved to a more substantial, city-centre office base, and completed a strategic planning process. Throughout the years MRCI has combined the provision of information and advice with advocacy work conducted at local, national and transnational levels.

MRCI's founders and board members have a shared social analysis, informed by experiences of working on issues of ethnic and racial diversity in Ireland and abroad. The organisation's former Chair, Bobby Gilmore (a Columban priest), has a global perspective informed by experiences working in the Philippines and in the UK.<sup>22</sup> Another board member, Anastacia Crickley, has also worked with the Irish abroad, and is a long time advocate for Irish Traveller rights. She has held or holds positions on European and UN equality, rights and anti-racism committees. The organisation's Director, Siobhán O'Donoghue, shares this history of community work with Travellers in Ireland. She worked with the Community Workers Co-operative and represented the community sector in national policy making fora in 1990s. Their commitment to community development as a route to mobilising migrants to become their own advocates was a factor that contributed to the organisation's effectiveness and imbued its processes and practices: *We look at people as agents of their own destinies rather than as objects of our need and we try always to meet the hope in migrants' eyes (Bobby Gilmore, 2011).*

Community work is described as a process that *is all about grassroots engagement* (EI:23). In MRCI's case, the aim is to ensure the participation of migrants in the work of the organisation at all levels. It also facilitates migrants to take an analytic journey - to move beyond a focus on individual needs and concerns to a focus on conditions affecting all migrants - thereby enhancing their understanding of social processes and spurring collective action for change to benefit all: "the creation of conditions for the critical participation of migrant workers in the work of MRCI and in society in general." In practice, this has translated into activities to create collective spaces that build participation and empowerment (via Campaign Action Groups and a Migrant Forum), and facilitate opportunities for collective action for change (via campaigns and advocacy efforts).

<sup>20</sup> The term migrant is used to describe both emigrant and immigrant mobility in a globalised world.

<sup>21</sup> Quarterly visits and reports were completed as part of this formative evaluation process. See [www.ocainternational.com](http://www.ocainternational.com)

<sup>22</sup> Fr. Bobby Gilmore spearheaded a campaign to release the "Birmingham Six," Irish migrants wrongly accused of terrorist activities. See [www.mrci.ie/about-us/our-board/](http://www.mrci.ie/about-us/our-board/)

## We look at people as agents of their own destinies rather than as objects of our need and we try always to meet the hope in migrants' eyes.

(Bobby Gilmore, 2011)

From 2009 onwards, MRCI sharpened its strategic focus by concentrating its work on advocacy, community work and leadership. It refined a Case Management System (CMS) as the main evidence-based data source for the organisation. Findings were used to inform lobbying and campaign activities, media releases and policy papers. MRCI facilitated the most vulnerable migrant workers to organise and build collective capacity in labour sites such as agriculture (Mushroom Workers), and private homes (Domestic Workers). Leaders from these groups were supported via special training programmes and processes to become the backbone of MRCI's public campaigns and lobbying activities.

### Key Achievements – MRCI

**Migrant Worker Activism** – MRCI developed a strong, grassroots base of thousands of worker activists that continues to mobilise on issues of concern. MRCI produced the first comprehensive resource guide to support community work with migrant workers in Ireland. Migrant Leaders graduated (25) from a Community Work diploma programme developed by MRCI in partnership with a university (NUI Maynooth).

**Information, referrals and training** – MRCI provided quality information and referrals to over 5,000 migrants and their families annually, and training to community groups, NGOs, Trade Unions, state agencies, An Garda Síochána (Police), Citizen Information Centres etc., on the critical issues facing migrant workers and their families.

**Public Awareness Raising** – MRCI maintained a high profile in the media, and used creative approaches (e.g. quilt exhibition and audio record of exploitation in a private home) to bring the experience of migrants into the public domain, consistently highlighting practical recommendations for change and emphasising the shared experience of vulnerable (undocumented) or exploited Irish migrants abroad

**Bridging Visa** – Successfully campaigned for a Bridging Visa scheme to regularise migrant workers who became undocumented through no fault of their own.

**Work Permit Scheme** – Successfully campaigned for reversal of 2009 changes in employment permit policy that would have forced thousands of migrant workers and their families to leave Ireland, or become undocumented.

**Residency Protection** – Successfully campaigned to allow work permit holders with 5 work permits to access secure residency without need for further work permits, while awaiting outcomes of long-term residency application.

**Over €2 million in legal judgments and awards** – MRCI assisted hundreds of exploited workers to achieve settlements and judgments for back pay and other violations of employment rights.

**Improved conditions for vulnerable workers** – With the trade union SIPTU, highlighted exploitation of workers in mushroom-growing industry, organized workers and established a Registered Employment Agreement to improve pay and conditions. With ICTU, lobbied for a government Code of Practice to protect domestic workers’ rights and outline employer obligations (ongoing).

Advocacy Effectiveness

The diagram below lists key milestones and advocacy approaches used by MRCI.



According to several bellwethers interviewed for the evaluation, MRCI has been ranked as one of the leading advocacy organisations in Ireland. One bellwether described their advocacy in these terms: *MRCI are one of the best NGOs to blend approaches to advocacy, though they don't admit it. They promote themselves as being totally committed to the community development approach, but did not always use it. Instead, they used the preferred backroom approach – the leaders meeting the politicians – and the campaign approach, and the protest approach. They adjusted as necessary. This shows real advocacy maturity.* (EI:24)

The organisation has applied a number of advocacy approaches tailored to respond to shifting economic and political sands. The following discussion considers MRCI's advocacy effectiveness using Quinn-Patton's criteria, and provides examples of lessons learned.

MRCI are one of the best NGOs to blend approaches to advocacy, though they don't admit it. They promote themselves as being totally committed to the community development approach, but did not always use it. Instead, they used the preferred backroom approach – the leaders meeting the politicians – and the campaign approach, and the protest approach. They adjusted as necessary. This shows real advocacy maturity.



### **A** Strong high capacity coalitions

In research commissioned by OF in 2009, Wilson Hartnell noted that large-scale immigration was a recent phenomenon in Irish society, and as a result, young NGOs had limited capacity. The first step was to build organisations. In MRCI's case, this work took place in 2005-08.<sup>23</sup>

Alongside this work, The Atlantic Philanthropies and OF combined efforts to spur a sectoral coalition met with some resistance. Questions about the legitimacy of migrant-led or Irish-led organisations and different approaches were issues that *caused no small amount of friction and distracted from the work at hand* (EI:23). These factors challenged efforts at coalition-building.

For MRCI, a first step in building a strong coalition was to bring migrants from different places of origin together as workplace allies. For example, mushroom workers came from several Eastern European countries where the only common link besides work was the Russian language. Members of the Domestic Workers Group were from the Philippines, Africa and South East Asia. Facilitating a movement from a concern with individual needs to an analysis of the collective position took time. Within three years, several groups of the most vulnerable workers were in place and were being supported to build their capacity: a Mushroom Workers' Group (later re-named Agricultural Workers Action Group), a Domestic Workers' Action Group, Forced Labour Action Group and a Migrant Forum.

<sup>23</sup> Building a Strong Foundation, 2008. External Evaluation, O'Carroll Associates.



While building connections between migrant worker groups, MRCI strategically targeted links with the Trade Union movement, considered a natural ally. For example, from 2006, one of the mushroom workers was appointed as a full-time SIPTU organiser in the Cavan-Monaghan area. A SIPTU representative attended Sunday meetings of the Domestic Workers Group (to sign up members, collect dues etc.), and SIPTU continues to collaborate on shared campaigns. Migrant worker issues were placed on the agenda of the annual conferences of the national trade union body, ICTU. At one point a national Trade Union leader described MRCI as “the conscience of the Trade Union movement.” By 2012, Bill Abom, MRCI’s Deputy Director left to become a full-time trade unionist, further solidifying the organisation’s work with the movement.

Illustrating the growing trend towards transnational migration advocacy and activism, MRCI aligned itself with European and International immigrant advocacy bodies and rights-based fora (e.g. PICUM undocumented, European Network against Racism OSCE, Anti Slavery International, ITUC, International Domestic Workers Association, ILO), including the USA (e.g. America’s Voice, ROC, Restaurant Opportunities Centre, Caring Across Generations, Rutgers University in New Jersey). These global coalitions informed MRCI’s advocacy strategies and provided examples of existing legislation in other jurisdictions with longer histories of immigration. They also provided information on additional points of future leverage for change in Ireland via EU Directives and UN human rights instruments. In 2013, MRCI collaborated with the Boston-based (Irish government supported) Irish International Immigration Center in a joint effort to promote the regularisation of undocumented immigrants in Ireland and in the USA. Therefore, MRCI’s values informed activities to solidify coalitions with like-minded national and transnational allies and advanced the organisation’s advocacy capacity. In that sense, the organisation used multiple points of advocacy influence. As the context changed with the recession, and restrictive measures were announced on work permits, Trade Union and equality allies were called upon to support lobbying activities.

While MRCI mobilised organisations with strong community development, equality and rights-based goals to engage in public actions, campaigns and lobbying, it was sometimes perceived as less inclined to build an immigrant sector coalition. MRCI recognised this and made a concerted effort from 2010 onwards to work with broadly aligned organisations on specific campaigns in pursuit of shared advocacy outcomes – e.g. forced labour. For example, MRCI, ICI and IRC all sat on the consultative forum for the government’s anti-human trafficking unit and worked successfully to develop campaign plans for legislative change on sex trafficking and trafficking for forced labour. Legislation in this area was successfully passed in early 2013, confirming potential benefits of sectoral collaboration.

The main lesson here was while strategic alliances with movements with a shared social analysis can be important to advocacy efforts, they should not be developed at the expense of sectoral alliances. Recent success on anti-trafficking legislation demonstrates that policy-makers responded positively to a strong, high capacity immigrant coalition (MRCI, ICI and IRC). Otherwise policy-makers may perceive the sector as *deeply divided because they can’t agree* (EI:27) and discount proffered solutions for change.

## **B** Strong national grassroots coordination

In MRCI's case, advocacy was driven by the flow of information to and from migrant workers, their families and migrant worker groups. Issues emerging were documented via the database (CMS) and became the basis of casework, campaigns, policy papers and lobbying.

For example, in the early years of OF investment, MRCI's work to establish a Mushroom Workers Support Group (MWSG) brought the issue of exploitation within the industry to national prominence via its report, "Harvesting Justice" (November, 2006). In the space of one year, the Support Group expanded its membership and activities across counties Monaghan, Cavan and beyond. With MRCI's support, the group employed a full-time development worker, a former mushroom worker, and a part-time co-ordinator. MWSG established contact with over 450 migrant workers in the region and supported a Core Group of 18 emerging leaders via a training programme in group development, social analysis, English language tutoring, and Strategic Planning to develop into an independent representative organisation – the Agricultural Workers Association Ltd. (established 2007). Project impact was reported on several levels: improvements in the lives of individual workers (terms and conditions of employment, increased connections with the community etc.), development of a worker-led group, and greater inspection and compliance within the industry.

Similarly, MRCI established the Domestic Workers Action Group in 2004, following a study of 20 domestic workers ("Private Homes: A Public Concern"), often vulnerable and isolated migrant women working as nannies, housekeepers and elderly caregivers in private homes. Members were supported to attend regular Sunday meetings in Dublin, and receive information on rights and entitlements. Their call for a legally binding set of standards for regulating domestic service resulted in a code of practice, negotiated with government and promoted by Trade Unions. By 2012, the group had over 250 members with a core group actively involved in campaigns, media work and lobbying. The Trade Union movement is the group's key advocacy ally – all are individual members of SIPTU.

The key lesson here is that a national organisation's efforts to build and support collective advocacy capacity can take place at local or national levels, depending on what is suitable, but must be coordinated. Attention to national grassroots coordination ensures advocacy is informed by the experience on the ground and can result in the mobilisation of advocates and allies around campaigns.

## **C** Disciplined and focused messages with effective communications

In MRCI's case, effective external communications were related to the quality of its internal communication systems – the flow of data from its case management database and from the various migrant groups (all sources of live issues and trends). MRCI substantiated its arguments for change by drawing on credible, evidence-based data on issues affecting migrant workers.

In addition, the organisation identified the need to communicate MRCI's distinctive focus and community work approach and enable the participation of migrant workers in communications activities. MRCI used a range of creative activities to communicate messages of exploitation and the need for reform, from the Domestic Workers Action Group drama "Acting Out for Hope and Change," to the Restaurant Workers Action Group flash mob (at the Restaurant Association of Ireland's Annual Ball).

With the recession, MRCI organized a conference to communicate what was happening in Ireland in a global context. Entitled "Fair Play: Are fair and decent working conditions for migrant workers possible in a changing labour market?," the conference (2009) hosted a number of internationally renowned speakers on the issue of globalisation and the labour market.<sup>24</sup> Invited representatives of enterprise, National Employment Rights Authority, Ethical Trade Initiative, UK, for example, attended. The conference received considerable media coverage and MRCI logged media hits and cross-referenced data with its media database to identify journalists active in the area and advocacy targets. The work of a Communications' Officer was crucial in analysing and improving the organisation's communication's systems.

The conference solidified relationships with trade unions and the Department of Trade Employment and Enterprise. At the conference the Department announced its intention to make changes to the work permit system in light of the unfolding economic recession. Allies with a stake in employment and work permits backed MRCI's call to hold changes to the work permits. SIPTU released a joint press release - *It took that relationship to a whole new level, and IBEC [the employers' national body], initiated real talks with us (EI:23)*. The activity showed the value of facilitating fora where the connection between local issues and global processes can be debated and informed by practices elsewhere, specifically in countries with longer histories of immigration, and confirmed the benefit of including all interested parties in the debate, including employers. The permit changes were subsequently introduced and then reversed as a result of national campaign led by MRCI.

A key strength of MRCI's leadership has been its ability to conduct nuanced readings of the policy context to determine what is feasible politically, and based on this, identify points of pressure and apply appropriate advocacy tools. For example, MRCI used a playful, positive protest at the start of a new Dáil session in 2011 to advance its campaign message on the need for work permit reform. As members of the new government approached the gates of Leinster House they were met by members of the Restaurant Workers Action Group dressed in white chef uniforms, bearing croissants and coffee. It resulted in widespread media coverage and raised awareness among new politicians and the public regarding work permit reform. Images of the Taoiseach smiling in the midst of the campaigners were carried in print and electronic media.

Central to all messaging and communications' efforts was the work of a Communication's Officer who issued press releases, tracked media (traditional and social), produced daily summaries of news on migrant issues, produced publications on specific issues and campaigns and analysed

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24 Speakers included Paul Mason, BBC Economics Editor and Professor Janice Fine, Rutgers University, USA

trends that were discussed at Policy Group and Board meetings. However, with MRCI's budgetary cutbacks in 2011, the position of Communication's Officer could no longer be sustained. Nonetheless the communications and messaging work to bolster advocacy continued, as demonstrated by the January 2013 launch of a film with SIPTU, "Food for Thought," highlighting poor working conditions of 120 migrant restaurant workers, and the production of a simple guide to the changes in the employment permit system in April 2013. Throughout the OF's investment period MRCI's Director and (former) Board Chair frequently appeared on national news media, often reminding audiences of the link between migrant workers' issues in Ireland and the experiences of Irish emigrants abroad.

In addition to a strong media presence and dedicated Communications Officer to coordinate multiple communications outputs for different advocacy targets, the MRCI case illustrates several advocacy nuggets: the importance of foregrounding migrants' experience and migrant messengers (to provide evidence of the impact of policies); the benefits of organising creative, dramatic activities in public spaces to deliver campaign messages; and, in recessionary times, the value of working with allies to develop communications products.

## **D** Solid research and knowledge base

It took MRCI several years to design and develop a suitable and appropriate system to document information on migrant workers' lives from multiple sources: Drop-In Centre, Case Work, the various migrant worker groups, and the outcomes of referrals to other organisations. On-going analysis of quantitative and qualitative findings, conducted at the Policy Group and Board meetings, informed the direction of campaigns. By 2011, MRCI could demonstrate that it was providing information and referrals to over 5,000 migrants and their families annually.

Drawing on case work data, MRCI developed and progressed several successful legal cases involving workplace exploitation (with the assistance of a part-time barrister) that were heard at the Labour Court. In total, MRCI estimates that it has helped several hundred migrant workers to achieve settlements and judgments for back pay and for violations of their employment rights (of over €2 million). The organisation's documentation of cases of exploitation was sufficiently credible for a government agency, the National Employment Rights Authority (NERA) to conduct follow-up investigations in certain industries and for Trade Unions to become active in organising workers. MRCI also demonstrated cases where migrant workers became undocumented through no fault of their own, in instances where the employer had failed to renew a work permit, to advance its claims for reform. The campaign was *driven by data* (E1:1), and provided a solution – a Bridging Visa. The list below provides examples of research commissioned or conducted in collaboration with other parties.

## MRCI's Research (Sample), 2004-2012

2006

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CRA submits Shadow Report to UN, based on input from member organisations, and presents case for a referendum: *From Rhetoric to Rights, Second Shadow Report to the UN Committee on the Rights of the Child, Children's Rights Alliance, 2006.*

2004

—

*Private Home: Public Concern (20 migrant workers); Social Protection Denied (impact of the Habitual Residence Condition).*

2006

—

*Harvesting Justice: Mushroom Workers Call for Change (workers Cavan/Monaghan); Realising Integration: Migrant Workers Undertaking Essential Low Paid Work in Dublin City.*

2007

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*Life in the Shadows: An Exploration of Irregular Migration in Ireland;*

2008

—

*Exploitation in Ireland's Restaurant Industry; Enabling Equality; Tools for Change: A Resource for Community Work with Migrant Workers and their Families in Ireland*

2009

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*Challenging Myths and Misinformation on Migrant Worker (jointly with NCCRI)*

2010

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*Trafficking for Forced Labour;*

2011

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*A Framework for Tackling Forced Labour (with ICTU); Mobilising for Social Justice; Overcoming Barriers for Equality for Children of Non-EU Migrants.*

2012

—

*Who Cares?: The Experience of Migrant Care Workers.*

**Note: See [www.mrci.ie](http://www.mrci.ie) for complete listing and information on policy papers and submissions.**

MRCI submissions to government (e.g. IRP Bill, Regularisation of Undocumented, Work Permits etc.) formed the basis for policy briefing papers. For example, the 'Overcoming Barriers' research informed its submission to the Oireachtas Joint Committee on Education and Social Protection in 2012 on conditions pertaining to children of non-EU parents charged foreign student fees to access third level education.<sup>25</sup> Research was sometimes conducted with academic partners - a strategy that gave further substance to the claims for change and contributed to outcomes. For example, *No Way Forward: No Going Back* first researched the problem of trafficking for forced labour and was prepared with Dublin City University. More recent submissions to government used a rights-based framework to argue for Ireland's compliance with international instruments such as the Implementation of the International Convention on Economic, Social and Cultural Rights, 2011.

The main lesson was the value in combining in-house data and analysis (from workers' exploitation to unequal education access for migrants' children) with research from other sources to substantiate claims for change. *They [MRCI] put faces to the hardships [suffered by migrant workers] and at the same time they delivered the reports to show the stats...the hard facts (EI:25).*

## **E** Timely, opportunistic lobbying and engagement

MRCI's lobbying strategy evolved during 2005-12 as it came to understand points of leverage and advocacy targets. It assessed lobbying strategies, discussed progress with allies, identified points of give and policy bottlenecks. It prepared information for briefings with politicians and civil servants who had limited experience initially of immigration, and brought migrants to meet policy makers.

However, the experience of lobbying Irish civil servants varied by government department or agency, and individual. Civil servants have learned to adapt to the growing demand for engagement with civil society. *There's been an evolution in thinking within government departments and civil servants, a total contrast to how it was perceived ... when you didn't get to speak with civil servants (EI:26).* However, civil servants offered an opportunity and a challenge to MRCI's advocacy efforts. Since migrant worker issues concern both the Depts of Justice (concerned with matters of security) and Enterprise Trade and Employment (concerned with business, employment etc.), MRCI needed to be in touch with the civil servants and politicians in both of these. In theory, NGOs who are professional and provide credible evidence of the need for change should find civil servants willing to engage. Officials in Enterprise and Employment proved more engaging because the change sought (e.g. improved inspections of employment sites), was mutually beneficial. These officials also received delegations of migrant workers. MRCI built strong relationships with NERA (National Employment Rights Authority), who investigated MRCI claims of worker exploitation. However, MRCI had limited success lobbying the department with most power on immigration matters, the Department of Justice, though other migrant organisations reported otherwise. An immigration policy bellwether interviewed reported that the Dept of Justice was *notorious for its heavy handedness. They were a law unto themselves (EI:25).*

<sup>25</sup> See Migrant Education Access, [mrci.ie/wp-content/uploads/2012/09/Access-to-education-Briefing-Note.pdf](http://mrci.ie/wp-content/uploads/2012/09/Access-to-education-Briefing-Note.pdf)



In the early years of support from OF, MRCI successfully lobbied for two pieces of legislative reform: the Bridging Visa (2007 campaign), and the Work Permit Reform (2009 campaign). The Bridging Visa was an innovative scheme that has influenced strategies elsewhere, including the USA.<sup>26</sup> MRCI's lobbying message was simply that migrants through no fault of their own had fallen out of status. In lobbying politicians the strategy was to turn the spotlight onto rogue employers who profited from migrant labour and yet failed to honour their obligations. This convinced politicians and found favour with the public. The campaign not only called for change, but offered a solution. During the recession, MRCI successfully lobbied to reverse the policy of changes to employment permits (2009), arguing the proposed changes would force migrants to leave or become undocumented.

While MRCI had positive working relationships with state agencies such as NERA and the Garda National Immigration Bureau, it caused controversy with a 2010 publication: "Hidden Messages: Overt Agendas".<sup>27</sup> This was perceived as highly critical of government and civil servants because it exposed the gap between political rhetoric and harsh policies on migrant rights. Since MRCI had paid for the report with EU funds administered through a government agency, government sought return of the funds because, in its view, the research was not included in the original proposal. The perception was that the incident was an "ill-judged" policy tactic.

Despite MRCI's mixed record of lobbying State actors, it bolstered its national advocacy by lobbying abroad. It participated in PICUM (an international undocumented migrants' body) whose strategy informed its Irish work. Board members participated in national and European fora, where emerging practices were debated on EU labour, asylum, Community Strategy Directives, economic migrants etc. This concern with national and EU policy processes provided horizontal and vertical advocacy routes and points of influence. *They [MRCI] now*

<sup>26</sup> Frank Sharry, National Immigration Forum, Washington, D.C.

<sup>27</sup> Niall Crowley, the report's author, resigned as CEO of the government's Equality Authority in 2008, in protest at the government's decision to cut the Authority's budget by 43% .

*have a seat at the UN [Stacia Crickley]. That's influence! (EI:24).* While this UN appointment has nothing directly to do with MRCI, the perception, reflected in the quote, is that the organisation has attained this point of advocacy access, albeit via one of its board members.

MRCI also brought pressure on Trade Unions to leverage political capital with the Labour Party, and engaged in direct contact with political leaders. There is no doubt that MRCI also “worked the back rooms.” As one policy observer reported: *They're probably best at lobbying. I think it shows they are more than just community development. They lobbied hard and well behind closed doors. They used the trade unions... pushed Labour and Sinn Féin” (EI:24).*

Therefore, MRCI conducted insider and outsider lobbying, ensured migrants attended meetings with politicians and government officials, learned from negative experiences, identified policy bottlenecks, re-grouped and changed tack when necessary. In addition, they used links with EU fora to leverage change in Ireland. Its lobbying was particularly successful in its early years of support from OF and less so in the recession.

In 2012, MRCI learned a lesson about the limitations of its advocacy, under current law, to counter injustice where the migrant is undocumented. The High Court Judgment in the case of *Amjad Hussein v The Labour Court (2012)* overturned an earlier Labour Court advocacy win because the claimant was undocumented.<sup>28</sup> The High Court found that the Work Permit Act of 2003 prevented an undocumented worker from securing redress under labour law.



<sup>28</sup> “Award to migrant quashed over illegal job status.” Irish Times, September 1, 2012. [www.irishtimes.com](http://www.irishtimes.com).



## **F** Collaborating funders engaged in strategic funding

OF collaborated with The Atlantic Philanthropies on a joint funding strategy to advance immigrant rights in Ireland. The strategy was to *carve up the turf according to specialist areas* (EI:4) and assign grants accordingly - asylum seekers (Irish Refugee Council), trafficking and citizenship (Immigrant Council of Ireland) work permits and the undocumented (MRCI), with Doras Luimní and NASC working on all three areas regionally. OF supported all but one of these organisations, ICI. The joint funding strategy provided multi-annual, core support to enable a strategic response on legislative change and integration of migrants. Both foundations had a shared target of a reformed IRP Bill (still forthcoming, ten years later, in 2013) to bring clarity to immigration policy. It was assumed that grantees would collaborate on campaigns of common interest. In the early years, this did not happen to the extent anticipated.

Both foundations assessed performance and effectiveness in different ways. For example, AP relied on the on-going learning from a formative evaluation process, whereas OF used the Balanced Scorecard to discuss progress and measure performance. *[AP] is a lot more hands off...active but not directive. The [organisation's] leaders own decisions and progress is informed by the learning emerging from evaluation* (EI:24). By comparison, several grantees reported difficulty applying the Balanced Scorecard system promoted by OF, and used for quarterly reviews. As a grantee reported: *The scorecard system was daft and totally open to abuse. If you had any sense at all, you'd make sure not to set the targets too high. To be honest, we gave up on it* (EI:23).

MRCI has reported on the benefits of regular contact with OF team members, board participation and in particular special grants provided at important times. For example, OF funded MRCI's 10th anniversary film which was screened at an event attended by President Mary McAleese in October 2011.<sup>29</sup> When OF awarded MRCI's Director, Siobhán O'Donoghue the Captain Cathal Ryan Award for Social Innovation (a scholarship of €25,000 in 2011), it was interpreted by one bellwether as *An endorsement of her boldness in taking on all quarters* (EI:27) - a direct reference to her advocacy leadership.

The key lesson learned by MRCI was that contact with the two foundations afforded the assurance of strategic allies and committed resources to advance its advocacy strategy over a number of years, key factors when challenging government. In addition, OF management and governance requirements improved the capacity of the organisation.

<sup>29</sup> MRCI's 10th anniversary film provides an insight into the organisation's approach and work with migrant workers and their families in Ireland: [http://www.youtube.com/watch?v=3ugEQgo\\_ORw&feature](http://www.youtube.com/watch?v=3ugEQgo_ORw&feature).

## Conclusion

OF's support of MRCI's work enabled the organisation to successfully advance immigrant rights in a number of important areas directly related to the advocacy goal – to make immigrants rights real. MRCI developed a proven track record of influencing policy to advance the rights of the most vulnerable migrant workers and their families in Ireland. The organisation demonstrated the benefits of a community work approach to mobilising migrants to be active advocates in campaigns and media work (ensuring long term advocacy capacity on migrant rights), while also working the “back rooms” to leverage political capital for change, using a strong evidence-base to substantiate proposals. In addition to activities conducted in Ireland, MRCI built vertical advocacy routes via EU fora, with allies in the USA, and latterly at the level of the United Nations.

Achievements include reforms in secondary legislation (“bridging visa”), labour law (criminalisation of forced labour), and State practices (inspections), solidifying the link between migrant workers and the trade union movement (ensuring long term support), and raising awareness of the benefits of Ireland's new inter-cultural society. Factors that contributed to advocacy effectiveness included: strong leadership capable of providing a nuanced read of the context; strategic alliances; a shared social analysis and a community work approach to organising and mobilising; migrants' active involvement in campaigns, lobbying, and media work; a strong evidence-base, and high quality (and creative) communication products.

The re-emergence of emigration after 2008, linked to a sharp rise in unemployment to over 14% of the labour force, challenged MRCI's advocacy because the climate of opinion towards migrants changed significantly. However, the passage of the Criminal Law (Human Trafficking) (Amendment) Bill in 2013, following a campaign MRCI conducted with broadly aligned organisations, demonstrates what is possible, even in challenging times. New legislation promised in 2013 (Immigration, Residence and Protection Bill) may bring clarity and transparency regarding immigration rights, although some campaigners expressed concerns the legislation may be restrictive rather than innovative.

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