



European
University
Institute

ROBERT
SCHUMAN
CENTRE FOR
ADVANCED
STUDIES



COUNTRY
REPORT
2018/17

NOVEMBER
2018

REPORT ON POLITICAL PARTICIPATION OF MOBILE EU CITIZENS: IRELAND

AUTHORED BY
STEPHEN COUTTS



This report was funded by the European Union's Rights, Equality and Citizenship Programme (2014-2020)

© Stephen Coutts, 2018

This text may be downloaded only for personal research purposes. Additional reproduction for other purposes, whether in hard copies or electronically, requires the consent of the authors. If cited or quoted, reference should be made to the full name of the author(s), editor(s), the title, the year and the publisher.

Requests should be addressed to GlobalCit@eui.eu.

Views expressed in this publication reflect the opinion of individual authors and not those of the European University Institute.

Global Citizenship Observatory (GLOBALCIT)
Robert Schuman Centre for Advanced Studies
in collaboration with
Edinburgh University Law School

Report on Political Participation of Mobile EU Citizens: Ireland
RSCAS/GLOBALCIT-PP 2018/17
November 2018

© Stephen Coutts, 2018

Printed in Italy
European University Institute
Badia Fiesolana
I – 50014 San Domenico di Fiesole (FI)

www.eui.eu/RSCAS/Publications/
cadmus.eui.eu

Robert Schuman Centre for Advanced Studies

The Robert Schuman Centre for Advanced Studies, created in 1992 and currently directed by Professor Brigid Laffan, aims to develop inter-disciplinary and comparative research on the major issues facing the process of European integration, European societies and Europe's place in 21st century global politics.

The Centre is home to a large post-doctoral programme and hosts major research programmes, projects and data sets, in addition to a range of working groups and *ad hoc* initiatives. The research agenda is organised around a set of core themes and is continuously evolving, reflecting the changing agenda of European integration, the expanding membership of the European Union, developments in Europe's neighbourhood and the wider world.

For more information: <http://eui.eu/rscas>

The EUI and the RSCAS are not responsible for the opinions expressed by the author(s).

GLOBALCIT

GLOBALCIT is the successor of EUDO CITIZENSHIP, which has been the key reference for the study of citizenship and the franchise between 2009 and 2017. With the geographic expansion of the Observatory's scope the new name reflects our worldwide coverage.

GLOBALCIT provides the most comprehensive source of information on the acquisition and loss of citizenship in Europe for policy makers, NGOs and academic researchers. Its website hosts a number of databases on domestic and international legal norms, naturalisation statistics, citizenship and electoral rights indicators, a comprehensive bibliography and glossary, a forum with scholarly debates on current citizenship trends, media news on matters of citizenship policy and various other resources for research and policy-making.

GLOBALCIT studies political participation in the context of the project Fostering Awareness, Inclusion and Recognition of EU mobile citizens' Political Rights (FAIR EU) and as a part of the EU-CITIZEN network.

This report was funded by the European Union's Rights, Equality and Citizenship Programme (2014-2020).

The content of this report represents the views of the author only and is his/her sole responsibility. The European Commission does not accept any responsibility for use that may be made of the information it contains.

For more information see: <http://globalcit.eu>

Report on Political Participation of Mobile EU Citizens

Ireland

*Stephen Coutts**

Abstract:

In Ireland, all legally resident persons regardless of nationality enjoy rights to vote in and stand for local elections. Furthermore, EU citizens have the right to vote and stand as candidate in the European Parliament elections held in Ireland. Ireland's voting rights for non-resident citizens are, however, more restrictive and made conditional upon ordinary residence within Ireland. The only exceptions to this rule are diplomats and their spouses, and temporary absentees (no longer than 18 months) who may retain their electoral rights. Nonetheless, despite the wide franchise for residents in principle, the political integration of non-citizens is more limited in practice with structural and practical obstacles persisting. Few formalities exist in registering to vote or stand for elections or in exercising that vote. Possible facilitators would be to simplify the registration procedure and to encourage the political participation particularly of EU citizens.

Achoimre:

Tá sé de cheart ag gach cónaitheoir in Éirinn, beag beann ar a náisiúntacht, vóta a chaitheamh agus seasamh i dtoghcháin áitiúla. Ina theannta sin, tá sé de cheart ag saoránaigh an AE vóta a chaitheamh agus seasamh mar iarrthóir i dtoghcháin Pharlaimint na hEorpa a reáchtáiltear in Éirinn. Tá cearta vótála níos sriantaí i bhfeidhm maidir le saoránaigh neamhchónaitheacha agus tá gnáth-chónaí in Éirinn mar choinníoll orthu. Is iad taidhleoirí agus a gcéilí amháin, mar aon le neamhláithrithe sealadacha (gan dul thar 18 mí), atá mar eisceacht ar an riail seo agus a choimeádann a gcearta vótála. Ina ainneoin sin, beag beann ar chearta vótála bheith ar fáil go forleathan do chónaitheoirí i bprionsabail, tá teorann leis an gcleachtas lánpháirtiú polaitíochta a dhéanamh ar neamh-shaoránaigh le constaicí leanúnacha struchtúracha agus praiticiúla. Is beag gnás atá ann maidir le clárú chun vótála ná chun seasamh i dtoghchán ná chun ceart sin a chleachtadh. Bheadh simpliú ar an nós imeachta clárúcháin ina áisitheoir maidir leis seo chomh maith le rannpháirtíocht pholaitíochta a spreagadh go háirithe i measc saoránaigh an AE.

* School of Law, University College Cork, Ireland

1. Introduction

Voting rights are extended to many non-citizen residents in Ireland (see Table 1). Both EU nationals and third-country nationals who are ‘ordinarily resident’ in Ireland, enjoy the right to vote and stand as candidate in local legislative elections. EU citizens furthermore enjoy the same electoral rights as Irish nationals in European Parliament (EP) elections held in Ireland. The registration procedure is simple in theory, in practice, however, non-citizen residents face some challenges. All residents are automatically added to the register, however, in most circumstances, it is necessary to draw the attention of the registration authority to new residents. Once an individual is on the register he or she will automatically be registered for any subsequent elections.

Non-resident Irish citizens generally do not have any voting rights in national legislative and EP elections held in Ireland. Exempted from this rule are diplomats and members of the defence forces and their spouses. Furthermore, citizens who are temporarily abroad and who intend to return to Ireland within 18 months, retain their right to vote. Those non-resident citizens who retain their right to vote, have to register to be able to exercise their voting rights both in national and EP elections. For temporary absentees, only in-country voting is available. For diplomats and their spouses, postal voting is available.

Table 1. Conditions for electoral rights of non-resident citizens and non-citizen residents in Ireland

Type of voter	Election type	Right Voting	Right Candidacy	Automatic registration	Remote voting
Non-resident citizens	National Legislative	NO ¹	YES ²	NO ³	YES ⁴
Non-resident citizens	European Parliament	NO ⁵	YES ⁶	NO ⁷	YES ⁸
Non-citizen residents	Local Legislative	YES ⁹	YES ¹⁰	YES	NA
Non-citizen residents	Local Mayoral	NA	NA	NA	NA
Non-citizen residents	European Parliament	YES ¹¹	YES ¹²	YES	NA

¹ Except for diplomats and their spouses. Temporary absentees who intend to return within 18 months can continue to vote, but only in-country. In the Senate elections another special category is enfranchised: eligible university graduates may vote for 6 of the 60 Senators, regardless of their residence.

² Candidates may be required to satisfy the registration authority that they would be in-country residents but for their official duties. See Electoral Act 1992, s 12.

³ Active registration is required.

⁴ Postal voting only.

⁵ Except for diplomats and their spouses.

⁶ Candidates may be required to satisfy the registration authority that they would be in-country residents but for their official duties. See Electoral Act 1992, s 12.

⁷ Active registration is required.

⁸ Postal voting only.

⁹ EU citizens and third-country nationals who are 'ordinarily resident' in the municipality where the election is held.

¹⁰ EU citizens and third country nationals who are 'ordinarily resident' in the municipality where the election is held.

¹¹ Only EU citizens residing in Ireland.

¹² Only EU citizens residing in Ireland.

Ireland's electoral regime for migrants is generally quite liberal; alongside the rights to vote in European Parliament and local elections which is extended to all resident EU citizens, all legally resident persons regardless of nationality enjoy rights to vote in and stand for local elections. Additionally, rights to vote in parliamentary elections (to the lower house of parliament or *Dáil*), is extended to UK nationals with the possibility of extension to other EU citizens.¹³ Nonetheless, despite this in principle wide franchise, migrant political integration is more limited in practice with structural and practical obstacles persisting. Few formalities exist in registering to vote or stand for elections or in exercising that vote. However, a relatively *ad hoc* and unsatisfactory system of voter registration, combined with low levels of either top-down or bottom-up engagement with and by EU migrant communities produce an overall low-level of political participation by non-national migrant communities, especially EU migrants. This report will provide a brief overview of EU migration in Ireland, the legal and regulatory environment for political participation and finally the extent to which non-national EU citizens in Ireland and Irish citizens in other Member States exercise their political rights. While there is limited quantitative data on electoral participation by migrants, some qualitative studies exist, including work comparing EU with non-EU migrants in the area of political integration.

1.1. Demographic Characteristics of Non-citizen Residents and Non-resident Citizens

Non-citizen residents

Long a country of emigration, Ireland has experienced a dramatic increase in immigration over the past two decades. The non-Irish proportion of the population now stands at 11.6% of the total, or 535,475 persons in 2016. Of these 408,098, or 76.2%, were EU nationals¹⁴ and constitute 8.73% of the overall population.¹⁵ The main groups of non-national EU citizens are UK, Polish, Lithuanian and Romanian nationals. While UK nationals have historically been the largest group of non-national EU citizens, in the past decade this position has been overtaken by Polish nationals. The first census year to record a greater number of Polish than UK nationals was 2011 when there were 122,585 residents of Polish nationality and 112,259 of UK nationality.¹⁶ The trend continued in 2016 when there were 125,551 people of Polish nationality and 112,259 of UK nationality recorded.¹⁷ Other significant groups of non-Irish EU citizens include Romanian¹⁸ and Lithuanian.¹⁹ There are smaller groups of French and German nationals.²⁰ Non-national Irish residents in generally are evenly balanced between male and female in recent census figures. This represents a

¹³ See Electoral Act 1992, s 8(2)(a)(ii). Extension of the franchise to nationals of Member States other than the UK or Ireland can be effected by ministerial order under s 8(3) of the 1992 Act and is contingent on Irish nationals enjoying comparable rights in that other Member State. To date no such order has been adopted.

¹⁴ 'Census of Population 2016 – Profile 7 Migration and Diversity: Demographics' (*Central Statistics Office*) <<https://www.cso.ie/en/releasesandpublications/ep/p-cp7md/p7md/p7dgs/>> accessed 1 August 2018. Figures compiled by author on the basis of Census 2016 figures.

¹⁵ *Ibid.* Statistic compiled by author on the basis of information contained in Census 2016.

¹⁶ Mary Gilmartin, *Ireland and migration in the twenty-first century* (Manchester University Press 2015).

¹⁷ See 'Census of Population 2016 – Profile 7 Migration and Diversity: All non-Irish nationals in Ireland' (*Central Statistics Office*) <<https://www.cso.ie/en/releasesandpublications/ep/p-cp7md/p7md/p7anii/>> accessed 1 August 2018. See Gilmartin (n 16), table 2.8, p 44.

¹⁸ There were 29, 186 Romanian nationals resident in Ireland in 2016 see 'Census of Population 2016 – Profile 7 Migration and Diversity: All non-Irish nationals in Ireland'.

¹⁹ There were 36,552 Lithuanian nationals resident in Ireland in 2016. See 'Census of Population 2016 – Profile 7 Migration and Diversity: Demographics'.

²⁰ See *ibid.*

shift since 2006. Prior to 2006, there was a higher proportion of males than females amongst the non-Irish population.²¹

The geographic and socio-economic distribution of the different nationalities is marked by a distinction between UK nationals on the one hand, and more recent, Central and Eastern European Member State nationals on the other.²² On balance, UK nationals are older and are distributed more evenly throughout the state with something of a preponderance towards the more rural, West coast. The aging of the UK population has continued in recent census figures with the average age of UK nationals resident in Ireland increasing from 42.6 to 46.7 years of age between 2011 and 2016.²³ In socio-economic terms, UK nationals tend to mirror their Irish counter-parts, with a broad mix of occupations across socio-economic categories. In contrast, Polish nationals tend to be located in the East coast and Dublin in particular, and tend to be concentrated in the retail, industrial and service industry. It should be noted this is far from a uniform pattern, with some regional cities and towns displaying a high proportion of non-Irish born nationals, including EU nationals.²⁴ The Polish population, which can be taken to be representative of the Central and Eastern European communities in general, is younger than the UK population with a concentration in the 22 to 42 age range. There has however been a noticeable ageing of the Polish population within that bracket from an average of 27.7 in 2011 to 31.3 in 2016.²⁵

Non-resident citizens

Ireland has and continues to be a country of emigration, with the latest recession producing a new wave of emigration.²⁶ However, much of the recent emigration flow has included a substantial amount of non-national, return migration.²⁷ Official statistics on emigration are incomplete with no record being kept of individuals leaving the country nor of their country of destination. Nor does Ireland require its nationals abroad to register their residence. Estimates are prepared by way of a number of proxy indicators including the official statistics relating to immigration from destination states.²⁸ In general, Irish emigrants tend to move to English speaking countries with the United Kingdom continuing to be a preferred destination, followed by Australia and, to a lesser extent, Canada and the United States of America. Rest of EU-15 states (Member States other than the UK and Ireland) collectively

²¹ See See ‘Census of Population 2016 – Profile 7 Migration and Diversity: All non-Irish nationals in Ireland’ (Central Statistics Office) <<https://www.cso.ie/en/releasesandpublications/ep/p-cp7md/p7md/p7anii/>> accessed 1 August 2018.

²² See generally Gilmartin (n 16) pp 44-46.

²³ ‘Census of Population 2016 – Profile 7 Migration and Diversity: Demographics’.

²⁴ Ibid. See also analysis by Gilmartin (n 16) pp 44-46 based on the 2011 census figures.

²⁵ See ‘Census of Population 2016 – Profile 7 Migration and Diversity: All non-Irish nationals in Ireland’ (Central Statistics Office) <<https://www.cso.ie/en/releasesandpublications/ep/p-cp7md/p7md/p7anii/>> accessed 1 August 2018.

²⁶ For an integrated account see Irial Glynn, Tomás Kelly and Piaras MacÉinrí, *Irish Emigration in an Age of Austerity* (available from https://www.ucc.ie/en/media/research/emigre/Emigration_in_an_Age_of_Austerity_Final.pdf, 2013), Irish Emigration in an Age of Austerity, (2013, available at https://www.ucc.ie/en/media/research/emigre/Emigration_in_an_Age_of_Austerity_Final.pdf)

²⁷ For example, in the year to April 2018 of the 56,300 people who were estimated to have emigrated only 50.3% were Irish nationals. See

<https://www.cso.ie/en/releasesandpublications/er/pme/populationandmigrationestimatesapril2018/> (accessed 4 September 2018).

²⁸ See Mary Gilmartin, *Ireland and migration in the twenty-first century* (Manchester University Press 2015) (n 16), 34-39.

constitute a significant if secondary destination.²⁹ A lesser number emigrate to the EU-12 states,³⁰ and it can be assumed that many of these are return migrants. A total of 3.601 million Irish citizens are resident outside the state, however this includes 1.8 million citizens resident in Northern Ireland and citizens by virtue of their Irish parents' nationality. The largest group of Irish nationals born in the state and now resident in another state is the Irish born in the United Kingdom, totalling an estimated 382,000 in 2017.³¹ There were 255,000 citizens born in Ireland resident in OECD countries, other than the UK and the US.³² Figures for individual countries are not known, but it can be assumed a large number of these individuals are resident in Member States of the EU, other than the UK.

Irish citizens resident abroad tend to be better educated and younger than the resident population. Of the individuals who emigrated between 2008 and 2014 between 81 and 92% were between 15 and 44 years of age.³³ Additionally, 62% of recent Irish emigrants hold tertiary qualifications, in contrast to 47% amongst the general population between the ages of 25 and 34.³⁴ Men and women are equally represented in emigration statistics, there is however a tendency for a greater number of men to emigrate in periods of recession.³⁵

1.2. Summary of the Electoral Rights of Non-citizen Residents and Non-resident Citizens

Ireland is a centralised, parliamentary democracy with the *Dáil* representing the most important institution for Government formation and general policy direction. Building on the British local authority system inherited upon independence, local government is restricted to essentially administrative functions, with limited revenue raising powers.³⁶ It is, however, important as a gateway to higher electoral office and for building a local profile for both parties and individuals who seek election to the *Dáil*. This is an important factor in an electoral system governed by proportional representation, which typically requires close attention to local support basis by representatives, including *Teachta Dála* (TDs, Members of Parliament).³⁷ As with other Member States, European Parliament elections are seen as second-order elections, with national political issues dominating the electoral campaign.³⁸

²⁹ For example, of the 81,900 persons estimated to have left the state in 2014, 17,900 left for the UK, 10,000 left for Australia and 16,200 left for the rest of the EU-15. *Ibid*, 36

³⁰ In 2014 a total of 8,700 emigrated for the EU-12 states. *Ibid*.

³¹ See Irish Abroad Unit, *Irish Emigration Patterns and Citizens Abroad* (Department of Foreign Affairs, 20 June 2017, 2017) available at <https://www.dfa.ie/media/dfa/alldfawebsitemedia/newspress/publications/ministersbrief-june2017/1--Global-Irish-in-Numbers.pdf> (accessed 4 September 2018).

³² *Ibid*.

³³ Gilmartin (n 16), 40.

³⁴ Glynn, Kelly and MacÉinrí (n 26), Executive Summary

³⁵ Gilmartin (n16), 40-41.

³⁶ See David Gwynn Morgan, *Hogan and Morgan's Administrative Law: Student Version* (4 edn, Roundhall 2012) ch 5.

³⁷ See Liam Weeks, 'Membership of the Houses' in Muiris MacCarthaigh and Maurice Manning (eds), *The Houses of the Oireachtas: Parliament in Ireland* (Institute of Public Affairs 2010) at 116-119.

³⁸ Including in the most recent 2014 election, an election which may, in light of the prevailing economic circumstances and the public prominence of the EU institutions and their role in the management of the economic crisis at the time, have focused to a greater extent on issues of European rather than national importance. See Stephen Quinlan and Okolikj Martin, 'This time it's different...but not really! The 2014 European Parliament elections in Ireland' (2016) 31 *Irish Political Studies* 300.

Voting takes place over a single day, typically a weekday. Individuals are required to vote in a designated voting centre within their local electoral area. An individual may not vote in any other voting centre and there is no possibility of proxy voting. Prior to any ballot the registration authority sends a ballot information card to all individuals on the register including their voting number, the times and address of the voting station and the forms of identification which may be required by the officer in the voting station. Upon arrival at the voting station, a voter applies for his or her ballot paper and is required to give his or her name and address, which is checked against the register.³⁹ He or she may be asked for a form of identification, the permissible forms of which are listed in regulation.⁴⁰ A voter will go into one of the compartments in the polling station, record his or her vote, fold the ballot and return to cast the ballot in a sealed box, after having shown the presiding officer the back of the folded ballot.⁴¹ There is a limited possibility of postal voting for individuals who are temporarily away from their usual place of residence on the day of the vote. The postal vote must be completed in a police station and witnessed by a member of *An Garda Síochána* and posted prior to polling day.⁴²

Non-citizen residents

Ireland has a reasonably liberal electoral regime with all ordinarily resident persons in the state enjoying at least some electoral rights. There are four categories of electors in Ireland. Only ordinarily resident Irish nationals are entitled to vote for and stand in Presidential elections and to vote in referendums. Ordinarily resident Irish and UK nationals are entitled to vote for *Dáil* elections (the lower house of parliament).⁴³ EU nationals (including Irish and UK) are entitled to vote and stand for EP elections. Finally, all residents, regardless of nationality, are entitled to vote and stand for local elections. The systems of voting and registration for both local and European elections are based on that used for *Dáil* elections, principally the Electoral Act 1992 (as amended). European elections are governed by the European Parliament Elections Act 1997 and regulations adopted thereunder. Local elections are governed by the Local Government Act 2001 and Local Elections Regulations 1995.

There is little evidence of strong engagement by non-national EU citizens in either electoral or non-electoral politics. There were 15 EU candidates in the local elections in 2014,⁴⁴ none of which were successful.⁴⁵ There were no EU candidates in the European

³⁹ Jennifer Kavanagh, *Electoral Law in Ireland* (Bloomsbury Professional 2015) para 9.10.

⁴⁰ This includes traditional means of identification such as a passport, a driving licence or a Public Services card but also non-official forms such as an employee ID card or a student card. Finally, other forms of documents such as a birth certificate or marriage certificate or even a credit card or bank card may be used in conjunction with proof of address. See *ibid* para 6.08.

⁴¹ *Ibid* para 9.10.

⁴² O'Dowd and Coutts (n 47) para 2.2.2.

⁴³ The upper house of parliament, the Seanad, is elected via a complicated combination of University graduates, government nominees and sitting elected officials, including local councillors and members of parliament. The Seanad is very much the subordinate house constitutionally; the Government is elected by and typically drawn from the *Dáil*, the Seanad has no say in budgetary matters and finally the *Dáil* can override the Seanad if a conflict arises between the houses. See generally Gerard Hogan and Gerry Whyte, *JM Kelly: The Irish Constitution* (Tottel 2003) ch 4.4.

⁴⁴ Figure compiled from data in Adrian Kavanagh, 'New Irish (Non-Irish/UK Nationals) candidates contesting the 2014 Local Elections' (*Irish Elections: Geography, Facts and Analyses*, 2 January 2014) <<https://adriankavanaghelections.org/2014/01/02/new-irishnon-irishuk-nationals-candidates-contesting-the-2014-local-elections/>> accessed 8 August 2018.

⁴⁵ Two non-EU migrants were successfully elected namely Edmond Lukusa (Congolese) in Dublin and Elena Secas (Moldovan) in Limerick. See Adrian Kavanagh, 'CSO Population and Migration Estimates (April 2014): Some Political Perspectives' (*Irish Elections: Geography, Facts and Analyses*, 26 August 2014)

Parliament elections in 2014. In the literature on the topic, a contrast is sometimes drawn between the political engagement of EU and non-EU migrant communities, with non-EU migrant communities (particularly the African) being considered more politically engaged. A number of reasons for this have been advanced, including the typically more precarious status of non-EU migrants and their related goal to naturalise, a goal that does not appear to be widely shared amongst the EU migrant community. The greater prevalence of organised community groups, including religious and civil society organisations amongst non-EU migrants is also cited as a factor.⁴⁶

Non-resident citizens

Ireland's extra-territorial voting rights are, in contrast, restrictive. In principle, the right to vote in any election or referendum is subject to a condition of ordinary residence. The only exceptions to this are for diplomatic or military personnel and their spouses, who are resident abroad at the time of a vote and in public service.⁴⁷ An individual retains the status of ordinarily resident and therefore the right to vote for a period of 18 months after having moved abroad, if he or she has the intention of returning to Ireland within 18 months of having left. Such an individual may be required to sign a statutory declaration to this effect.

<<https://adriankavanaghelections.org/2014/08/26/cso-population-and-migration-estimates-april-2014-some-political-perspectives/>> accessed 8 August 2018.

⁴⁶ See Bryan Fanning and Neil O'Boyle, 'Immigrants in Irish Politics: African and East European Candidates in the 2009 Local Government Elections' (2010) 25 *Irish Political Studies* 417 and Peter Szlovak, 'Exploring the reasons for migrant under-representation in Irish electoral politics: the role of Irish political parties' 40 *Ethnic and Racial Studies* 851.

⁴⁷ John O'Dowd and Stephen Coutts, *Access to Electoral Rights: Ireland* (EUDO Citizenship Observatory September 2014, 2014) para 2.2.3.

2. Non-national EU Citizens' Franchise in EP and Local Elections

2.1. Overview of Relevant Administrative Regulations

The regulation of both local and European elections is modelled after *Dáil* elections, with variations in the franchise and the nomination procedure. A single register is used for all elections and referendums; once an individual applies to be added to the register through the submission of the relevant form, he or she will be placed in the appropriate category depending on his or her nationality. There are three means of securing a nomination to stand for elected office; affiliation with a political party; a deposit system⁴⁸ and finally a system of 'assentors', whereby individuals registered to vote in the relevant electoral district may assent to the nomination.

EP elections

European Parliamentary elections are primarily governed by the European Parliament Elections Act 1997 and regulations adopted under that act, in particular the European Parliament Elections Regulations 2014.⁴⁹ The definition of electors for the EP elections is contained in the Electoral Act 1992, section 9 and is defined as ordinarily resident citizens of Ireland and citizens of other EU Member States.⁵⁰ In order to be eligible for nomination for the European Parliamentary elections, an individual must be 21 years of age, ordinarily resident in the state and an Irish citizen or a national of a Member State.⁵¹ An individual is deemed ineligible if he or she is standing as a candidate for the European Parliament elections in another Member State.⁵² An individual may propose him or herself for the European Parliament election or be proposed by another elector in the same electoral area. In addition, an individual must be affiliated to a political party, attested to by the issuance of a certification of affiliation by the political party in question.⁵³ If an individual is not affiliated to a political party, he or she must either pay a deposit of €1,800 (to be refunded if a certain number of votes is obtained) or must have the support of 60 assentors.⁵⁴

Local elections

Local elections are primarily based on the Local Government Act 2001 and the Local Government Regulations 1995 and again largely mirror the scheme established for *Dáil* elections. The franchise for local government elections is set out in the Electoral Act 1992 and includes all individuals ordinarily resident in the state (including asylum applicants).⁵⁵ As with *Dáil* and European Parliament elections, individuals can be nominated by either affiliation with a political party, following the submission of a certification of affiliation or by a system of assentors of which 15 are required for local government elections. A deposit

⁴⁸ The deposit system was abolished for local elections in 2002. See further below.

⁴⁹ European Parliament Elections Regulation 2014 (SI No 39 of 2014)

⁵⁰ Electoral Act 1992, s 9. For an overview of the nomination process in *Dáil* elections see Jennifer Kavanagh, *Electoral Law in Ireland* (Bloomsbury Professional 2015) ch 5.

⁵¹ European Parliament Elections Regulation 2014 (SI No 39 of 2014), notes on Form EP 2, 8(a).

⁵² *Ibid*, notes on Form EP 2, point 8(b).

⁵³ *Ibid*.

⁵⁴ *Ibid*, notes on Form EP 2, point 2.

⁵⁵ Electoral Act 1992, s 10(2).

system similar to that used in *Dáil* and European Parliament elections was abolished in 2002.⁵⁶

2.2. Voter Registration

The compiling and maintenance of the electoral register is the responsibility of registration authorities. All local authorities are designated registration authorities for their local areas and have a duty to maintain the register.⁵⁷ In practice, the register for any year is an updated version of the previous year's register. The register is updated every year through a year-long process, involving the publication of a draft register in November of every year and the publication of a final register in February of every year.⁵⁸ Individuals may make an application to correct the draft register, including to add a name to the register, through the use of a Form RFA 1 (see further below). This is the main method through which an individual may add his or her name to the register. A single register is used for all electoral and referendum purposes and is divided into four categories for use in different elections and referendums: Irish citizens for Presidential elections and referendums, Irish and British nationals for *Dáil* elections, all EU nationals for European Parliament elections, and finally all ordinarily resident persons in the state for local elections.

In order to make an application for inclusion on the register, an individual must submit a Form RFA 1, to the relevant registration authority, requesting the addition of a name to the electoral register (the Form RFA 1 may also be used to correct the register by way of deletion). Information required by the form includes the name, address and nationality of the applicant (in order to place individuals in the correct category). No other formality is required beyond a declaration (contained in the form) that the applicant believes the information to be true, nor does the applicant need to submit any further documentation when the form is submitted.⁵⁹ The individual may be required by the registration authority to provide evidence and/or statutory declarations to the effect that the information supplied is correct.⁶⁰ In order to be included on the register, an individual must be resident in the relevant electoral area on the 1 September of the preceding year.⁶¹

Individuals who move address or seek to add their name to the register after the 1 September may apply for inclusion on the supplementary register in order to vote in any forthcoming election by filling out a Form RFA 2. In filling out the Form RFA 2, the applicant must provide details of his or her address and prior address(es). The Form RFA 2 must be signed by the applicant in the presence of a member of *An Garda Síochána* (the national police force) in order to certify the applicant's identity.⁶² Individuals included on the supplementary register for any particular vote will be included in the normal register for the following year.

⁵⁶ See Local Election Regulations, 1995 (SI No 297 of 1995), s 14(6A) as inserted by the Electoral Amendment Act 2002, s 3(c).

⁵⁷ Kavanagh (n 39) para 6.27.

⁵⁸ For an overview of the calendar of the publication and updating of the register see *ibid* para 6.25.

⁵⁹ *Form RFA 1 - Claim for Correction in Draft Register of Electors* (available at https://www.checktheregister.ie/appforms/RFA1_English_Form.pdf, accessed 2 August 2018).

⁶⁰ Kavanagh (n 39 50) para 6.27.

⁶¹ For a table detailing the various stages and dates of the annual process of compiling and publishing the register see *ibid* para 6.25.

⁶² See *Form RFA 2 - Application for inclusion in the Supplement to the 2018/2019 Register of Electors* (available at https://www.checktheregister.ie/appforms/RFA2_English_form.pdf, accessed 2 August 2018)

In order to be placed on the register of electors for European Parliament elections, an EU citizen (excluding Irish and UK nationals) must fill out an additional form to facilitate information sharing amongst national electoral authorities to check for instances of double voting. The Form EP 1 must be completed and submitted with a Statutory Declaration to the effect that the applicant will not vote in European Parliament elections in another Member State. The Statutory Declaration must be witnessed by member of *An Garda Síochána*. For the 2019 European Parliament election additional information is being requested as part of a revised Form EP 1, in order to provide more useful information to electoral authorities in other Member States. In practice, EU nationals are not immediately placed on the European Parliament section of the electoral register upon their initial registration. Instead, a note is put next to their name. In the months leading up to a European Parliament election, it is the practice of the Department of Housing and Local Government to direct local authorities to contact those electors, providing them with a Form EP 1 and encouraging its submission.⁶³ Once a Form EP 1 has been submitted, the individual in question is placed on the roll for the purposes of European Parliament elections. In order to contact the relevant individuals, registration authorities use the address provided on the original registration form (i.e. the Form RFA 1 or RFA 2).

While the registration process is relatively straightforward with a minimal degree of formality with no further documents needing to be submitted beyond the registration form, it is problematic in a number of respects and is not considered an accurate reflection of the potential electorate in any given area. Firstly, it is under-inclusive. Individuals are not added to the register automatically but must apply. If they move address or register after the 1 September of any year, they need to make an application to be placed on the supplementary register for any election taking place in the following year. Placement on the supplementary register requires the witnessing and signature of a member of *An Garda Síochána*. A similar requirement exists for the Form EP 1 to be placed on the register for the European Parliament elections. The Immigrant Council of Ireland⁶⁴ and academics⁶⁵ have pointed to a potentially dissuasive effect of this requirement, particularly for those migrants who have had negative experience of the police in their home Member State. The register is also over-inclusive with individuals not being removed from a register if they move from the electoral district (unless they have completed an RFA 2 form and submitted it to another registration authority), leave the state, or die.

To counter issues of both under and over-inclusivity, legislation provides that it is the responsibility of the registration authority to ‘maintain the integrity’ of the electoral roll, by, for example, making house-to-house inquiries.⁶⁶ This is problematic in a number of respects. It is an *ad hoc* and inefficient manner of ensuring the integrity of the register and the extent to which local authorities engage in this exercise is variable. Local authorities have experienced difficulties conducting this exercise in respect of apartments, an increasingly prevalent form of housing in the urban areas of the state. Furthermore, a particular problem arises in respect to migrants, particularly younger people, whose accommodation tends to be more temporary than the population as a whole. It is generally considered that registration authorities engage in this exercise primarily to maintain the integrity of the register by

⁶³ Interview with Enda Falvey, Department of Housing, Planning and Local Government, 27 July 2018 (notes on file with author).

⁶⁴ Interview with Joe O’Brien of the Immigrant Council of Ireland, 6 July 2018 (notes on file with author).

⁶⁵ Bryan Fanning, Neil O’Boyle and Jo Shaw, *New Irish Politics: Political Parties and Immigrants in 2009* (Migration and Citizenship Initiative, University College Dublin, 2009). See also Fanning and O’Boyle (n 46 **Error! Bookmark not defined.**) at 427.

⁶⁶ Kavanagh (n 39) para 6.13.

removing names of electors who are no longer resident in the area; it is typically not undertaken with the goal of adding new names to the register. Overall, there is strong evidence of a discrepancy between the national electoral roll and the potential electorate in the state.⁶⁷

2.3. Information during Election Campaigns

As was noted above, Ireland extends voting rights in local elections (both active and passive) to all ordinarily resident persons in the state. Questions of migrant political participation therefore encompasses both EU and non-EU nationals and campaigns and studies typically target and analyse the political integration of migrants in general, although some studies have made useful comparisons between the experiences of EU and non-EU migrant political integration.⁶⁸

At the level of government there is no ongoing campaign to target non-national EU citizens specifically. There are general campaigns aimed at encouraging registration and to encourage voting amongst young people. Information leaflets on the registration process and on the European Parliament elections are distributed in multiple languages, including in European languages.⁶⁹ As part of the registration process, local authorities are encouraged to contact non-national EU citizens to alert them of the need to complete a Form EP 1 in order to register for the European Parliament elections. However, the only contact details the local authorities have for this purpose is the address supplied at the initial registration of the voter; if he or she has changed address in the meantime without informing the local authority, there are no means of contacting him or her, and he or she will not be included on the register for the European Parliament elections if he or she does not independently complete and submit the Form EP 1.

There are efforts being made to encourage general migrant voting participation in the lead up to the 2019 local and European Parliament elections by a combination of central government and national and local civil society organisations. A conference was held in March of 2018 with groups of migrants and migrant organisations hosted by the Department of Justice. A voter registration campaign is being planned and organised by the Immigration Council of Ireland (ICI) in conjunction with the Department of Housing, Planning and Local Government and will involve an online campaign, including social campaigns and the publication of a set of information packs in multiple languages, including some widely spoken European languages (Polish and Lithuanian).⁷⁰ The European Parliament delegation in Ireland is planning to contact the embassies of Member States in order to encourage voter participation amongst the different national communities.⁷¹

⁶⁷ Eoin O'Malley, 'Apathy or error? Questioning the Irish register of electors' (2001) 16 *Irish Political Studies* 215.

⁶⁸ See ex Szlovak (n 46).

⁶⁹ The languages were Czech, English, French, German, Hungarian, Irish, Italian, Latvian, Lithuanian, Polish, Portuguese, Romanian, Slovak and Spanish. See Response by Irish authorities to the Questionnaire on the Application of EU law in the 2014 European Parliament elections (on file with author).

⁷⁰ The choice of language is based on the extent to which the language is spoken in Ireland the extent to which speakers of that language can be assumed to be competent in the English language. Thus, while French and German are one of the more common languages spoken by immigrants in Ireland, a decision was made not to publish information packs in these languages as it is assumed that French and German speakers also have a good command of the English language.

⁷¹ Interview with James Temple-Smithson, 25 July 2018 (notes on file with author).

There is some evidence that non-EU migrants are typically more politically engaged than their EU citizen counter-parts.⁷² This is attributed to the different socio-economic and legal position of the groups, with non-EU nationals being more likely to be engaged in civil and religious organisations at a local level and to have greater need to assert their legal rights. The relatively secure and comprehensive nature of the rights associated with the EU citizenship would appear remove an incentive for EU citizens to engage in active politics.⁷³ Some efforts were made by a Polish civil society organisation (*Forum Poliana*) to encourage participation by members of the Polish community in the European Parliament elections in 2014. This was, however, organised on a transnational basis for the wider Polish diaspora campaign to encourage political participation of Poles abroad more generally.⁷⁴

2.4. Political Parties and Candidacy Rights

The conditions for nomination for election in European Parliament elections and local elections are identical for nationals and non-nationals. There are three main avenues to secure nomination. Firstly, an individual may be nominated by a political party in which case he or she must supply a certification of affiliation. Secondly, an individual may be nominated by a system of assentors, by which electors resident in the area may ‘assent’ to his or her candidacy. For local elections an individual must secure 15 assentors. For EP elections a potential candidate must secure 60 assentors. Finally, in EP elections an individual may have his or her name placed on the ballot paper by submitting a deposit of €1,800, to be returned if the candidate secures a certain level of the vote.⁷⁵

Broadly speaking, there is poor engagement by political parties with migrant communities and with non-national EU citizens in particular.⁷⁶ Again, it is worth pointing out that all ordinarily resident adults are entitled to vote and stand in local elections, and again most efforts regarding migrant political participation is targeted at the non-national community as a whole rather than EU-nationals specifically. Ireland is characterised by a political environment where migration has relatively low salience and there are few differences in the positions adopted by particular parties.⁷⁷ There is no party closely associated with migration related issues,⁷⁸ nor, in contrast to other European states, is there a party that might be considered the natural home of migrants.⁷⁹ Indeed, of the migrants who stood for election in the 2014 local elections, a higher proportion than usual were independent candidates.⁸⁰ Political parties do not collect data on the nationality of their

⁷² Fanning and O’Boyle (n 46).

⁷³ Interview with Joe O’Brien of the Immigrant Council of Ireland, 6 July 2018.

⁷⁴ See Neil O’Boyle, Bryan Fanning and Viola Di Bucchianico, ‘Polish Immigrants and the Challenges of Political Incorporation in the Republic of Ireland’ (2016) 31 *Irish Political Studies* 204, 211 ff.

⁷⁵ See generally section 2.1 above.

⁷⁶ See generally Fanning, O’Boyle and Shaw (n 65).

⁷⁷ See Bryan Fanning, ‘Immigration, the Celtic Tiger and the economic crisis’ (2016) 24 *Irish Studies Review* 9.

⁷⁸ Fanning identifies a broad liberal consensus prevalent amongst the political class in relation to migration, while at the same time noting underlying tensions. See *ibid.*

⁷⁹ Szlovak, at 858. (‘we found very little evidence of Ireland having a party of choice for immigrants’). See also Fanning, O’Boyle and Shaw (n 65) at p 7 (‘It became clear that there was no sense amongst interviewees that any particular party was especially attractive to immigrants on the basis of their ethnicity or country of origin in the sense that the Irish in the United States had been historically attracted to the Democratic Party’).

⁸⁰ Kavanagh, ‘New Irish (Non-Irish/UK Nationals) candidates contesting the 2014 Local Elections’ (n44).

members and so there is no data regarding the proportion of party members who are migrants, EU or otherwise.⁸¹

There was an effort by political parties to engage with migrant communities in the 2009 local election with a number of candidates being run by major political parties and the two largest political parties (Fianna Fáil and Fine Gael) appointing ‘Integration Officers’ to develop a strategy for recruitment of non-nationals as members and possible candidates for the parties. A Polish language section of the Fianna Fáil website was also developed. Nonetheless, Fanning et al point out that frequently non-national candidates are placed in constituencies where they are unlikely to threaten established party candidates and were rarely considered the parties’ main candidate in an area.⁸² For the purposes of this report, it is also worth pointing out that non-EU migrants appeared to be the most engaged and indeed successful; both successful non-national candidates in the 2009 local elections were non-EU nationals.⁸³ The level of political party engagement with the migrant population appears to have fallen away in the 2014 election: ‘The 2014 local elections saw a marked decline in efforts by political parties to incorporate immigrants, and fewer immigrant candidates compared to 2009’.⁸⁴ This was attributed to low level of engagement by migrants in the political process, including amongst the Eastern European community, although some politically engaged migrants also felt that political parties did not provide adequate support for migrants within their structures.⁸⁵ There are some efforts by civil society to encourage migrant political participation. The Immigrant Council of Ireland is running various campaigns to encourage more active migrant political participation, in particular the operation of an internship scheme and a mentoring scheme in conjunction with local politicians and local political parties.⁸⁶ This is aimed at migrant participation more broadly rather than specifically at EU migrants.

2.5. Turnout

Turnout in both local and EP elections is generally lower than for *Dáil* elections and has been declining in recent decades, with local election turnout falling from 58.6% in 2004 to 57.8% in 2009 and 51.7% in 2014.⁸⁷ EP election turnout fell 7% between 2009 and 2014 with a turnout figure of 52.4% in the 2014 EP elections.⁸⁸ These figures are however still higher than the EU average, at 42.6%. Turnout figures are not disaggregated for national and non-national voters, including for non-national EU citizens. There is data regarding the total number of non-national EU citizens who are registered to vote, although this is only a proxy. In the 2014 European Parliament elections, of the 323,460 non-nationals EU citizens resident in the state,⁸⁹ 71,735 were registered to vote. Of these 51,490 were British citizens.

⁸¹ Fanning, O’Boyle and Shaw (n 65).

⁸² Ibid.

⁸³ See generally Fanning and O’Boyle (n 46) and Szlovak (n **Error! Bookmark not defined.**). A single EU national holds elected office in Ireland; a Dutch national who was appointed to the local authority after the elected official resigned his/her seat upon election to the *Dáil*.

⁸⁴ O’Boyle, Fanning and Di Bucchianico (n 74) 210.

⁸⁵ Ibid.

⁸⁶ Interview with Joe O’Brien of the Immigrant Council of Ireland, 6 July 2018 (notes on file with author).

⁸⁷ Oireachtas Library and Research Service, *Election Turnout in Ireland: measurement, trends and policy implications* (Houses of the Oireachts, 28 January 2016) at 9.

⁸⁸ Stephen Quinlan and Okolikj Martin, ‘This time it’s different...but not really! The 2014 European Parliament elections in Ireland’ (2016) 31 *Irish Political Studies* 300, 310.

⁸⁹ Figure derived from Census 2011 prepared by the Irish Central Statistics Office. *Reply to Questionnaire on the Application of EU Law in the 2014 European Parliament Elections: Ireland* (on file with author).

While there has been some political debate and media attention to the question of migrant political participation generally and in particular after the election of two migrants in the local elections of 2009, it is generally not considered an issue of high political salience. The specific question of EU migrant political participation is not a matter of public or political attention.

3. Non-resident Citizens' Franchise in National and EP elections when Residing in Other EU Member States

3.1. Overview of Relevant Administrative Regulations

Voting rights for nationals resident abroad are restricted to diplomatic and military personnel and their spouses. For all other individuals, voting rights are dependent on ordinary residence in the state. If a citizen leaves the state but intends to return home within 18 months he or she may remain on the electoral register.⁹⁰ In order to exercise this vote, he or she is required to return to Ireland; no voting facilities are made available outside the state and postal voting is limited to individuals who are temporarily absent from their usual place of residence on the day of polling for reasons of work or studies. Individuals returning to vote may be required to make a declaration to the effect that they do in fact have an intention to return to Ireland within 18 months of having left. Individuals temporarily absent on election day may cast their vote via a postal vote but only in *An Garda Síochána* station and in the presence of a member of *An Garda Síochána*.⁹¹

This restrictive regime has recently been the subject of public discussion following the high number of Irish citizens returning to vote in two recent referenda on social issues, namely to allow for same-sex marriage and abortion.⁹² There are currently some discussions in Government regarding the possibility of extending the right to vote in Presidential elections to Irish citizens resident abroad and/or designating some seats in the *Seanad* as seats to represent the diaspora as part of a broader reform of the *Seanad* electoral system.⁹³ Extension of the franchise for nationals resident abroad to other elections (including European Parliament elections) faces stronger resistance in light of the large diaspora population with either Irish citizenship or a right to Irish citizenship, a group which it is feared would have a distorting effect on electoral outcomes.

3.2. Voter Registration

As noted above, it is not possible for individuals not ordinarily resident in the state to be placed on the electoral register. An individual who moves abroad may retain the status of

⁹⁰ O'Dowd and Coutts (n 47) para 2.2.3.

⁹¹ Ibid at para 2.2.2.

⁹² See for example the well organised campaign during the recent referendum to repeal the eighth amendment to the constitution (preventing the Oireachtas from legislating for abortion in Ireland in all but the most limited circumstances). See '#HOMETOVOTE' <<https://hometovote.com>> accessed 2 August 2018.

⁹³ Interview with Enda Falvey, Department of Housing, Planning and Local Government, 27 July 2018.

ordinarily resident for a period of 18 months if he or she intends to return to Ireland within that 18 months.

3.3. Turnout

Irish nationals resident in other Member States are not entitled to vote in any Irish elections, including in Irish local and European Parliament elections.

There are no statistics from Irish sources relating to turnout for Irish nationals in local and European Parliament elections in other Member States. As with non-Irish EU citizens resident in Ireland, there are statistics relating to notifications received by Irish authorities of Irish nationals in other Member States who wish to vote in European Parliament elections in those Member States. In 2014, there were 8,560 such notifications. This is only an indication of voting intention of some Irish nationals resident in other Member States. Ireland was notified of one Irish national seeking to stand for election in 2014 in another Member State, namely Austria.⁹⁴ There is provision for the Minister for Justice to issue a certificate attesting to the fact that an individual has the right to stand for election to the European Parliament and is not disqualified from voting in Ireland.⁹⁵

4. Conclusion

The political participation of mobile EU citizens in Ireland is marked by a low-level of formality and a limited degree of political engagement by the migrant community. There is similarly little in the way of information campaigns either by government or by political parties. A useful contrast can be drawn with the non-EU migrant community, who also enjoy electoral rights in local elections, and who on balance are generally considered more politically engaged than their EU counter-parts.

In principle, there are few obstacles for political participation by EU citizens in Ireland. Both the system of registration and the system of voting are relatively straightforward. In order to register an individual must complete and submit a simple form; there is no need for further documentation to be submitted (although an individual may be required to supply additional evidence of his or her nationality and/or residence). The one formal obstacle to registration is the requirement for a signature of a member of *An Garda Síochána* in order to complete both the Form RFA 2 (to be placed on the supplementary register) and the Form EP 1 (to vote in European Parliament elections). As noted above, some have pointed to the possible dissuasive nature of this requirement for some individuals who have had negative experiences with police forces, including in their home Member State.

However, the *ad hoc* nature of the registration system is problematic in a number of respects. The electoral register is widely considered imperfect and fails to accurately reflect the potential electorate in any given area. This may be exacerbated with respect of EU migrant citizens. Firstly, registration is not automatic and while it is possible that in making enquiries a local registration authority may become aware of the residence of an individual

⁹⁴ Reply of Irish authorities to Questionnaire on the Application of EU law in the 2014 European Parliament elections (on file with author).

⁹⁵ See European Parliament Elections Act 1997, s 11(3).

in its area and include him or her in the register, in most cases it does require an application. The nature of migrants' housing pattern – typically more short-term and in apartments – means that they are unlikely to be picked up by registration authorities through door-to-door enquiries. Online registration is not possible, although there is on-going discussion on introducing an online registration system. This may be particularly beneficial to migrant voters who, due to lack of familiarity, may be unaware of the voter registration system in Ireland. Secondly, while the need to complete a Form EP 1 is not objectionable in practice, the failure to automatically register EU citizens for the European Parliament elections and instead following up in the lead-up to those elections creates a risk that these such individuals will not be included in the register for European Parliament elections. Local authorities will attempt to contact such individuals. However, as noted above, if an individual has changed address without informing the local authority there will be no means of contacting him or her. Similarly, the completion of the Form EP 1 requires an additional step, including signature by a member of *An Garda Síochána*. Aside from the added burden of such a step, the need to present at a police station is considered dissuasive for some migrants.

Informally, there are a number of obstacles to migrant political participation, primarily relating to a lack of information and engagement by all actors in the process. The Immigrant Council of Ireland has noted a low level of knowledge amongst EU migrants of their political rights, in contrast to their economic rights.⁹⁶ From a top-down perspective the information campaigns run by central government are limited to supplying standard information in multiple languages. These are considered overly lengthy and ineffective. An effort is being made in the run-up to the 2019 local elections to increase migrant participation more broadly, including amongst the migrant EU population, that is being coordinated by the Immigrant Council of Ireland and partly funded by the Government (including through the use of EU funding). The ICI plans a number of events, the publication of information in a more user-friendly format and an online/social media campaign. It remains to be seen what impact this will have. Similarly, after displaying some interest in the migrant community in 2009 local elections, the efforts of political parties to reach out to migrant communities and include migrants as candidates in the 2014 elections was more limited. That low-level of engagement does not appear to have changed in more recent years.

Part of the reason for this disengagement by the political parties is the low-level of interest displayed by the migrant community for electoral or non-electoral politics. As noted above, migration (including EU migration) is not a high-salience political issue in Ireland and there is no one party that is the natural home of migrants. The numbers of EU migrants registered to vote is very low as a proportion of the total non-national EU population in the state, particularly outside the UK national community. A useful comparison can be drawn with the non-EU migrant community. While political engagement is still limited amongst this group, it is typically considered to be more politically active than the EU migrant community.⁹⁷ Multiple reasons are cited for this difference. The more secure legal position of EU citizens removes a potential incentive for these citizens to engage in politics, as is the general absence of any goal to naturalise. The different social circumstances of the non-EU migrant community is also cited as a reason for their political engagement. Non-EU migrants tend to be more involved in local religious and civic organisations (although not necessarily political parties) and activities.⁹⁸ These tend to provide leadership opportunities

⁹⁶ Interview with Joe O'Brien of the Immigrant Council of Ireland of 6 July 2018. Notes on file with author.

⁹⁷ Fanning and O'Boyle (n 46) at 420.

⁹⁸ Ibid.

for certain individuals and certain local prominence, leading them to be more attractive candidates for political parties and key interlocutors for national organisations and information transmission.

While a number of non-party political organisations and campaigns have developed in recent years in Ireland, particularly in response to the economic crisis and the imposition of an austerity-based economic policy on the state and more lately on specific social issues, such as same-sex marriage and abortion rights, there is no evidence that EU migrants either individually or collectively have played any role of prominence in these organisations.

A number of steps could be made to encourage increased political participation by EU migrants. These are divided into steps to ease the formal process of registration, on the one hand, and broader steps to encourage political engagement by non-national EU migrants, on the other.

Making Registration Easier

As mentioned, the registration system in general in Ireland is considered problematic. In the absence of a wholesale replacement of the registration system, there are a number of more limited and practical measures that could be put in place:

- Registration of residence is not mandatory in Ireland. Nonetheless, all EU migrants must apply for a Personal Public Services (PPS) number in Ireland in order to access state services, including registration for taxation purposes. It would be useful to supply a Form RFA 1, a Form RFA 2 and a Form EP 1, along with instructions regarding registration (in particular a list and the address of the local authorities to which the forms should be sent) at this point in order to draw migrants' attention to the possibility to vote and to encourage registration.
- Migrants should be encouraged to submit the Form EP 1 at the same time as the Form RFA 1 or 2, and EU migrants should be immediately categorised as European Parliament electors at this time. Creating a second stage in the process to register for European Parliament elections creates an additional obstacle for EU migrants in exercising their right to vote in European Parliament elections. This is particularly the case where individuals may have changed address; in this case there are no means for the local authority to contact the EU citizen in order to notify him or her of the need to complete and submit a Form EP 1. In the absence of an EU migrant citizen (with the exception of UK nationals) being independently aware of this requirement and submitting the form, he or she will not be considered an elector for European Parliament elections.
- The need for the signature of a member of *An Garda Síochána* has been cited as a disincentive for migrants to register. This arises at two points for EU migrants; firstly, when being placed on the supplementary register and, secondly, in completing the Form EP 1 for the purposes of information exchange. It is unclear why the signature of a member of *An Garda Síochána* is necessary in these contexts. If there is a need to confirm the identity of the individual concerned, this can be carried out by a member of the registration authority rather than a member of the police force.

Encouraging Political Participation

- Information provision and campaigns to encourage voter registration and participation are poor. While turnout statistics are not available, anecdotally there appears to be a low-level of knowledge of and engagement with the political rights associated with European Union citizenship. Information campaigns specifically targeted at this group, possibly integrating community civil society organisations and churches could be used. These should have as their goals raising awareness of these rights and encouraging both registration and participation in local and European Parliament elections. As noted above, the Immigrant Council of Ireland, in conjunction with some Government departments are planning to engage in multiple activities in the lead-up to the 2019 European and local elections. This is, however, targeted at the migrant community generally rather than at European Union citizens specifically. A campaign targeted at European Union citizens may deal specifically with the issue of European Parliament elections. It should be noted that the European Parliament delegation in Dublin is intending to liaise with Member State embassies in the run-up to the 2019 European Parliament elections in an effort to encourage voter participation.
- Political parties could be encouraged to facilitate migrant political integration generally and the integration of European Union citizens in particular. As was noted above, some effort was made in the 2009 local elections but this was not repeated in the 2014 elections. Efforts to increase participation of women in politics led to the imposition of a gender quota (a minimum of 30% of all candidates should be of each gender) for political parties in nominating candidates for election. Failure to reach the quota incurred a possible reduction in state funding for the political party. While a directly analogous system for (EU) migrants would probably be inappropriate given the different considerations involved and the role of migrants in the political life of the state, there may be means of directing public funding of political parties to encourage migrant political participation.

