Pathways to Irish Citizenship

By Vibeke Enemark

Alborg University
Department of Politics & Society
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Supervisor: Michael Alexander Ulfstjerne
Student No: 20171506

Abstract

This paper examines how the Irish state regulates access to Irish citizenship and what implications this has for the mobility of non-EEA nationals and their access to rights and security. EEA-nationals are referred to as stamp holders. To answer this question, the Irish immigration system is analysed as a case study based on multiple data sources which include Irish Nationality and Citizenship Acts, policy guidelines from the Department of Justice and Equality and the Department of Business, Enterprise, and Innovation's websites, and case examples based on client files from Crosscare Migrant Project's database. The latter is a non-profit organisation based in Dublin that provides information and advocacy support to people immigrating or returning to Ireland, where the author is currently employed. With consent from the manager of Crosscare Migrant Project, the author has been allowed to use content from the database for the purpose of this research. To ensure the anonymity of clients, pseudo names have been given and all identifying details have been removed. The author's insider perspective and in-depth knowledge of the immigration system through interactions with clients navigating the Irish immigration system, has informed this research. To understand how the Irish State regulates the mobility of stamp holders and their access to become eligible to apply for Irish citizenship, Glick Shiller and Salazar's concept 'regimes of mobility' has been applied. Cecilia Menjívar's concept 'liminal legality' examines the implications these 'regimes of mobility' have for stamp holders' ability to access rights and security. Citizenship is understood and examined empirically with the intention of contributing analytically to the field of citizenship studies. To answer the research question, the analysis is divided into three sections.

The first section establishes a core difference between birth right citizenship and naturalisation, where an applicant for naturalisation is required to meet certain conditions to be granted Irish citizenship, which implies the person must prove a level of deservingness. The level of deservingness is based on the individuals' ability to contribute to society by not being a burden to the State and prove a sufficient connection to the State through continuous legal residence.

The second section concludes that based on above perceptions of deservingness, the Irish state uses three primary forms of 'regimes of mobility', which consist of an increased level of bureaucracy, a discretionary system, and a hierarchical status division between residence permissions, to regulate stamp holders' access to become eligible for Irish citizenship. These regimes are meant to ensure that stamp holders follow the intended pathways to citizenship to safeguard against undeserving

individuals becoming eligible to apply for citizenship. The stamp holder's estimated value and deservingness determine their degree of inclusion into the society, which is reflected through their level of access to economic rights. The State is not in complete control, as stamp holders can find unintended pathways through the immigration system that will allow them to become eligible to apply for Irish citizenship.

The final section determines the implications of these 'regimes of mobility' as an increased risk of stamp holders becoming preventable undocumented, placing them in a state of 'liminal legality' which can cause them to become unemployed, homeless, endure physiological distress, and risk deportation if unable to regain a valid residence permission. Another implication is that values of deservingness embedded in the immigration system influence other institutions in society such as the social welfare system, affecting stamp holders' ability to access economic rights if deemed undeserving. Thus, 'regimes of mobility' also affect stamp holders' social mobility. If a person becomes out of status, they do not have access to any rights or security, where the person can be caught in a state of spatial and social immobility indefinitely. The State's focus on preventing stamp holders from finding loopholes in the system increases the risk of stamp holders, who were employed and contributing to society, to lose their status, creating a group of vulnerable individuals that could have been prevented.

The research has sought to show that citizenship should not be viewed as a polarized division between included/excluded, citizens/ noncitizens, but as a nuanced and complex relationship, where there are degrees of membership and access to rights that are not fixed or unidirectional.

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Pathways to Irish Citizenship

Introduction

We live in a world that has arguably become more transnational and mobile (Menjívar 2006, 1004). Contemporary citizenship studies have increasingly been focused on, how international organisations and institutions such as the United Nations and the European Union, are taking over the role of states to convey rights to individuals that are not necessarily dependent on a person's nationality (Nyers 2014, 1, 75). Some theorists argue that citizenship as a concept is becoming redundant since people can access rights independent from national authorities (Nyers 2014, 5-6). However, a person's ability to move freely continuous to be dependent on a person's nationality, which determines if a visa or residence permission is required to travel to a new country. Internal immigration regimes continue to be structured and enforced by the given state (Bosniak 2006, 13-14). Therefore, to argue that this institution of authority has become irrelevant, disregards the continued power independent countries hold over internal migration flows. This does not mean that the power of the State is absolute, as transnational institutions, organisation and industries of political, legal and economic power as well as migration flows, does challenge and interfere with the so-called sovereignty of states (Brown 2010, 21-23). Yet, one could argue that the increasing tendency of especially European countries to tighten their immigration and border controls (Brown 2010, 32), calls attention to the continued relevance of understanding the relationship between states and non-national residents such as migrants. Citizenship status provides one with a level of security, which in parts means that a person cannot be deported or lose their residence permission once they have acquired said status (Shachar 2009, 35-36). Therefore, states' management of pathways to citizenship is an extension of border control as it includes or excludes people from accessing rights and security (Menjívar 2006, 1003-1004). It is a way for the State to distinguish between, who are considered part of the society, and who is not (Bosniak 2006, 4-5).

Citizenship studies tend to have a polarised perception of citizenship, where an individual is either inside or outside the border as an included or excluded member (Bosniak 2006, 4-5). Through a case study of the Irish immigration system, I intend to illustrate that citizenship in our current interrelated world is more complex and nuanced. To examine this relationship, the following research question has been established:

How does the Irish state regulate access to Irish citizenship, and what implications does this have for the mobility of non-EEA nationals and their access to rights and security?

In the methodological section, the Irish immigration system has been examined as a case-study, where different data sources have been applied to establish a more in-depth understanding. As empirical data, anonymised case examples will be used from Crosscare Migrant Project's (CMP) database, which is an organisation that provides information and advocacy to people immigrating or returning to Ireland (CMP 2020). As an information and advocacy officer for CMP, I have been granted access to their database, where details of clients' queries and immigration issues are stored. Due to ethical considerations, specific personal details are left out, where a general outline of case examples is used to exemplify the challenges people encounter, when navigating the Irish immigration system. To supplement these case-examples, I will refer to policy documents, Irish Citizenship and Nationality Acts, and policy guidelines from the Department of Justice and Equality and the Department of Business, Enterprise, and Innovation's websites.

To examine, how the state regulates access to citizenship and the mobility of immigrants, I apply the analytical approach of Shiller and Salazar's concept 'regimes of mobility' (Schiller & Salazar 2013). This perspective is supplemented with the lens of 'liminal legality' (Menjívar 2006) to examine the implications these 'regimes of mobility' have for immigrants' ability to access rights and become eligible to apply for Irish citizenship.

Through this research, I intend to make an empirical contribution with an in-depth analysis of the Irish immigration system, whilst providing reflections on contemporary negotiations of citizenship in an interrelated world, which challenges traditional perspectives of bounded sovereign states, where membership was assumed to be more distinguishable. The following three sections will provide a brief overview of recent immigration developments in Ireland, and how this has influenced the organisation of the Irish immigration system, as well as a brief overview of the social welfare system, to provide the reader with a basic contextual understanding of this research.

Acronyms

Throughout this research, several acronyms will be used, where the reader can refer to the list below:

- ASEAN: Association of Southeast Asian Nations
- BQ: Burgh Quay Registration Office
- CMP: Crosscare Migrant Project
- CHWI: Crosscare Housing and Welfare Information Service
- CRS: Crosscare Refugee Service
- DBEI: Department of Business, Enterprise, and Innovation
- DEASP: Department of Employment Affairs and Social Protection
- EEA: European Economic Area
- EPH: Employment Permit Holder
- GNIB: Garda National Immigration Bureau
- HRC: Habitual Residence Condition
- INIS: The Irish Naturalisation and Immigration Service
- IRD: Irish Residence Permit
- PRSI: Pay Related Social Insurance

Recent Immigration and System Developments

Ireland has mainly been a country associated with emigration especially after the Famine in the late 1840s, followed by the fight for independence, which lasted until 1922 (Éinrí & White 2008, 153). Economic recessions and instability at the Northern Ireland border among other factors meant that stable and continuous immigration did not occur until the Celtic Tiger economic boom in the 1990s, where a drastic increase in immigration has since immerged (Éinrí & White 2008, 153-154). For instance, Ireland's net migration in 1996 was 8,000, which increased to 41,000 people in 2002 (Ruhs 2005, x). This is further illustrated by Ireland being the only EU Member State with a negative net migration rate in 1994 to the third highest out of 27 Member States in 2007 (Ruhs & Quinn 2009, 2). Since immigration has only become a noticeable phenomenon very recently in Irish history, the immigration regime in Ireland was almost non-existent until 1986, where the Irish Nationality and Citizenship Act was amended for the first time (Messina 2009, 12). Questions regarding citizenship,

political membership, and social inclusion were largely taken for granted or ignored by the state until then (Messina 2009, 13). However, the sudden increase in immigration meant that the Irish state had to redefine its citizenship and nationality laws along with circumscribing rights to asylum seekers, economic migrants, and family members, who wished to settle in Ireland (Messina 2009, 12-14). Several of the changes made to immigration-related legislation since the mid-1980s have increased the strictness of policies. A good example of this is the 2004 Irish Nationality and Citizenship Act, commonly referred to as the 2004 Referendum, which refined the legal boundaries between the rights of citizens and noncitizens. Ireland's immigration policies have continuously been modified in response to immigration tendencies since the 1990s (Messina 2009, 12-14). It was not until 2005 that an actual ministry was established to specifically administer immigration-related issues (INIS 2016a). The Irish Naturalisation and Immigration Service's (INIS) role is to govern asylum, immigration, and citizenship matters on behalf of the Minister of Justice and Equality (INIS 2016b). It is up to the discretion of INIS to determine, who qualifies for residence permission and citizenship (Götzelmann 2016, 75). Citizenship ceremonies were introduced in 2011, to commemorate the event of new citizens swearing fidelity to the Irish State and officially being granted Irish citizenship (INIS 2016c). Until the publishing of the Policy Document on Non-EEA Family Reunification in December 2013, there were no publicly available guidelines for family reunification (Götzelmann 2016, 106). The document has since been updated in 2016 (INIS 2016d, 4). Directives from EU or other international legislation such as Human Rights and Refugee Statues have clear legislation that is followed by INIS. However, decisions concerning national immigration queries are largely left to the discretion of the Minister for Justice based on guidelines and case-by-case management rather than a definitive legislation body (Götzelmann 2016, 75-76).

Irish Immigration System

The Minister of Justice and Equality has the responsibility of immigration matters, which is managed through the two statutory organisations, which consists of INIS and the Garda National Immigration Bureau (GNIB). It is up to the discretion of INIS to determine, who qualifies as an Irish citizen. GNIB is an office of An Garda Síochána (the Irish Police force), which deals with immigration matters on a national level such as border control, registrations, granting permission to remain, deportations and incidents of human trafficking (Department of Justice & Equality 2020). If a person's registration for residence permission is not straightforward, GNIB might refer the person to make a written

application to INIS. Additionally, the Department of Business, Enterprise, and Innovation (DBEI) administers decisions and issues related to work permits (DBEI 2020a). A person living in Dublin must register their permission at Burgh Quay (BQ) Registration Office (INIS 2017a).

Within 90 days of arrival, non-European Economic Area (EEA) nationals must register with GNIB or make a written application for residence permission (INIS 2017a). EEA-nationals refer to EU-citizens and citizens of Iceland, Liechtenstein, Norway, and Switzerland that are not EU-member states but have an agreement that allows nationals of these four countries to move freely within the rest of EU (INIS 2016e).

If successful, the person will be given a stamp in their passport and issued with an IRP card (Irish Residence Permit), which shows the type of residence permission the person has been afforded (INIS 2017b). The IRD card also shows the date the permission expires. The person's residence permission is considered invalid after the expiry date unless renewed beforehand. Generally, written applications can take between six to twelve months to be processed, where the person will not be allowed to work or access any social welfare payments until a decision has been made unless the person is granted temporary permission. Usually, it is primarily family members of EU-citizens that will be granted temporary permission, while their application is being processed (INIS 2020a).

A person will be issued with the relevant stamp based on the individual's reason for being in the country. Different conditions are attached depending on the type of residence permission, as outlined below (INIS 2019a). INIS uses the term 'reckonable residence' to refer to residence permissions that are eligible for citizenship (INIS 2019a). I will refrain from going into detail with residence permissions related to international protection such as refugee status and subsidiary protection, as these are outside of the national legislation.

Stamp 1
General and critical skills employment permits are given a stamp 1, which means that they are only allowed to work for one specific employer and position. They cannot change employer or position until after one year, and if they wish to do so, they need to apply for a new work permit (DBEI 2019a; DBEI 2020b). This must be done while their permit is valid, as a person cannot apply for a work permit within the country if their permission has expired (INIS 2019a). A general employment permit holder (EPH) can change to stamp 4 after five years of continuous employment (DBEI 2019a), while a critical skills EPH can change to stamp 4 after two years of continuous employment (DBEI 2020b).

If a job is listed on the ineligible list of occupations, they are not valid for an employment permit. This list is updated yearly by DBEI based on labour market shortages in Ireland (DBEI 2020c).

Stamp 2

International non-EEA students are given a stamp 2 residence permission that does not count as reckonable residence, which means that the person will not be eligible to apply for Irish citizenship after five years of living in Ireland (INIS 2019a). This permission is conditioned on the person having enough financial means to be self-sufficient, as they are not allowed to access any social welfare payments. A student is only allowed to work 20 hours per week, and 40 hours per week during holidays, as their focus, should be on studying (INIS 2010, 16). Upon registration a person from a visa-required country needs to show they have an excess of €7000 in their bank account, which is €3000 for non-visa required nationals (INIS 2016f). Additionally, they have to provide proof of being enrolled in a course on the Interim List of Eligible Programmes, which can either be a language course or a university degree (INIS 2019b). A student can only do a language course for a maximum of three years. Then they must switch to a university-level program to have their stamp 2 renewed (INIS 2010, 13). The student permission cannot be renewed after a total of seven years (INIS 2010, 10). Since January 2017, students graduating from level 9 or above, can apply for the Third Level Graduate Programme, where they will be granted stamp 1G allowing them to work without a permit for a year. This gives the person time to find employment that is eligible for an employment permit and relevant for the person's degree (INIS 2020b). The 1G permission can be renewed for one additional year, where after the person will not be allowed to stay in the country unless they have acquired an employment permit (INIS 2020b).

Stamp 3

General EPH can apply to have their immediate family members such as spouse or children join them in Ireland after 12 months (INIS 2016d, 45-46). Their spouse will usually be granted a stamp 3 that is counted as reckonable residence but does not allow the person to work (DBEI 2019b). Family members of critical skills EPH can join immediately and apply for a stamp 1 upon arrival, which will allow them to work without a permit (DBEI 2019b). Family members of general EPH can also apply for a change of status to a stamp 1 which will usually not be granted until they have lived for at least a couple of months in Ireland.

Stamp 4

People with refugee status, subsidiary protection, spouse of Irish citizens or parents of Irish citizen children are granted stamp 4 residence permission, which means that the person has unrestricted access to the labour market and can access social welfare services and payments based on the same criteria as Irish citizens. EPH can apply for stamp 4 after working the required amount of years as mentioned above (INIS 2019a).

Stamp 4 EU Fam

This permission has the same conditions as stamp 4 but is issued to family members of EEA-citizens. This permission is dependent on the EEA-citizen continuously residing in Ireland and exercising their EU Treaty Rights, which means they are either working, studying, involuntarily unemployed, or have enough financial resources to be self-sufficient (INIS 2020a).

Stamp 5

If a person does not wish to apply for Irish citizenship but wants to avoid renewing their permission regularly, the induvial can apply for a stamp 5 after eight years of reckonable residence in Ireland. If successful, the person will only have to renew their permission, when their passport is due to expire. Stamp 5 will usually be granted to people, who have been continuously working in Ireland unless they had a work-related injury that has since prevented them from working, or they have retired (INIS 2018a).

All the above-mentioned residence permissions except for stamp 2 can apply for Irish citizenship after a total of five years of continuous residence in Ireland (INIS 2019a).

Social Welfare System

Generally, there are three main types of payment that constitutes the social welfare system in Ireland (Citizens Information 2020):

1) Social insurance payments
2) Means-tested payments or social assistance payments
3) Universal payments

Most employers and employees in Ireland have a certain amount of their salary put aside towards Pay Related Social Insurance (PRSI) that funds social insurance payments, which is compulsory. The value of this payment is usually based on the employee's salary and type of work (Citizens

Information 2020). Only people who have been employed in Ireland can access social insurance payments. The most common of these payments is Jobseeker's Benefit, which is a weekly payment for people, who become unemployed. The criteria to qualify for this payment is that the person is under 66 years of age, fully unemployed, capable of working, genuinely seeking employment, and have accumulated enough PRSI contributions (Citizens Information 2020).

People, who have not accumulated enough PRSI contributions to qualify for the social insurance payments, can apply for means-tested payments. Means-tested payment is a scheme where the Department of Employment Affairs and Social Protection (DEASP) examines the person's income to calculate whether they fall below a certain level of income (Citizens Information 2020).

Lastly, the universal payments are paid regardless of a person's income or social insurance record but depend on the applicant satisfying specific personal circumstances such as being a parent. An example of this type of payment is Child Benefit, or One-Parent Family payment (Citizens Information 2020).

Most social welfare payments, which include Child Benefit and Jobseeker's Allowance, also require the claimant to meet the Habitual Residence Condition (HRC), which consists of two parts. First, the person must establish their right of residence within the State, which must be 'unconditional' in the meaning that it does not preclude the person from getting social welfare payments (Government of Ireland 2020). In other words, if the person is a non-EEA national, they must have valid residence permission, or if they are an EEA-citizens they must be exercising their EU Treaty Rights to access social welfare payments. The requirement of unconditional eliminates international students from accessing any social welfare payments because being self-sufficient is a condition of their permission to reside in the country. The second element of HRC is the assessment of the person's centre of interest, which refers to the person's previous attachment to the country and future intention to continue to live in Ireland. The assessment of this condition can include the person's employment history, family ties, property, and social network in Ireland. Additionally, the person must prove permanence in the sense that the person has lived in Ireland for some time and intends to continue to reside in Ireland in the foreseeable future. A person must satisfy both parts to be regarded as a habitual resident in Ireland (Government of Ireland 2020). If a person is absent from the state even while having an address in Ireland this could be perceived as the person is not fulfilling the requirements of HRC. If a person does not have valid residence permission, the application will instantly be disqualified as the person does not meet the conditions of HRC and will not be considered for any

social welfare payments. EU-workers are exempt from the requirement of HRC (Citizens Information 2020).

Social Housing Support

When it comes to accessing housing, health, and educational services HRC is not considered. To be eligible for social housing support, a person must satisfy the income criteria (be below the threshold), be unable to access alternative suitable accommodation, and have valid residence permission (The Housing Agency 2018, 10).

Social housing support is provided to people, who cannot afford housing from their resources. The person can only apply to one local authority that is situated in the area where the person normally resides or have a local connection A person can have a local connection to an area where the person either lives, work, study, or attends regular medical service. If the person cannot prove their local connection, they can request that the Local Authority exercise its discretion and accept the person's application regardless. However, homeless, undocumented, unemployed or individuals, who do not receive utility bills in their name, can have difficulties proving a local connection, because they might not have any documental evidence of their physical presence in the area (CLM 2018, 7, 15-19).

If a person becomes homeless and wishes to access emergency homeless accommodation, the person must present themselves at the local authority/ city council to request this. Initially a person will be given access to the freephone service, where the person must call the service each day to book accommodation that night. This is referred to as one-night accommodation, which is available to all regardless of status or income. In this emergency accommodation the person must leave every morning around 9 or 10 am, and cannot return until 5 or 6 pm, sometimes later depending on the place. People accessing emergency accommodation can be referred to complete a social housing application form to go on the housing list and be eligible for housing supports such as Housing Assistance Payment or Rent Supplement (CLM 2018, 7-10).

Except for one-night accommodation other social housing support requires the claimant must have a right to reside in Ireland, satisfy the income criteria, not have been previously evicted, damaged property without paying the repairs, not have access to suitable accommodation and prove their local connection (CLM 2018, 7, 10-12).

Terminology

To avoid misunderstandings or ambiguities, I will define the terminology applied in the research paper in the following section. A definition of citizenship will follow in the theoretical framework.

Immigrant or Stamp Holder

An immigrant is a person, who has migrated from one country to another to live for a longer period in the receiving country (Bealey & Allan 1999, 159). Recently, the term 'immigrant' has become politicised (Hopkins 2010; Nicholls 2016; Buonfino 2004) in the increasing securitised discourse of migrants being a threat to society, where it is perceived as necessary to regulate mobility (Nyers & Rygiel 2012, 2). Thus, the term often has negative connotations that I wish to avoid. As an alternative, I have developed the term 'stamp holders', which refers to non-EEA nationals that have immigrated to Ireland. I refer to this group as stamp holders, because they are required to have a residence permission to reside in the country, which is identified by a stamp in their passport (INIS 2017a). The stamp that they are afforded by the immigration officer depends on their reason for residency in Ireland as previously explained. Hence, the word stamp holders also signify that I am specifically referring to non-EEA nationals, whereas the word immigrants do not distinguish between EEA-citizens and non-EEA citizens, which is a central difference concerning residence conditions and access to rights. Stamp holders refer to people currently in status, whereas people, who do not have a residence permission, is referred to as either 'out of status' (if their residence permission expired and they were unable to renew it), or 'undocumented' (if they never had a residence permission). For the remainder of this research, I will use the term stamp holder to refer to non-EEA nationals that have immigrated to Ireland, unless I refer to people, who are not necessarily non-EEA citizens.

State, Nation, and Sovereignty

The term 'state' can be understood within three contexts, which is the philosophical, legal, and political, and these three understandings are often interrelated (Bealey & Allan 1999, 308). Within the branch of philosophy, the state has often been perceived as the relationship between human beings and the political authority as discussed by Aristotle (Bealey & Allan 1999, 308). By the end of the Middle Ages, the notion of independent territories developed. Here, governments came to hold supreme power to enforce a single source of law within their bounded territory, where this power has been termed the 'sovereignty' of the state (Bealey & Allan 1999, 308). The 1648 Peace Treaty of Westphalia marked the end of 30 years of war on the European continent, where it was agreed that the ruling authority within an independent territory had the absolute right to govern within its

boundaries without interference from other states granting the state sovereignty. However, a state only achieves sovereignty if it is recognised as such by the other states (Bealey & Allan 1999, 52, 306). From this perspective a state can be defined, as the collective authority governing a specific bounded territory, whereas 'nation' refers to the cultural and historical perceptions associated with the given national identity (Bealey & Allan 1999, 219-220). Nationalism is what Benedict Anderson (1991) refers to as an 'imagined community', which creates feelings of belonging to a national community despite never having met the majority of other people that share the same nationality. Throughout this research, I refer to the State, and not the nation, as the focus will be on how the legal and bureaucratic institutions govern the mobility of stamp holders. Additionally, sovereignty is interpreted more as an ideological perspective of ultimate power and control envisioned by the state rather than a realistic division of power as all states encounter interference from other states, international organisations or transnational companies, which affects how internal affairs are governed (Bealey & Allan 1999, 306).

Social Mobility

Social mobility is referred to as the movement from one class or status to another where the movement can both be 'upwards' or 'downwards', i.e. positive or negative. The degree of mobility reflects the level of opportunities and equality available to the individual or lack thereof within the given society (Bealey & Allan 1999, 303). Status can both refer to a legal category as in the Irish stamp system for residence permission but can also reflect the person's social position within a community or society. How status is measured is very subjective and depends on other's perception of one's reputation, which is dependent on the values that underpin the given group's assessment of one another (Bealey & Allan 1999, 311). Tools that enable social mobility can include access to education, carrier progression, financial stability, and social security as these provide the individual with qualifications to progress or cover basic needs that will allow the person to focus on other aspects such as self-realisation (OECD 2018, 40). Progression in legal status does not necessarily guarantee upwards social mobility but might facilitate access to tools that will enable the person to achieve positive social mobility in the future. This will be discussed further in the analysis.

Method

In the following section, some of the methodological reflections I have had during this research, along with the projects' empirical foundation, will be outlined.

Crosscare Migrant Project

This research has been inspired by my experiences working as an Advocacy and Information Officer at Crosscare Migrant Project (CMP), where I am currently employed. CMP is a non-profit organisation (NGO) based in Dublin that provides information and advocacy support to people, who have immigrated to Ireland or are returning Irish citizens, pertaining primarily to legal and practical advice regarding the immigration system (CMP 2020). CMP is a project run by Crosscare, which is a Social Support Agency of the Catholic Archdiocese of Dublin, providing different services related to social care, community, and youth work located mainly in Dublin (Crosscare 2019). CMP is located at the city centre together with Crosscare Housing and Welfare Information Service (CHWI) and Crosscare Refugee Service (CRS), which also provide information and advocacy support to people, but with different specialisations. Initially, I started as an Advocacy and Information intern for CMP in July 2019 and was offered a permanent position after my internship ended in January 2020. As an Advocacy and Information Officer, I provide clients with advice regarding their immigration status, support to fill out, and prepare application forms for citizenship, visa, or residence permission. If a person has been treated unfairly or is particularly vulnerable CMP might advocate on behalf of the client in collaboration with other NGOs or social workers to dispute a decision made by INIS.

Ethnographic Perspective

One of the key elements of ethnography is that the researcher immerses themselves in the field of study to participate in the everyday life of the community (O'Reilly 2012, 2). Working for CMP, I have been embedded in the context of an Information and Advocacy Service supporting immigrants, whereby, I have witnessed the everyday routine and practices both of colleagues and clients in their interaction with the Irish immigration system. By engaging face-to-face with clients regularly, I have obtained first-hand knowledge of the very intimate and often emotional accounts caused by their immigration status. Even though these personal accounts are not the focus of this research, they have informed my understanding of how individuals are affected by the immigration system's structure and policy changes. While being employed for CMP for the past eight months, I have acquired an

intimate knowledge of the Irish immigration system from a legal perspective, and its practical implications for individuals trying to navigate the system.

The position as an insider has benefits and disadvantages. Prior to this research, I accumulated extensive knowledge and contextual understanding of the topic as well as access to empirical data, which has been an advantage (Greene 2014, 3-4). A disadvantage is that I might be too subjective and biased in my findings (Greene 2014, 4). For instance, my familiarity with the topic might result in a loss of objectivity where there is a risk that I might make assumptions based on my prior knowledge and experience, or that I might project my personal biases upon the data analysis (Greene 2014, 5). As an employee of CMP, I only interact with individuals who have had issues with the immigration system, because they are the once that seeks CMP's assistance. Thus, I mainly encounter negative perspectives on the immigration system. Even though this inflicts me with a biased perspective, it does make me aware of the faults in the system that are still valid to discuss and analyse. Furthermore, all ethnographers are to some extend both insiders and outsiders, where the researcher must embrace the tension between subjectivity and objectivity (O'Reilly 2012, 98-99).

While working for CMP, I have accumulated experiences of the general issues people encounter based on client interactions and discussions with colleagues. Based on these experiences, I have chosen case examples for the analysis that highlights common queries or difficulties. I, hereby, risk basing the analysis on preconceived assumptions (Greene 2014, 4). However, I believe it would have been very difficult to choose case examples that have relevance for highlighting general issues exhibited in the immigration system, without knowledge of typical client queries. Any research will most likely be influenced and directed by the researcher's personal biases and experiences (May 2011, 224-225). Yet, if the researcher is reflexive and transparent of their biases, the reader and other academics can critically evaluate the possible flaws and opportunities for improvement for future research (Greene 2014, 11).

Choice of Data

Interviews and questionnaires are some of the more common methods of collecting data (Bryman 2012, 12). I previously conducted a small research regarding Irish Citizenship, during my internship. The empirical data for this research was initially supposed to be based on interviews with CMP clients in the process of applying for Irish citizenship, to examine their understanding and reason for applying for citizenship. Often there is a risk of an unequal power relation between the researcher and the informant, tipped in the favour of the former (O'Reilly 2012, 68). Therefore, I was worried that a dual

position as a researcher and a worker, would create a relationship of exploitation, where my clients would feel forced to participate as interviewees in the research to continue to get support with their immigration issue. To minimise this power relation, my colleagues asked clients if they wanted to participate on my behalf, but the intermediate communication made it difficult to streamline communication and set up interviews. Eventually, I only managed to get one participant, so I had to change the focus from the perspective of the applicant to the State. Based on this experience, I decided to take a different approach to data collection in this research. Though, I have included segments from an interviewed with my manager Richard King in relation to my previous report. I Interviewed Richard King as he has worked in the field for over ten years and has extensive knowledge and experience with the Irish immigration system, which is valuable to understand the decision-making process of INIS.

Instead of collecting data, I decided to focus on data that I have access to as an Information and Advocacy Officer at CMP. This position has provided me with access to Crosscare's database of client files, which contains all electronic files from 2013 to 2020 with a total of 87,485 records that describes each client's current residence permission, issue, and steps taken to resolve the issue. This includes the client's records from all three services CMP, CHWI, and CRS. It is important to be aware of the chosen data's advantages and limitations (May 2011, 54). The advantage of this data is that it gives a unique insight into the type of issues and difficulties people experience when interacting with the Irish immigration system. Due to the size of the database, it also provides a larger quantity of examples and data than conducting a limited number of interviews would allow. However, the data does not account for the emotional and personal experience of the individual clients. The emotional state of the client might be mentioned in the intervention notes, if relevant to the case. Still the data will not suffice to give an in-depth understanding of the lived experience. Acknowledging this limitation, when examining the impact that the organisation of the immigration system has for individuals, I will not go into details with the physiological and emotional impacts, but focus on practical aspects such as access to rights, social welfare payments and risk of homelessness. Acknowledging that the strength of this data lies with understanding the practical implications, I have chosen to focus on the legal and bureaucratic perspectives of the immigration system. Therefore, as supplementary data, I have examined Irish immigration and citizenship Acts, legislation, political speeches by the Minister of Justice and policy guidelines available at INIS and DBEI's websites. These data sources provide an insight into the structure of the system and underlying motives.

An inductive perspective has been applied to address the above-mentioned data. Research can either have a deductive approach, where the researcher establishes a hypothesis based on existing theory, which is then investigated based on empirical data and observations to discard or confirm the hypothesis, or an inductive approach where the empirical data directs the research question and choice of theoretical concepts (Bryman 2012, 24-26). As this research follows an inductive perspective, the research question and theoretical framework have changed according to empirical findings.

Ethical Considerations

The purpose of ethical considerations is to ensure moral behavior, the protection of informants, and the validity of the research (May 2011, 61). It is important to reflect on my choices both during and after the process of research to ensure transparency (Ritchie & Lewis 2003, 230). My primary concern has been ensuring the anonymity of clients, whose accounts I have used as part of this research. Guarantees of anonymity and confidentiality are essential to protect research participants from harm (May 2011, 63). To protect the anonymity of clients and the usage of their personal information I have been required to sign a Thesis Ethics Approval, where I have outlined the purpose and focus of this research, how the data would be used, and the precautions I would take to ensure the anonymity of clients. The Thesis Ethics Approval has been approved by my supervisor and manager before permitting me to use the database for research purposes. As this research has been based on an inductive approach, the research question and focus have changed several times following discoveries or directions of the empirical data (Bryman 2012, 8-9). Therefore, I have had to edit the Thesis Ethics Approval accordingly to changes and get it re-approved. I have attached the most recent version as Appendix 1.

All the individuals mentioned in the analysis have been given pseudo names to protect their identity. Sometimes pseudo names are not enough where it might also be necessary to change or avoid certain details that could be used to identify the individual (Bryman 2012, 142). To ensure the anonymity of my clients I have avoided any identifying details such as country of origin, specific family details, or unique personal circumstances. The examples used throughout the analysis are based on specific client files that outline typical issues client´s deal with, in terms of their migration status.

This is based on my experiences, and tendencies expressed by my colleagues to determine, which client files from the database could provide useful examples of general issues. In other words, which case examples could be representative of a wider class of cases (May 2011, 228). As a condition of the Thesis Ethics Approval contract, I cannot disclose any identifying details, which also includes

case file numbers. In a document saved on my work account, which is protected by several passwords, I have made a list of clients and their casefile number to find them in Crosscare's database together with the pseudo names I have given the individual and the reference numbers to refer to them in this project. Thus, I am the only person that knows exactly who the case examples refer to specifically. Ideally, I should have obtained informed consent from each of the clients, whose files I use as examples in this research (Bryman 2012, 139). However, several of the people, whose example's I use, are no longer clients of Crosscare or have not been in contact with Crosscare recently. Crosscare's policy states that contact details are only to be used for client work and support. Therefore, I have been unable to obtain individual consent, which is why I have been extra vigilant in avoiding identifying details and made the examples as generalised as possible.

Case Study

One of the aspects that I have found challenging during this process has been, how to approach the data from Crosscare's database, as it contains an enormous amount of information. By approaching this research topic, the Irish immigration system, as a case study, it has allowed me to distinguish which elements and data are relevant to include. However, a common critique of case studies is that the term 'case' has been corrupted over time and is used interchangeably to describe an array of things (Ragin & Howard 1992, 3). Therefore, it is important to define clearly what is meant by 'case study'.

A case study can be defined as: *" ... a strategy that examines, through the use of a variety of data sources, a phenomenon in its naturalistic context, with the propose of "confronting" theory with the empirical world*" (Piekkari, Welch & Paavilainen 2009, 569). Hence, a case is a specific phenomenon such as an event, situation, person, or thing. From an inductive perspective 'cases' are not pre-existing entities but something that must be identified and established during research (Ragin & Howard 1992, 9). Thus, it is important not to confuse the empirical unit (the research subject) with the theoretical unit (the case) as the two entities are not necessarily the same thing and might be different from what was initially anticipated (Ragin & Howard 1992, 8-9). From this perspective the Irish immigration system is the empirical subject, whereas the theoretical unit becomes citizenship, where I by examining the Irish immigration system wish to challenge the polarised perception of citizens versus noncitizens present in citizenship studies; which I will explain further in the theoretical framework. A case study, thereby, refers to the combination of researching the empirical subject to contribute with analytical insights of the theoretical unit. This case study intends to examine the Irish immigration system to contribute with analytical insights into the concept of citizenship.

The authors highlight that multiple data sources improve the quality of case studies as it enables the representation of several perspectives (Piekkari, Welch & Paavilainen 2009, 572). Here I wish to make an additional distinction between case study, which is the over-all phenomenon I am investigating, and case examples which refers to specific client files from Crosscare Database that illustrate different aspects of the case study (perspective on how the immigration system and access to citizenship are enacted and experienced in practice). Examples can be seen as: "…*important prisms through which both reality and anthropological analysis are thought and, equally importantly, reconfigured*" (Højer & Bandak 2015, 1). This highlights the power of examples within an analysis where they can either be used as an 'example' of a single event or as 'examplar' where the event is presented as representative of the general (Højer & Bandak 2015, 1). Ideally an example should be an assemblage of discourses and behaviour that illustrates a pattern (Højer & Bandak 2015, 14). By choosing examples that resemble issues that I have assisted clients with as an Advocacy and Information officer for CMP multiple times, these become represented as an exemplar that illustrates a pattern. I do recognise that this is based on a subjective perspective and that a multitude of other examples could have been just as relevant to highlight. However, an analysis is unavoidably directed by the researcher's perspective and experiences, but through reflexivity of one's choices these inherent biases can be limited (Finlay & Gough 2003, 40-41).

Theoretical Framework

This research is positioned within the analytical field of citizenship studies. Therefore, the following section will offer, a brief overview of some of the research that has been done in this field, and how I might contribute. Note that the field of citizenship studies is vast, so this should not be perceived as an exhaustive overview.

The Field of Citizenship Studies

The history of citizenship stretches over several centuries, which can be traced back to Aristotle in ancient Greece (Isin & Turner 2002, 106). When reviewing citizenship studies there are several branches that all have a different focus when analysing the concept of citizenship. For instance, geographical studies examine the relationship between space and citizenship (Yarwood 2014, 9-11), political studies tend to focus on political rights, the state and individuals (Turner 1997, 6), whereas sociology is interested in: "…*the institutions in society that embody or give expression to the formal*

rights and obligations of individuals as members of a political community" (Turner 1997, 5-6). Hence, in sociology the perception of citizenship goes beyond the political engagement and obligations of citizens to include other forms of institutions that take part in the formulation of and associations connected with citizenship. In the following I will mainly focus on the sociological approach to citizenship and recent changes.

The British sociologist, Thomas Humphrey Marshall, is one of the prominent figures in citizenship studies. His famous essay "Citizenship and Social Class" published in 1950, charts the development of citizenship through the growth of civil, political, and social rights in Britain (Marshall 1950), where his theory has provided an important framework for understanding the connection between civil liberties and social rights (Tuner 2009, 65). According to Marshall, modern capitalist societies are structured by citizenship and class (Turner 1997, 11). The development of citizenship and the rights attached, ensured that individuals were treated more equally, whereby, economic inequalities and class divisions were mitigated, even though they were not completely erased (Yarwood 2014, 30). Marshall argued that citizenship enabled a redistribution of some of the resources that were a result of economic growth through different social welfare schemes, whereby, class conflicts were contained (Turner 1997, 11). From Marshall's perspective citizenship was, thereby, related to equality of status rather than income (Yarwood 2014, 30).

Marshall's work has been a major inspiration for future citizenship studies either in the form of further research regarding the relationship between citizens and class or through criticism, where theorists have sought to dispute or challenge his claims. For instance, feminist scholars have criticised Marshall's assumption that citizenship is gender neutral (Sassen 2002; Lister 2003; McEwan 2005). For instance, the British feminist Carol Pateman (1988), has argued that civil society continues to be structured by feminine oppression, where she challenges patriarchal assumptions connected to the negotiation of citizenship rights. The cultural dimension of citizenship has also increasingly become the focus of citizenship studies (Turner 1997, 9). Notions of citizenship as a homogenous pre-existing group has been challenged by highlighting the ethnic and cultural diversity of societies (Connolly 1995). Other theorists have sought to show, how citizenship is not necessarily limited to political engagement, but can be exercised in everyday practices (Holston 2006; Das 2004).

Globalisation and transnationalism, which challenge traditional assumptions of the State as the sole source of authority to legitimise or recognise rights, has increasingly become the focus of contemporary citizenship studies (Nyers 2014, 489-490). The association of citizenship being

connected to the State has resulted in a perception of it symbolising existing systems of dominance and exclusion (Nyers 2014, 5). Thus, citizenship is increasingly being viewed as a tool of exclusion rather than unity as originally perceived by Marshall. This has led to discussions of whether the concept of citizenship is still relevant or should be discarded (Nyers 2014, 5). As the anthropologist, Thomas Hylland Eriksen (2007, 142) has argued, processes of globalisation are often met with resistance where increasing global integration can cause a sense of alienation that threatens national identities and notions of political sovereignty. Yet, Brown (2010, 21) highlights that notions of State sovereignty have not become irrelevant as it continues to capture and structure present notions of State building and governance. Despite the increasing authority of international institutions such as the European Union and European Convention on Human Rights to convey rights to individuals regardless of nationality, the State continuous to be the main polity from where individuals derive their access to rights (Nyers 2014, 2).

Even though the traditional understanding of citizenship is being challenged, this does not mean that the concept itself is becoming irrelevant as it still describes the relationships between citizens, other residents, and the division of access to rights (Eckert 2011, 309). Thus, citizenship is still a relevant concept to understand the complex relationship between residents within the State's boundaries as it signifies the negotiation of access to rights and security, and perceptions of what it means to be a 'good citizen'. The population consists of both citizens and noncitizens and is not a homogenous group. Yet, the territorial presence of both groups within the State border means that access to rights are not necessarily distinguishable between citizens and noncitizens, but is a complex and nuanced relationship (Bosniak 2006, 3, 11). Contemporary citizenship studies are increasingly trying to understand different types of citizenship such as 'cosmopolitan citizens', which shares wider responsibilities to other people that goes beyond the national borders (Desforges, Jones & Woods 2005, 444), or 'active citizenship' that encourages people to engage actively in their local communities (Yarwood 2014, 13). However, the assumption that citizenship regardless of its form is divided between member/non-member and inclusion/exclusion, where there is a clear distinction between who has access to rights, persists (Bosniak 2006, 4-5).

I argue that these dichotomous perceptions of citizenship are too simplified. By using the Irish immigration system as a case-study, I wish to exemplify in the following analysis, how the relationship between citizens and noncitizens, and different groups of noncitizens, needs to be understood as a more complex and nuanced relationship, where access to rights and security is not a

fixed state. Before doing so, I will briefly outline the main concepts used to explore the relationship between the Irish State, citizens, and stamp holders.

Conceptual Framework for Analysis

Even though this research is mainly situated within citizenship studies, there are several concepts developed in mobility studies that are relevant to describe the relationship between stamp holders and the state in the regulation of access to citizenship.

Globalisation is often associated with increased mobility of goods and people. However, the mobility of people has increasingly been perceived as a problem that needs to be regulated and controlled. This has led to various reforms to migration and border control, which has been justified in the name of security, particularly in Europe and North America. Thus, the regulation of mobility has provoked new ways of conceptualising borders and governing the mobility of people (Nyers & Rygiel 2012, 2). For instance:

> "…border and migration controls change the status of people within states and thus have a direct bearing not only on rights to movement but also on a whole series of related rights having to do with access to employment, housing, and social services within a country" (Nyers & Rygiel 2012, 3).

As a result, restrictive immigration policies are enabling states to regulate the level of access that immigrants are afforded, whereby, they are both restricting movement as well as social mobility inside the State borders. Thus, the regulation of mobility is central to the articulation of citizenship and who can become a citizen (Nyers & Rygiel 2012, 3). To understand this relationship of how the Irish state regulates stamp holders' access to citizenship, and thereby, the mobility of people inside the state, I draw on concepts from mobility studies.

To understand the implications these restrictions have for stamp holders access to rights and security, I refer to the sociologist, Cecilia Menjívar's concept 'liminal legality', which is based on the anthropologist, Victor Turner's concept of 'liminality' (Turner 1967). Turner's concept describes the second stage of 'rites of passage' (Gennep 1960), that illustrate when a person is in a transition from one category to another. For instance, when a boy goes through a transitional period to become a man (Turner 1967, 93-94). The term liminality describes an intervening transitional period "*two relatively fixed or stable conditions*" (Turner 1967, 93). Thus, the 'transitional being' or 'liminal persona' is defined by a name and a set of symbols, where the person becomes structurally invisible with a twofold character. In one sense the liminal persona is in between classifications (Turner 1967, 95-96). As Victor Turner describes it: "…*neither one thing or another; or maybe both; or neither here*

nor there; or maybe nowhere . . . and are at the very least 'betwixt and between' all the recognized fixed points in space-time of structural classification" (Turner 1967, 96). The state of being 'betwixt and between' is the focus of the sociologist, Cecilia Menjívar, where she seeks to examine the circumstances of undocumented Salvadoran and Guatemalan immigrants in the United States, and how they are placed in this liminal existence (Menjívar 2006, 999). Menjívar highlights that following Turner's theory, which perceives these transitory stages as empowering and positive moments in social transition, they risk losing their empowering potential, if they are extended indefinitely. By being caught in this stage of 'betwixt and between' classification where the immigrants are neither completely illegal, as they might be in the process of appealing a deportation order or granted a temporary residence permission, nor legal, because they do not have a fixed permanent status, they are caught in this liminality indefinitely. This undermines their potential empowerment as it has consequences for their future ability to integrate into society and apply for citizenship, if they are not able to get permanent residency (Menjívar 2006, 1007-1008).

Furthermore, Menjívar bases her term 'liminal legality' on Susan Coutin´s term 'legal nonexistence' (2000), which refers to the concept of being physically present and socially active but lacking legal recognition. Coutin uses 'legal nonexistence' to explain the complex ways of how undocumented Central Americans are situated both inside and outside the United States and their country of origin (Menjívar 2006, 1007). Coutin's term mainly focuses on 'legal nonexistence' erasure of rights that places the individuals in an extremely vulnerable situation, where they are likely to be exploited (Menjívar 2006, 1007). Contrary, Menjívar seeks to incorporate the potential for empowerment from Victor Turner's term, to show that immigrants' lives are not only a state of nonexistence, but holds the potential for people to develop a sense of belonging and acquiring future legal status (Menjívar 2006, 1007).

I found that this duality of acknowledging the potential while highlighting the ambiguity and uncertainty that immigrant's experience in this state of 'liminal legality', is a good expression of stamp holders' situation in Ireland, who loses their status. The potential for empowerment through regaining their status that might eventually allow them to apply for citizenship, while simultaneously placing them in an extremely vulnerable situation for an unknown period, still exist. The concept of 'liminal legality' contradicts the assumption that legal status is necessarily a linear process as people can fall in and out of status (Menjívar 2006, 1007). Thus, 'liminal legality' is an effective term to illustrate the complex nuances and grey areas between being a citizen and a noncitizen that is not necessarily clearly distinguishable, whilst explaining the implications this has for the individual.

Since the term is mainly focused on the experience and implications for the individual, it is not sufficient to examine the mechanism of power exercised by the state. For this purpose, I refer to Shiller and Salazar's concept 'regimes of mobility' (Schiller & Salazar 2013).

The concept of Shiller and Salazar can be used as an analytical framework to understand the dynamic relationship between stasis and movement, which acknowledges the influence of the state, without being blinded by assumptions of the bounded national territory (Schiller & Salazar 2013, 194). Shiller and Salazar argue that there can exist several intersecting 'regimes of mobility', which normalises the movements of some immigrants while criminalising and hindering the mobility of others (Schiller & Salazar 2013, 189). They criticise the tendency of mobility studies to idealise movement as freedom, where they examine movement as a possibility as well as aspects of new confinements and modes of exploitation (Schiller & Salazar 2013, 190). The concept of 'regimes of mobility' seeks to study the movement of people across space concerning forces that structure political economies. These forces include but are not limited to states and their policies (Schiller & Salazar 2013, 192). The concept 'regimes of mobility' enables me to critically examine, how the State seeks to facilitate the movement of some immigrants while hindering or criminalising the mobility of others, thereby, looking beyond assumptions of legality and illegality, as these are, essentially, constructs made by these regimes.

The term 'regimes of mobility' has been limited to examine mobility and immobility concerning how the physical movement and the act of migrating itself are being regulated (Schiller & Salazar 2013; Massa 2018). The book "Regimes of Mobility: Imaginaries and Relationalities of Power" from 2014 edited by Schiller and Salazar, includes different studies concerning the relationship between mobility and immobility that utilizes the 'regimes of mobility' approach (Schiller & Salazar 2014). Even though it is recognised that social mobility can be the result of or the motivation for physical mobility (Kalir 2013), it does not address, how 'regimes of mobility' can be deployed specifically to regulate social mobility. Rather, regimes are seen as a means for governing authorities to uphold class privilege by facilitating or limiting the ability or legal right to travel for certain groups of people (Schiller & Salazar 2014, 14), which implies that the social position of different groups of people is maintained by these regimes. The analysis will illustrate that 'regimes of mobility' can also be deployed specifically to regulate social mobility that is not necessarily aimed at maintaining people in a certain social position but to encourage certain values and behaviour, where people adhering to these criteria can have their social mobility facilitated.

Section 1: Deserving of Irish Citizenship

Before analysing, how the Irish State regulates access to Irish citizenship, it is necessary to have a clear understanding of the concept of citizenship. In the following section, I will clarify, my definition of citizenship, how the Irish State distinguishes citizens from noncitizens, and how this distinction has changed over time as a response to increased immigration to the country.

What is Citizenship?

Citizenship is a highly contested term that embodies a multitude of meanings and traditions. It is a term that can both be used to examine, how people establish a national identity and engage politically with the State, to how institutions are structured by the State, to different levels of governing from local, national to global (Yarwood 2014, 13). Thus, citizenship can both be perceived as an analytical, political, legal, or empirical concept. As the term 'citizenship' is a central aspect of the analysis it is imperative to define the term properly.

Broadly defined citizenship has traditionally been viewed as referring to "…*an individual's membership of a political unit, often the nation-state, and the rights and duties that come with that relationship*" (Yarwood 2014, 1). This understanding reflects a common view that citizenship is associated with membership of a specific, bounded territory. Concurrently, through the idea of citizenship, its citizens are bound to the authority and territory of a political body. In this regard, citizenship refers to the glue that binds people to each other and the State (Yarwood 2014, 18), through an 'imagined community' (Anderson 1991). From this perspective, the relationship between citizenship and territory becomes mutually constituted (Yarwood 2014, 19). The State has become the typical basis for conferring citizenship and the rights attached to it. This traditional understanding of citizenship has been criticised for presuming membership of the bounded territory as pre-existing (Bosniak 2006, 1-2). Therefore, this perspective of citizenship tends to be static and based on several assumptions.

Alternatively, the boundary-focused citizenship, which examines the community's boundaries, switches the focus from the internal life of the political community to its edges. Thus, the focus becomes, how that community, usually the State, is maintained, which includes elements of inclusion and exclusion from the community. From this perspective citizenship in any given state is always rationed, and the limitations to its availability mark the limitation on belonging (Bosniak 2006, 2).

According to Linda Bosniak (2006, 1-5), who is a professor of law and specialised in citizenship, immigration and nationalism, there has been very limited interaction between the traditional and boundary-focused approaches to citizenship. Often the boundaries are presumed, or the world outside of the State is completely forgotten, where the society is examined as the total universe of relationships among already assumed members. Bosniak tries to remedy the limitations of both these perspectives by examining the boundaries between members inside the community and not just at its edges, thereby, challenging the assumption that everyone that has crossed the border is necessarily included in the community (Bosniak 2006, 1-5).

In the book "The Citizen and the Alien", Bosniak (2006, 2) examines exclusion from formal citizenship status and the implications of this for people residing in liberal democratic states such as the United States. She asks whether it is possible for noncitizens as a matter of status to be among the included in the society if citizenship is treated as the highest measure of social and political inclusion (Bosniak 2006, 3). The obvious answer would be no, however, she argues that noncitizens are not entirely outside the scope of those institutions, practices, and experiences that are referred to as citizenship. She argues that several of citizenship's core attributes are not necessarily dependent on formal citizenship status, but are extended to individuals based on their personhood and territorial presence (Bosniak 2006, 3).

Similarly, to Bosniak, I base my understanding of citizenship on a combination of the approaches above. As the focus of this research will be on the legislative requirements for Irish citizenship and its bureaucratic implementation through the immigration system, my understanding of citizenship is closely tied to the State as the basis for conferring citizenship and rights. In this regard, I examine citizenship empirically by looking at legislation and the practical implications the eligibility criteria have for stamp holders' access to rights. Through this empirical investigation of the concept, I hope to contribute analytically to the field of citizenship studies. When examining the concept of citizenship, I want to avoid assuming everyone within the State's borders are necessarily considered a member of the community, while also acknowledging that there exist degrees of citizenship. A person residing in Ireland might not have legal citizenship, but they could still be afforded rights associated with membership, due to their physical presence within the State borders. Even though the focus of the analysis is going to be on the Irish immigration system, it is important to note that other dynamics surrounding Ireland also impact access to Irish citizenship. These dynamics can both include other states, international institutions such as the European Union, or increased immigration,

which the political theorist Wendy Brown (2010, 21) argues are challenging the very notion of states' sovereignty.

Lastly, rights are closely associated with the concept of citizenship, which can broadly be divided into political, economic, and cultural rights (Turner 1997, 5-7). The first refers to an individual's right to engage politically, vote, and have freedom of speech. The second is related to basic needs such as food and shelter through access to the labour market and resources such as social security, health care entitlements, subsidiary housing, or retirement packages. Finally, cultural rights include freedom of religion, language, and access to education (Turner 1997, 6-7). I will mainly focus on stamp holders' access to economic rights.

Changes to the Citizenship Acts

Citizenship is mainly acquired through the coincidence of birth, however, for others, citizenship is something that must be sought, earned, or granted through naturalisation (Yarwood 2014, 49). The rules governing citizenship and naturalisation can be viewed as one of the central links between the State and the people (Castles, Haas & Miller 2014, 20). If citizenship is considered to be the link that connects citizens to the State, and naturalisation is the way for immigrants to gain access to full membership, then to understand Irish citizenship we must identify the criteria to be considered an Irish citizen. The first step is to examine the criteria set out in the Irish citizenship legislation. While citizenship is generally associated with a state of democratic belonging and inclusion, this inclusion is premised on an image of a community being bounded or exclusive, thereby, one could argue that the concept is inherently discriminatory, as it cannot exist without determining, who is not a citizen. Therefore, it is important to examine 'who' is being excluded, and not to assume the category of citizens is fixed (Bosniak 2006, 1). Ireland exemplifies this, as the country's citizenship legislation has experienced several changes in recent years. By looking at the changes in the Irish Citizenship Acts reveals the gradual tightening of access to citizenship, and which people have consequently been excluded. In the following section, I will outline key changes in the criteria for eligibility for Irish citizenship, and who has effectively been excluded.

The Republic of Ireland gained its independence from the United Kingdom in 1922 (Peterson, Knoblauch & Loadenthal 2018, 18). The new country introduced its first Nationality and Citizenship Act in 1935, which is the first legal document that specifies, who is considered an Irish citizen (eISB 1935). Though, it is the Nationality and Citizenship Act of 1956 that is considered the principal Act

of Irish citizenship (eISB 2004). The general requirements for citizenship that continue through all the citizenship Acts up to today is that the applicant must:

- Be of good character
- Have one year of continuous residence immediately prior to applying for naturalisation
- Have a total of five years of residence in the State out of the previous eight years prior to the application date
- Intend to continue to reside in the State following naturalisation
- Swear fidelity to the State upon accepting naturalisation in the prescribed manner (eISB 1956; eISB 1986; eIBS 2001; eISB 2004).

The Act of 1956 specifies that anyone born in Ireland is an Irish citizen by birth (eISB 1956). Hence, the legal definition of Irish citizenship is closely tied to the territorial boundedness of Ireland as an independent State. This focus on a territorial connection to the State is translated into the requirements of continuous and reckonable residence (as explained below). Additionally, the requirement of intending to continue to reside in Ireland following naturalisation implies loyalty to the State, where the applicant wants to gain citizenship because they wish to continue to live in the State.

One of the more central changes in Irish citizenship legislation, is found in the Citizenship and Nationality Act of 2001, which introduced the condition of reckonable residence. It specifies that residence in the State by a nonnational does not count towards eligibility for citizenship, unless the applicant has a valid residence permission or document granting residence, except for international students, whose permission is not counted as reckonable residence (eIBS 2001, Section 6). This change introduces the distinction between legality and illegality when considering, who is eligible for citizenship. Hereby, the physical residence is not enough in itself but needs to be supplemented by a legal right to reside in the State. However, it is interesting to note that student permissions are specifically singled out as not reckonable despite residing legally in the State. Furthermore, the Act mentions that even if the student has been continuously employed, while studying they are not eligible (eIBS 2001, Section 6(I)). The Act is indirectly acknowledging that employment does count in the favour of the applicant, however, in the case of students this is not enough to deem them eligible for citizenship. The requirement of reckonable residence effectively excludes undocumented immigrants and students from applying for citizenship.

As previously described in the section about "Recent Immigration and System Developments", the State has experienced a dramatic increase in immigration since the 1990s. Increasing immigration or

public perception of high rates of immigration often leads countries to regulate migration flows more closely through tighter border security, limiting migration possibilities and restricting who can gain citizenship (Yarwood 2014, 49). A progressively more mobile world has arguably increased the need to distinguish citizens from strangers (Yarwood 2014, 63). The Nationality and Citizenship Act of 2004 is an expression of this tendency, which constitutes the most profound changes to the principles of the Citizenship Act of 1956. The Act of 2004 makes central amendments to the entitlement of citizenship for children born in Ireland. Before the 2004 Referendum, any child born in Ireland was automatically entitled to citizenship as a birth right (eISB 1956). However, at the beginning of the 2000s, there was a growing public fear that a steady stream of illegal nonnationals was traveling to Ireland to give birth to children in the State just to get access to residence permission and Irish citizenship (Crowley, Gilmartin & Kitchin 2006, 3). In reality the number of people, who gained residence through this route from 1990 to 2003 was 11.000 that were already residing in Ireland (Ruhs and Quinn 2009, 5). Nevertheless, this assumption was considered a gross violation of the loyalty and connectedness to the Irish State that was intended to be exercised by naturalised citizens and residents. Therefore, the Minister of Justice and Equality, Michael McDowell, campaigned for the 2004 Referendum to introduce restrictions to close this loophole (Crowley, Gilmartin & Kitchin 2006, 3). One of the Minister's key arguments was that the State had no obligations to grant citizenship to persons born in Ireland, whose parent does not have sufficient connection to the State (Handoll 2009, 9). The public supported the change and voted 'yes' to the referendum (Handoll 2009, 9). After 2004, children who were born in Ireland but whose parents were not Irish citizens, British citizens, or had residence permission without a restriction of time-period, would not be entitled to Irish citizenship from birth (eISB 2004). The added condition of no restriction as to time eliminates people with a stamp 2 that can only renew their permission up to seven years. Case in point, if an international student or a person without valid residence permission gives birth to a child in Ireland, that child is no longer entitled to Irish citizenship following the 2004 Referendum.

Consequently, the Citizenship Act of 2004 has had a huge impact on, who has access to Irish citizenship. The Act specifically targets stamp holders' access as the child, whose parents are not Irish, is only entitled to citizenship if the parents have at least three out of four years of reckonable residence before the child's birth (INIS 2020c). As EU-citizens have the right to move freely within EU-member states without a permit (INIS 2020a), the rule of reckonable residence primarily applies to stamp holders. The access is further restricted by excluding time-limited residence permissions. Thus, access to citizenship is both a question of legality and residence, as well as the person's type

of residence permission. In the following section, the primary reasons for refusing citizenship applications will be determined to assess whether the official guidelines above also constitute the core values that are sought in citizenship applicants in practice.

Core Values of Irish Citizenship

The officially stated criteria as listed previously, consist of one year of continuous residence, five years of reckonable residence, being of good character, and willingness to swear fidelity to the State (INIS 2020d). When considering who the citizenship is for (Bosniak 2006, 1), it is important to note that these requirements are only directed at non-nationals that seek to obtain Irish citizenship. Contrary to people applying for naturalisation that must meet certain criteria to be considered eligible for citizenship, birth right citizenship can either be conferred by place of birth (jus soli), or by blood (jus sanguinis), where citizenship is assigned to a person regardless of talents or merits (Kalm 2019, 143, 148). Therefore, it can be argued that birth right is a fundamental right and not something that should be earned, or where the person needs to be proven worthy (Kalm 2019, 148). Whereas the requirements for naturalisation implies that the person needs to prove a degree of deservingness that is conditioned and can be refused or revoked if the person fails to comply (Kalm 2019, 147-148). For instance, the Act of 1935 states that if the certificate of naturalisation was acquired through fraud or misleading information, or the person is convicted of a crime up to five years after their naturalisation, the Minister can revoke the person's citizenship (eISB 1935). A certificate of naturalisation can also be revoked if the person following naturalisation moves abroad and fails to annually declare in writing their wish to retain their Irish citizenship (eISB 1935, Section 10 (d)). Thus, naturalised citizens must follow certain conditions to ensure their citizenship that citizens by descent are not required to follow.

Citizenship and naturalisation practices reflect existing values in society, whilst influencing expectations and behaviour of individuals (Kalm 2019, 141). By examining the requirements for naturalisation, it becomes evident what characteristics and values are sought in applicants by the State to determine, which nonnationals are considered deserving of Irish citizenship. As indicated in the previous section, looking at the reasons for refusing citizenship application will highlight, which core values and characteristics are sought not only according to official guidelines but in practice.

Take for instance the case of Jacque, who came to Ireland in 1997 to join his Irish citizen wife and was granted his first stamp 4 in 1998. Their marriage broke down in 2005, and by 2012 they had finalised the divorce. Jacque was granted stamp 4 based on independent status following the breakdown of his marriage. He tried to apply for Irish citizenship, but he was refused twice because

of traffic offenses, whereby he was deemed not of good character. In 2016, the immigration officer refused to renew his permission as usual and referred Jacque to make a written application to the Ministry, because the officer suspected that Jacque was not residing continuously in Ireland, despite Jacque owning property and being self-employed in the state for several years. However, Jacque had been home to visit his family for long periods, because his mother was sick. Due to the unofficial rule of thumb that stamp holders residing in Ireland should not be abroad for longer than six weeks per year, this was deemed a breach of the conditions to Jacques' residence permission. Jacques' written request for renewal was refused because he had been outside the state for too long. He was given two months to send in an appeal, otherwise, his case would be sent to the Repatriation Unit. This is the Unit that issues Section Three Letters to people, who are identified as undocumented or out of status. Section Three Letters gives the individual three options:

> "(i) leave the State voluntarily, (ii) consent to deportation or (iii) to submit, within a period of 15 working days, written representations to the Minister for Justice and Equality setting out reasons as to why they should not have a Deportation Order made in respect of them" (INIS 1999).

If the appeal of Section Three letter is refused, the person is issued with a deportation order. At this point Jacque had lived in Ireland for 19 years and was at risk of getting a Section Three Letter issued. Fortunately for Jacque, his appeal was successful, and he was issued a stamp 4 residence permission again. Now 23 years later Jacque is still not an Irish citizen (Case file 1A).

Jacques' story highlights some of the core criteria and values embedded in the granting of Irish citizenship both those officially stated, and those practiced unofficially. His story indicates that being deemed of good character weighs more than the length of residence to acquire citizenship despite the major focus on reckonable and continuous residency. In an interview with Richard King, the manager of Crosscare Migrant Project, he confirms that in his experience INIS mainly focussed on two things, when processing citizenship applications, which are the applicant's criminal background and finances. As he explains: "*I think there is a priority that anyone with any type of criminal record is going to be immediately flagged even if it is a very minor issue*" (Appendix 2, 1). There are several records in Crosscare's database of citizenship applications being refused based on criminal offenses (Case files 1A, 1B, 1C, 1D, 1E). This also includes traffic offences, where Andy as an example, applied for citizenship in 2014, but his application was refused because he was deemed not of good character, as he had failed to disclose traffic offenses (Case File 1F). Andy's example indicates that

honesty is an important element connected to INIS's perception of what is means to be deemed of good character.

Interestingly, Richard King also highlights finances as an important criterion even though there is no official mention on INIS's website or in the legislation of a person's financial situation being taken into consideration. This draws attention to the fact that additional factors are being considered, which are not mentioned in the official list of criteria. Richard King clarifies his statement further:

> "And the finances are – I would say that it is given slightly less priority. Hmm I don't think people who are on a low income are going to have particular issues or people who are getting social welfare benefits are going to have particular issues. But people receiving long term social welfare payments who could technically work are going to find issues" (Appendix 2, 1).

According to Richard King, applicants are not being instantly disqualified if they receive social welfare payments or have a low income. However, if they can work but continues to receive social welfare for a long period, this reflects negatively on their application, which could lead to a refusal. Hence, eligibility for Irish citizenship also implies not being a financial burden by accessing social welfare payments and contribute to society as a worker. Being a financially self-sufficient worker relates to the other values sought in potential citizens such as being of 'good character' and swearing fidelity to the State that can be summarised as ways of contributing to society. Essentially, the chances of being granted citizenship increases if the person can prove their value and contribution to society.

This can somewhat explain, why the State is explicitly excluding international students from being eligible to apply for citizenship, as they have yet to prove, they can find employment following graduation. Unless they find stable employment upon graduation, they will not be contributors to society. One could argue that students have an additional step to prove whether they are deserving of Irish Citizenship. Note that for students to get an employment permit the job needs to be relevant to their studies, and cannot be on the ineligible list of occupations, which is a list of jobs that are too low-skilled to be eligible for an employment permit (DBEI 2019a). Thus, getting any job is not enough, as international students need to prove, they will contribute to the labour market as highly skilled employees.

As previously highlighted, there is a consistent focus on physical presence within the State borders connected to the eligibility requirements for Irish citizenship. A common reason for applications to be refused is due to lack of reckonable residence, or that the applicant does not have one year of continuous residence before applying for citizenship. For example, Linda tried to renew her stamp 4

as usual but had difficulty getting an online appointment at BQ, due to the large volume of people trying to book appointments. When she finally managed to get an appointment, her residence permission had been expired for a week. Nearly a year later she decided to apply for citizenship. However, her application was refused, because she was two months short of meeting the one year of continuous residence as she had a gap of one week between her current and previous stamp (Case file 3A). Hence, to be deserving of Irish citizenship is connected to the person being physically present within the State, which reflects the classical notion of citizenship referring to members of a specific bounded territory, where citizen's rights are derived based on connection to its territory (Yarwood 2014, 11). According to Richard Yarwood (2014, 12), who is a professor of Human Geography, the territory of the States continuous to be hugely significant to citizenship, especially concerning the rights and duties attached to its territory. In the case of Ireland, it could be argued that this is true as the Irish State determines, who is eligible for citizenship. Applicants such as Linda that are refused based on a gap of a few days is concerned with the physical presence of the person, as well as ensuring legality as per the Act of 2001.

Bosniak argues that citizenship law in America has constructed alienage as a hybrid legal status category that is in the nexus between legal and moral realms. In the legal realm, alienage is conceptualised in relation to borders, sovereignty, and national community membership, where the government has the power to regulate the admission or exclusion of outsiders through conditions of entrance and residence. In this realm, the State has nearly unconstrained power to distinguish between insiders and outsiders (Bosniak 2006, 38). The same can be argued for the Irish State where most issues regarding citizenship and residence permission are left up to the discretion of the Minister of Justice (eISB 1956, Section 15). If an application for citizenship is refused there is no system in place for an appeal, because the courts cannot carry out a substantive review of the merits of the decision as it is intimately based on discretionary practices (Handoll 2009, 15). The applicant is free to make another application, but previous refusals might reflect negatively on future applications. The absolute discretion of the Minister of Justice to grant citizenship highlights that the granting of Irish citizenship is a privilege and not an entitlement (Handoll 2009, 15).

Bosniak highlights that the alienage as a legal category is also located in the moral realm of social relationships among territorially present people. In this realm, the power of the government to regulate the alienage's access to rights is substantially constrained, because the government is confronted by formal commitments to morals of equal treatment. In this realm, the aliens become at once indistinguishable from citizens, and simultaneously the social group that requires the law's

protection (Bosniak 2006, 38). Due to noncitizens' physical presence within the country, the State cannot ignore their human rights, and is to some extent forced to give nonnationals access to the labour market, social welfare payments, and homeless accommodation.

As discussed in this section, contrary to Irish citizens by descent, applicants for naturalisation must meet certain requirements to be eligible for Irish citizenship, implying a level of deservingness. This includes abiding by the laws, not giving fraudulent information, not be a burden to the State, be residing legally, and prove a sufficient connection to the State through continuous residence. Based on these core criteria of who constitutes deserving and non-deserving individuals, the Irish State does possess substantial power in regulating, who is granted access to certain rights, depending on where the individual is situated in the hierarchy of noncitizens. As Bosniak argues, the citizens are not a homogenous group, as some might have access to more rights compared to others, or noncitizens can in some instances have access to the same rights as citizens (Bosniak 2006, 35). In the next section, it will be illustrated that there also exists a hierarchical structure between noncitizens, in the case of Ireland, and the level of access they have to security and rights. Furthermore, it will be showcased that these hierarchical structures reflect the above values of who is considered deserving and non-deserving of Irish citizenship.

Section 2: Pathways to Citizenship

It is not sufficient just to look at the legislation and criteria for obtaining citizenship, to understand how citizenship is regulated in a country (Kalm 2019, 148). The whole immigration system must be considered, because before you can become a citizen you must gain entrance to the country and get residence permission. Thereby, the immigration system itself is a gate keeper to become a citizen (Shachar 2009, 28-29). Therefore, before I examine the hierarchy between residence permission, I will first establish how the Irish State uses the residence permission system to regulate individual's mobility and access to citizenship.

A Barrier of Bureaucracy

The increased movement of capital and globalisation leads to transformations in the State, which may translate into changes in citizenship as a result of these movements, however, not necessarily towards more openness (Menjívar 2006, 1005). Procedures for naturalisation may become more flexible, or more restrictive by introducing new barriers, legal categories, and obstacles, particularly in instances,

where migration is linked with fear or a discourse of threat (Menjívar 2006, 1005). In Ireland, the increase in restrictive measures and barriers are evident in citizenship legislation, as well as the rest of the immigration system that enables people to become eligible for citizenship. The following section will examine some of the tools that the State uses to regulate stamp holders' mobility and access to citizenship.

Historically, immigration has largely served the macroeconomic and political interests of the immigrant-receiving country (Messina 2009, 3). Some theorists, such as the anthropological professor Aihwa Ong (2007, 4-5), have argued that economic globalisation has added to this trend, where states in the Association of Southeast Asian Nations (ASEAN) are increasingly asserting their sovereignty through the repositioning of different groups within their population according to global market forces. When you look at the changes in Irish immigration policies, where increased regulations are often aimed specifically at regulating migration flows to benefit the State's labour market, this tendency is not limited to ASEAN states. When examining which pathways to citizenship are facilitated, and which are obstructed, it becomes evident that the Irish State encourages mobility based on economic gains to the State. This is evident in the differences between how the State regulates employment permit holders' access to permanent residence compared to international students. For instance, Marcus came as an international student, where he managed to get a critical skills employment permit after he graduated and changed to a stamp 4 residence permission after two years. Five years after graduation, Marcus had finally gained enough reckonable residence to apply for citizenship after 12 years of residence in Ireland (Case file 2A). Contrary, an employment permit holder can apply for citizenship after a total of five years of residence.

To explain this major difference in access, Schiller and Salazar concept 'regimes of mobility' is useful as it provides a framework for examining the relationship between mobility and immobility (Schiller & Salazar 2013, 183). 'Regime' refers to the role of the individual states and international regulatory bodies in affecting individual mobility (Schiller & Salazar 2013, 189). I will focus on, how the Irish State specifically regulates the mobility of nonnationals. As Schiller and Salazar's definition of 'regime' is very vague, I will use the term to refer to either policy guidelines, legislation, or administrative procedures that have the specific purpose of regulating stamp holders' mobility. Based on this understanding and following Schiller and Salazar's argument that there exist several different intersecting regimes of mobility, these can be interpreted as overlapping systems that actively

normalises the movement of some categories of stamp holders, while criminalising and hindering the mobility of other groups (Schiller & Salazar 2013, 189). Additionally, the understanding of mobility should both consider the physical movement of a person as well as the social mobility in terms of opportunities to access employment, education, and social welfare services (Loury, Modood & Teles 2005, 1-3).

Increased immigration in Ireland confronted the Irish State with the challenge of developing an immigration system and policies to determine, who is to be considered citizens, noncitizens, and potential future citizens (Messina 2009, 13). The modifications to the employment permit system and changes for international students are prime examples of this process. Unless you have a family member, who is Irish or resides in Ireland, there are two main routes to obtain residence permission in the Republic of Ireland, which is either through the employment permit system or as an international student. Parallel to the increased level of immigration both routes have gradually been more restricted.

Before April 2003, Ireland's work permit system was primarily led by employers. If the local employers were willing to go through the administrative procedures of the work permit system, they could employ as many non-EEA nationals as they wished, from any country, in any job with no skill level required. Consequently, the number of employment permits issued in 1999 went from 5,750 to 47,707 in 2003, where the majority of permits were for low-skilled jobs in the service sector from 150 different nationalities (Ruhs 2005, xii). Likewise, non-EEA national students could study English or any other course for as long as they wanted, if they had adequate attendance (INIS 2010, 12). Following 2011, non-EEA international students could only study English or courses at the National Framework Qualifications Level 5-6 for three years. Where after, they are expected to transfer to a course at Level 7 or higher. Additionally, students were limited to a maximum of 7 years of study at all levels (INIS 2010, 12).

Over the years the State has increased the level of bureaucracy and rules governing residence permissions. Originally, the sociologist Max Weber had envisioned bureaucracy as an instrument of the rational and legal form of authority that would guaranty an un-arbitrary administration because it was underpinned by rules (Bealey & Allan 1999, 35). However, this idea presupposes that the authority in power is unbiased and does not have underlying motivations that shape the rules underpinning these administrative procedures (Heyman 1995, 261-262).

Viewing increased bureaucracy as forms of 'regimes of mobility' (Schiller & Salazar 2013), highlights the underlying power relation between the authority establishing the system and people, who become subjects of it, where their mobility is affected or controlled by this system. The Employment Permits Act of 2003 is one of the first major 'regimes of mobility' that exemplifies how increased bureaucracy expands the control of certain people's movements, which in this case is shown by a more interventionist work permit system. The Irish state expected that following the EU enlargement in May 2004, local employers would be able to fill most of their vacancies from workers from the new member states. By having a more liberal policy towards EU-workers within the new accession countries, the State thought it necessary to adopt a more restrictive approach towards regulating the amount and types of migrant workers coming from outside of Ireland and the enlarged EU (Ruhs 2005, xii). This showcases that the State made a conscious choice between facilitating the mobility of EU-workers while limiting the access of low-skilled non-EEA workers. One of the elements this 'regime of mobility' introduced was the ineligible list of occupations for general employment permits, which meant that only occupations, where there has been identified a shortage of in the Irish labour market by DBEI, can get an employment permit (Ruhs 2005, xii). This was a measure implemented to encourage employers to hire workers from new EU member states instead of getting low-skilled workers from non-EEA countries, thereby, regulating access to the country based on nationality and type of occupation. Additionally, the annual salary requirements of €30.000 for general employment permits, and €60.000 for critical skills, was added as another restriction to ensure that only highly skilled non-EEA workers were granted access to the State through employment permits (Ruhs 2005, xii). These restrictions have consequently led to an 'infrastructural involution' of the employment permit system, where the "…*interplay between different dimensions of migration infrastructure make it self-perpetuating and self-serving and impedes rather than enhances people's migratory capability*" (Lindquist & Xiang 2014, 122). Despite the added legislation and administrative infrastructure surrounding the employment permit system, this has not increased the mobility of stamp holders, who wish to access the Irish employment permit system. Instead it has made the process more troublesome and difficult. Thus, undermining the mobility of the EPH to make independent decisions and explore new paths (Lindquist & Xiang 2014, 125), which is exemplified by the declining number of permits being issued (Ruhs 2005, xii).

With the enlargement of the EU in 2004, only Ireland, the UK, and Sweden allowed immediate unrestricted access to their labour marked for the new EU member states. However, the UK and Ireland did restrict access to social welfare payments where applicants had to prove two years of residence to be eligible (Ruhs & Quinn 2009, 8). Essentially, the Employment Permits Act of 2003 excluded low-skilled non-EEA national workers from gaining residence permission to work in Ireland. The Act of 2003 is an example of a 'regime of mobility' utilised by the Irish State to hinder the mobility of low-skill workers from non-EEA countries while normalising and facilitating the mobility of EEA-nationals' access to the Irish labour market. Regardless of nationality, access to social welfare is still determined by how much the worker has contributed to society through taxes before they have any rights to social welfare payments. This follows the logic of the criteria for eligibility of Irish citizenship, where the individual must prove they are deserving. In this regard, non-EEA national workers and EEA-citizen workers have equal status as 'noncitizens' (Bosniak 2006). However, EEA-citizens do not need to apply for a residence permission to live in Ireland, which is an essential difference in getting past the border control and security of status, which brings EEA-citizens closer to Irish citizens' status.

To quote the anthropologist, Sabina Hess and Bernd Kasparek: "*The issue at core is not the bordering of territory, but the ordering of populations, and their different hierarchical positioning*" (Hess & Kasparek 2017, 58-59). The quote emphasises that the bordering of States today are no longer limited to controlling bounded territory from opposing States, but increasingly concerned with controlling migration flows' access to State territory (Hess & Kasparek 2017, 58-59). By granting EEA-citizens unlimited access to the Irish labour market compared to stamp holders, who have to go through the employment permit system, a hierarchical positioning between the two categories of people have effectively been created, which extends beyond the border. It is important to note that Ireland as an EU Member State is required to follow the Directive 2004/38/EC on the right of citizens of the EU and their family members to move and reside freely within the territory of Member States (INIS 2020a). Yet, it was an active choice by the Irish State to grant workers from the new member states, following EU´s enlargement in 2004, immediate access to the Irish labour market, whereby, they actively deprioritised employment permits for non-EEA citizen workers.

The Human Geographer, Tim Cresswell has noted that in feudal society, the majority of people stayed in the same area as they were born throughout their lives, whereby, it was easy to identify strangers (Cresswell 2009, 259). However, increased mobility has resulted in societies becoming more anonymous, where other bureaucratic measures such as passports and identity cards have become

necessary to define and classify the nationality of a person to determine, who were lawfully allowed to enter certain spaces (Cresswell 2009, 259-260). For stamp holders, a passport is not enough to be granted entry into Ireland, as nationality is not the only factor considered, as they also need to prove that they have a valid reason to enter (INIS 2017d). Contrary to an EU-citizen worker, a non-EEA national worker needs to present a grant letter confirming he has been issued with an employment permit to the immigration officer at the border control. For international students, they need to prove that they have enrolled in a language course or degree course eligible for the student permission, paid the school fees and been granted a study-visa, if they are from a visa required country, to gain entrance. This increased need for documentation to enter the country is another example of 'infrastructural involution' (Lindquist & Xiang 2014) that hinders the mobility of stamp holders.

These bureaucratic measures provide guidelines for the border controls and the immigration officers to distinguish between citizens, potential citizens, and noncitizens, where the later might not even be granted entrance to the country (Staeheli 2011, 394). The border controls are another type of 'regime of mobility' that the State uses to protect citizens within its borders, from 'illegal' migrants or believed threats such as migrants, who would inflict harm on the society, steal jobs from its citizens or impose burdens on taxpayers (Staeheli 2011, 394). The State safeguards against these risks by ensuring that EPHs already have a job upon arrival, students are financially self-sufficient and exclude EEA-citizens from the welfare system until they have accumulated enough PRSI. Thus, border controls are integral to States and the imagery of citizenship that is often reinforced through discourses of fear, as part of a larger dynamic of exclusion and 'othering' (Staeheli 2011, 394). However, border control goes beyond the border itself, where the purpose is not to hinder everyone's access to the country but to control who enters. Management of pathways to citizenship is an extension of border control as it includes or excludes people from accessing rights and security. It is a way for the State to distinguish between, who are considered part of the society, and who is not (Bosniak 2006, 50).

Obstacles Beyond the Border

Crossing the border is not necessarily the primary obstacle to getting access to citizenship. As illustrated in section 1, student permissions are actively excluded by the State from being counted as reckonable residence. The student permission is not intended by the State as a common route to long term residence in Ireland, which is why it is not counted as reckonable residence. However, in my experience of working for CMP, it is relatively common for people to perceive the student permission

as a gateway to start a life in Ireland by getting an education and then a job. 'Regimes of mobility' directed at regulating the movement of non-EEA international students exemplifies that passing through the border control is not necessarily the difficult stretch of the pathway to citizenship. One could argue that it is easier to get a student permission than an employment permit, as applicants interested in a student permission need to prove they have been accepted into a course listed on the Interim List of Eligible Programmes and are financially self-sufficient (INIS 2016f; INIS 2019b), whereas applicants interested in an employment permit need to get a job offer that meets the requirements of salary and occupation type with an employment contact for a minimum of one year (DBEI 2020b; DBEI 2019a).

Take the case of Marianna, who came as a student in 2010, to get away from the increasingly uncertain circumstances of her country of origin. However, in 2013 she could not afford to pay the tuition fee for another semester and was unable to renew her stamp 2 residence permission and lost her status. After losing her residence permission, Marianna became homeless. In 2014, she wrote to INIS explaining her situation and she could not go back to her country of origin and requested that INIS grant her permission to remain on a discretionary basis. INIS replied that she needed to have a valid passport before any new permission could be issued. However, her country of origin does not have an embassy in Dublin so she would need to travel to get her passport renewed, which she could not since her passport had expired. Getting a temporary travel document allowing a person to travel to obtain a new passport can be difficult, if they do not have the right documentation, and Marianna was unable to get a temporary travel document. Consequently, in 2019 she was still out of status with an expired passport (Case file 2B).

Schiller and Salazar criticise the tendency of mobility studies to idealise movement as freedom, where they examine movement as a possibility as well as aspects of new confinements and modes of exploitation (Schiller & Salazar 2013, 190). Marianna's story exemplifies how the movement of students from their country of origin to Ireland is not a guaranteed movement of increased possibility, where confinement is just as likely. Without a residence permission that will allow her to re-enter Ireland, or a passport that will allow her to travel elsewhere Marianna has been physically confined to the territory of Ireland for 9 years (Case file 2B). The amendments of reckonable residence introduced in the Citizenship Act of 2001 (eIBS 2001) has effectively made it nearly impossible for Marianna to become an Irish citizen despite having lived in the country for nearly a decade. Marianna's confinement is also social and economic, where she, as an undocumented person, is effectively excluded from accessing any social services, education, or legal employment that could

provide her with positive social mobility (Loury, Modood & Teles 2005, 1-3). In this situation she becomes dependent on support from family, friends, NGOs that provide food and shelter to homeless, or cash-in-hand employment to cover her basic needs.

Marianna's story is not uncommon. According to Crosscare Migrant Project's database, there were 771 recordings of clients currently out of status in 2019, where their previous residence permission was specified. Of these interventions, the majority of 441 had been international students before losing their status.

Following the regulations of 2011, student permission cannot be renewed after 7 years of study (INIS 2010, 12). If the person wishes to stay in Ireland, it is necessary to get a residence permission that is reckonable for residence. Unless the person marries an Irish- citizen, has a child with an Irish citizen, or marries an EU-citizen, which would qualify the person for a residence permission, getting an employment permit is the only other way of acquiring reckonable residence. As Marcus' case exemplified, acquiring enough reckonable residence, when entering the country as a student, can often be a prolonged route to citizenship, as his route took 12 years (Case file 2A). This is if the person can get an employment permit. For instance, after graduating Sue was unable to obtain an employment permit, so when her permission expired she decided to travel back to her country of origin rather than be out of status in Ireland, hoping that she might be able to get an employment permit from abroad, and eventually return to Ireland (Case file 2C).

These stories illustrate, how non-EEA international students' access to permanent residence and citizenship is obstructed through a myriad of 'regimes of mobility' (Schiller & Salazar 2013). These 'regimes of mobility' essentially places a time limit for the student to be present in the State of seven years, unless the person manages to get an employment permit, whereby, they get a chance to prove that they can be financially valuable to the State. This is if the person follows the intended pathway laid out by the State, rather than getting permission based on an Irish family- member. The 2004 Referendum can be perceived as another 'regime of mobility' to bar stamp holders, without reckonable residence from access to citizenship through the parentage of Iris-citizen children.

A System of Discretionary Power

As previously outlined, the Irish immigration regime was practically non-existent until 1986, as stable and continuous immigration to the country did not occur until the 1990s (Messina 2009, 12). This has meant that the immigration system has largely been developed on an ad hoc basis in response to

immigration developments in the State (Messina 2009, 12-14). Consequently, most of the immigration system is based on discretionary guidelines and procedures (Götzelmann 2016, 75).

Crosscare Migrant Project completed the report "Invisible Pathways" in 2009, which provides a critical examination of the Irish immigration system (CMP 2009). There have been many changes to the immigration system since 2009, however, the discretionary foundation of the immigration system has continued. The system is still primarily based on policy guidelines and unofficial rules, like the condition that stamp holders cannot travel abroad for more than six weeks per year. Furthermore, a common phrase used both in grant letters and on INIS's website is that applications will be processed on a "case-by-case basis", which essentially means that it is up to the discretion of the Minister of Justice to make a decision (INIS 2019c; INIS 2016d, 63; INIS 2015). Crosscare's research from 2009 observed that the lack of written policies, guidelines, and clearly defined criteria both internally and externally in INIS, led to an overreliance on discretion by the individual immigration officer resulting in an unwarranted level of inconsistency in decision making (CMP 2009, 124). In the interview with Richard King manager of CMP he notes:

> "I mean all the immigration-related laws gives a lot of discretion to the minister of justice with the exception of EU relevance regulations. So, with citizenship a lot has been tried and tested in court but to a large extent it is up to the minister to decide. And that discretion, in reality, is determined by the civil servants in the citizenship section" (Appendix 2, 1).

Richard King here highlights that both in citizenship legislation and the rest of the immigration-related law not directly related to EU regulations are left up to the discretion of the Minister of Justice, which in extension is determined by the civil servants working in INIS. The positive aspect of discretionary power is that it allows the immigration officer flexibility to grant individuals residence permission even if they do not fit the conditions of specific stamps. The disadvantage of having a system based on discretionary power is that it gives the State an extensive power in immigration matters, where it becomes difficult to dispute decisions (Bosniak 2006, 50). Bosniak argues that people become the responsibility of the State by being physically present within its borders, whereby, the State cannot ignore people's access to basic human rights (Bosniak 2006, 38). According to this, the State is obliged to at least make sure people have access to the minimum necessities for survival. However, the discretionary system provides the State with a way around this obligation. For instance, Richard King notes that: "

> "So practically speaking, you know that if people don't have a right through legislation then it allows delays, it allows refusals whereas in social welfare at least it's a good

contrast to make, where you can say "no this was not correct, this was an incorrect decision". Whereas with immigration and citizenship all you can say is "can you change your mind please" and here are your humanitarian reasons" (Appendix 2, 2-3).

Compared to other areas within the government such as social welfare, the rights of people have been more clearly defined in legislation, which means that NGO's or solicitors advocating on behalf of individuals, who has had their application refused, can refer back to this legislation and make an argument for the decision to be overturned. As the above quote by Richard King express, this is more difficult regarding immigration and citizenship-related legislation, where there is no legal basis to argue that the immigration officer has made a mistake. Instead, advocates for the individual must base their arguments on the humanitarian circumstances of the individual's case and hope that the officer will use their discretionary power to grant the person residence permission. This leaves the person applying for a residence permission in a very precarious and uncertain situation without any guarantees of the outcome of their application. Additionally, as exemplified by the case of Jacque (Case file 1A), policy guidelines that are not clearly stated (such as the maximum of six weeks abroad), increases the risk of individuals misunderstanding the rules, and makes it more difficult for them to navigate the immigration system, where mistakes can result in the person losing their residence permission.

Another consequence of this discretionary system is that: " *The deficits of the system trickle down to any other public or private agency that needs to know the specific rights of immigrants - thus also undermining the immigrant's interaction with that service or organization*" (CMP 2009, 124). The quote refers to immigrants being refused access to rights such as mortgages, housing, employment, and social welfare, because if the policy guidelines are not even clear to immigration officers, how are other state agents or health care professionals supposed to know the entitlements of stamp holders.

Having ultimate discretionary power to grant residence permission and subsequently framing the population into different categories, reinforces practices of sovereignty, where the State has uncontested power to grant greater freedom to some while restricting the rights of others, similar to what other studies regarding ASEAN countries have found (Nah 2012, 487-488). Having an immigration system that is discretionary in its foundation, is another 'regime of mobility' (Schiller & Salazar 2013) that reinforces the state's control over stamp holders' mobility. For instance, if we

return to the case of Marianna (Case file 2B), INIS had the discretionary power to grant her residence permission, but they choose not to because she did not meet the criteria of deservingness.

The interplay between the two overall 'regimes of mobility' of increasing the level of bureaucracy, while maintaining the discretionary authority of the Minister of Justice, reinforces a 'structural involution' (Lindquist & Xiang 2014), where some stamp holders are almost deterred from pursuing their rights. For instance, Claudia waited over a year for a decision on her residence application based on being the parent of an Irish citizen child. Throughout this period, she was out of status and unable to work, without access to any income, consequently, homeless with her toddler (Case File 2D). She was considering giving up and returning to her country of origin due to the psychological stress resulting from the uncertainty of not knowing, when and if she would be granted residence permission, despite her entitlement stated in the verdict of the Zambrano Case (INIS 2011). The 8 March 2011, the European Court of Justice decided in the Zambrano case, that Member States cannot refuse stamp holders, whose minor children are EU-citizens, from residing in the country of the child's nationality as this would effectively deprive the child of its rights as a European Union Citizen (INIS 2011). The judgement deemed that by refusing the parents of a minor child right to reside in the member state, in which the child is a citizen, would mean that the child would have to leave the country together with the parent, thereby, being deprived of its rights as a union citizen (INIS 2011).

The Zambrano case effectively gives non-EEA national parents the right to reside in Ireland granted that they are actively envolved in the life of their Irish citizen child (INIS 2011). However, there are no legal requirements of the State to process applications within a certain time frame, and the applications are processed on a "case-by-case basis" (INIS 2015) as part of the discretionary system. Thus, the State might not be able to deny residence permission to individuals, who can claim certain entitlements based on international legislation. However, the State can immobilise the individual for an extended period. Claudia initially came as a an international student but lost her status when she became pregnant, and could not keep up her attendance (Case file 2D). The discretionary power of the State consequently allows it to penalise residents, who did not follow the 'legal pathway' to obtain residence permission (Nah 2012, 502). For Claudia, she came legally to the country as a student and continued to have a right to reside as the mother of an Irish citizen child (Case file 2D), so it could be argued that she was not ´illegally´ present if the state, but was rather penalised for taking an unintended pathway to residence permission that the State had tried to regulate with 'regimes of

mobility' such as the 2004 Referendum. The State's concern with ensuring that noncitizens follow the intended pathways to recknonable residence, while punishing those, who do not, consequently contributes to stamp holders falling in and out of status (Nah 2012, 502), and becoming 'preventable undocumented' (CMP 2009). This illustrates that the State through the discretionary nature of the system finds loopholes to avoid providing people with access to economic rights, if the State finds that the person does not meet the conditions for deservingness sought in potential future citizens.

Hierarchy of Noncitizens

Compared to other residence permission the Stamp 2 is probably one of the most restricted in terms of social mobility. As Bosniak argues not everyone within the border is necessarily citizens and cannot access the same level of rights (Bosniak 2006, 32). Considering the difference outlined by the 'regimes of mobility' of employment permit holders compared to students as outlined above, I argue that the ordering of people at the border control is extended beyond the borders through the residence permission system. However, this aspect is often neglected in citizenship studies that tend to assume that citizens are a pre-existing category (Bosniak 2006, 4). I wish to remedy this knowledge gap by examining, how the residence system is a means for the Irish State to regulate, who is granted access to citizenship, where membership is not a fixed or guaranteed state.

Citizenship is often perceived, as citizens having access to rights, where noncitizens are excluded from this access. Thus, citizenship is treated as the highest measure of social and political inclusion, which assumes that noncitizens cannot be considered among the universe of included (Bosniak 2006, 3). Contrary, Bosniak argues that noncitizens are not entirely outside the scope of those institutions, practices, and experiences that are referred to as citizenship. She argues that several of citizenship's core attributes are not necessarily dependent on formal citizenship status but are extended to individuals based on their personhood and territorial presence (Bosniak 2006, 3). When you look at the way the residence permission system is organised in Ireland, individuals with stamp 4 and stamp 5 are afforded some of the same rights as citizens, such as access to social welfare payments and free access to the labour market. Whereas Bosniak discusses the difference between the status of noncitizens compared to citizens, I argue there is an additional hierarchy between the noncitizens in Ireland, as different statuses afford different degrees of rights. For instance, an employment permit holder is only allowed to work for the specific employer and position that their employment permit was issued based on, whereas a stamp 4 holder can freely work for any employer in any position and occupation. An EPH is granted gradually more rights the longer they have worked. After two years a

critical skills EPH can apply for stamp 4 that will allow the person free access to the labour market (INIS 2018b), whereas a general EPH must wait 5 years (INIS 2017c).

These differences reflect a calculation of the different categories of stamp holders' potential economic contribution to the state (Nah 2012, 488) similar to the principles of deservingness of citizenship highlighted in section 1. Since critical skills permits are issued to a more highly skilled labour force that the State is eager to attract, they are afforded more rights compared to general EPHs that are still deemed to supply a labour shortage, but not as highly skilled. As illustrated previously following the enlargement of the EU, the State has sought to primarily facilitate low-skilled employment from EU-citizens rather than non-EEA nationals (Ruhs 2005, xii), whereby, general EPHs are down prioritised compared to critical skills EPHs. As explained in the immigration system overview, critical skills EPHs can bring family members immediately, and have a higher salary, contrary to general EPHs, giving critical skills EPHs a higher incentive to come to Ireland (INIS 2016d, 28, 46; DBEI 2019b). Both types of employment permits can access social welfare payments after accumulating enough PRSI (Citizens Information 2020), but as critical skills EPHs generally have a higher salary they will subsequently accumulate a higher PRSI quicker than general EPHs (Citizens Information 2020). The Irish state essentially creates a hierarchy of rights, where noncitizens with greater 'potential' are given greater rights and freedom similar to those described in studies concerning ASEAN states (Nah 2012, 489). As a result, the mobility of highly skilled non-EEA workers is prioritised and facilitated to a larger extend by the State.

People with stamp 4 that is not based on time spend as an EPH, contradicts the notion of hierarchy between statuses being based on the potential value to the state. A person could be unemployed and still be granted stamp 4 based on an Irish family member. A stamp 4 holder in this instance, is not as valuable an asset to the Irish state as an EPH that is working full-time. Yet, a stamp 4 holder automatically has the same rights as the EPH must work two-five years to acquire. Nonetheless, it is important to note that Irish citizen must prove a financial income of at least €40,000 combined for the past three years to be eligible to sponsor a non-EEA spouse, and not have been primarily dependent on welfare payments for the past two years (INIS 2016d, 47). Even though the non-EEA family member is not required to be employed or prove financially self-sufficiency to get stamp 4, their family member needs to prove that they have the financial means to sponsor the family member. However, this still exempts the stamp 4 holder from proving their deservingness.

Referring to section 1, I highlighted that deservingness is also closely connected to being of good character, physical presence, and intention to stay in the country. Apart from refugees and individuals granted subsidiary protection, stamp 4 is mainly granted to family members of Irish citizens. In both instances (prosecution in the country of original and Irish-national family members) assumes a motivation for the person to continue to stay in the country. From this perspective, market forces and economic gain are not the only factors the State takes into consideration when calculating a person's deservingness, and consequently level of access to rights and citizenship. The professor in citizenship and migration, Sara Kalm, points out that there are different ways the State can grant citizenship by naturalisation, which creates different relationships between the State and the applicant (Kalm 2019, 144). Generally, countries require applicants for naturalisation to be of 'good character', which usually implies the absence of a criminal record (Kalm 2019, 147). In the case of Jacque, who had a stamp 4 based on being married to an Irish citizen, was refused citizenship because of having a criminal record (Case file 1A). Due to factors such as a criminal record and too much time spend abroad Jacque's positive social mobility relating to status was consequently put to a stop highlighting that stamp 4 is not a guaranteed route to citizenship.

The immigration system as a whole consequently becomes directed by a point system based on deservingness, where different groups of stamp holders are placed in a hierarchy according to their residence permission. International students are placed at the bottom with a residence permission that is not reckonable for citizenship, no access to social welfare payments, and limited to part-time work. EPHs have quicker access to permanent residence and citizenship compared to students that have no guarantee of ever becoming citizens. Stamp 4 trumps both with unconditional access to the labour market, and access to social welfare payments based on the same requirements as Irish citizens. Though, as Bosniak notes: "*The very existence of the status of alienage presupposes a national state with boundaries and the sovereign authority to maintain those boundaries against outsiders*" (Bosniak 2006, 37-38). The very categorisation of stamp 4 (or any other residence permission) versus Irish citizen exemplifies a hierarchical division between those fully included and those excluded, if only to a degree.

Section 3: The Impact of Regimes of Mobility

In the previous section, I have outlined, how the Irish State through restricting policies uses different overall 'regimes of mobility' in the form of increased bureaucracy, a discretionary system and hierarchical status division between status holders based on deservingness and potential value, allowing the state to regulate stamp holders access to citizenship. These 'regimes of mobility' effectively facilitates the movement of people viewed as valuable assets to the State, who meets the eligibility criteria for citizenship, while preventing the social mobility of 'unwanted' individuals until they have proven deserving. If this is not the case, the person might be stuck in one residence permission, or out of status indefinitely, as in the case of Jacque or Marianna. In the following section, I wish to discuss what implications these 'regimes of mobility' (Schiller & Salazar 2013) have for stamp holders' security in terms of their immigration status.

Security to Stay

Kaleb has had his Stamp 4 based on his Irish child for several years without encountering any issues. However, when he went to renew his permission as usual at BQ, the immigration officer refused, and Kaleb subsequently lost his status. The reason was that Kaleb did not have proof of financially supporting his child, despite continuously playing an active role in the child's life. Kaleb compiled additional documents as proof of his involvement and had his permission successfully renewed a few months later (Case file 2F).

This is an example of what Crosscare has termed 'preventable undocumented' (CMP 2009). In the report Crosscare emphasises a lack of written policies, procedures, and guidelines that result in an over-reliance on discretion, consequently resulting in a high level of inconsistencies in decision making, where immigration officers depend on their discretion too often (CMP 2009, 113, 124). In Kaleb's instance there is a clear inconsistency between previous immigration officers that granted him his permission in the first place, and the officer who refused his renewal. Unless there have been any changes in the personal circumstances, there should not be a reason for the immigration officer to change the decision regarding the person's residence permission, yet, they still possess the discretionary power to do so.

Cecilia Menjívar's concept of 'liminal legality' refers to the ambiguous circumstances for central American immigrants in the United States, caught in a situation where they are neither undocumented nor documented (Menjívar 2006, 999, 1008). Her concept is based on immigrants, who do not hold a

specific residence permission but are kept in limbo by having been issued a deportation order, which is then put on hold, while they have to fill out complicated applications with confusing deadlines and convoluted procedures, where the process can last for decades (Menjívar 2006, 1000).

Kaleb's circumstance is arguably different from the 'liminal legality' that Menjívar describes, as he has had stable legal residence permission for several years on stamp 4 conditions that give access to the labour market and social welfare payments. Whereas the informants of Menjívar does not have legal status or access to any rights or security. However, there are still some similarities between the two situations. Menjívar highlights that 'liminal legality' is not a unidirectional or linear process, where the individual moves from undocumented to documented, but can continuously move between the two statuses (Menjívar 2006, 1008). For instance, the central Americans might be granted temporary legality where they gain the right to work and reside. Yet, once their temporary permission expires, they slip back into the realm of non-legality (Menjívar 2006, 1008). Kaleb is mainly situated in the realm of legality, however, after having his renewal refused he is caught in a state of uncertainty, where he does not know if he is going to regain his status, and how long it is going to take. After he regains his status, the uncertainty continues with the awareness that his permission could potentially be refused again in the future, due to arbitrary reasons, which places him in a state of 'liminal legality'. Similarly, Jacque had lived in Ireland for 19 years, when he became at risk of being issued a deportation order, due to difficulty renewing his permission (Case file 1A), illustrating that all stamp holders are at risk of 'liminal legality'.

Kaleb's story is not unique. Similarly, Jennifer had to renew her residence permission for the first time but had misunderstood the terms of her renewal (Case file 2E). For individuals granted residence permission based on their Irish child are required to either renew their permission by presenting at BQ or write a month in advance to ask for a renewal. There are no official guidelines to explain, why there are two different renewal routes for this permission, which adds to the confusion. The person's grant letter states, which renewal routed is required. In Jennifer's grant letter, the directions for her renewal was vaguely stated, and she assumed she needed to go to BQ (Case file 2E). As mentioned previously, it can be difficult to get an appointment to register at BQ, which can result in the person's status expiring beforehand. Jennifer was faced with the same issue and did not manage to get an appointment until the day before her permission was expiring (Case file 2E). At the appointment, her renewal was refused as her grant letter stated she needed to send a written request to INIS. She became out of status the following day, which meant she was now caught in a situation where she as the sole provider for her family was no longer allowed to work (Case file 2E). Like Kaleb she had lost her

permission not because of any changes in her circumstances but due to administrative and bureaucratic deficiencies, placing her in an extremely ambiguous situation of 'liminal legality'. Hereby, the added bureaucracy can prevent stamp holders from accessing their rights. Paradoxically, both Jennifer and Kaleb have been continuously employed, and not been reliant on social welfare payments, with a clean criminal record, whereby, they should qualify as individuals, whose pathway to citizenship the State should presumably want to facilitate (Case file 2E, 2F). The added bureaucracy and discretionary system create administrative pitfalls, which can result in stamp holders becoming 'preventable undocumented' (CMP 2009). For Jennifer, who is the sole provider of her family, losing her status and subsequently her right to work, means she might become unable to pay her bills and maintain her current living circumstances, putting her at risk of becoming homeless (Case file 2E).

In Ireland and especially Dublin, there is a high level of homelessness, which is partly due to the housing system. In the past ten years, limited social housing provisions combined with private house building diminishing has meant that people are predominantly reliant on renting their accommodation (Focus Ireland 2020). Limited State oversight of the housing market has meant that the private rental market has taken advantage of this situation, where the demand is higher than the number of properties available for rent, which has pushed the rent levels up exponentially (Focus Ireland 2020). In the Immigrant Council of Ireland's report "Homeless is my new home" from 2012, it is concluded that one of the main reasons immigrants in Ireland become homeless is due to job loss, as the high prices for accommodation mean that it only takes one to two months without work for a person to be unable to pay their rent and subsequently become homeless (Immigrant Council of Ireland 2012, 8, 54). Additionally, immigrants are at higher risk because they might not have a social network of friends and family, where they can stay temporarily until they find new employment (Immigrant Council of Ireland 2012, 60). As noted above, Jennifer becomes at risk of homelessness by losing her status, which could mean she loses her job and income as well. As a sole provider for her family, being in a state of 'liminal legality' could, thereby, have huge personal consequences for the security of Jennifer and her family (Case file 2E).

Homelessness is not the only consequence people face when losing their status. Claudia suffered severe emotional and psychological distress, where she was diagnosed with depression as a direct result of her unstable circumstances. Living in homelessness with a new-born baby as a first-time mother, without any family support or access to social services, while not knowing when or if her situation would change, was psychologically draining for Claudia (Case file 2D). Thus, the uncertainty of being in a state 'liminal legality' can also have phycological consequences for an

individual's wellbeing. In Focus Ireland's report on homelessness, a link between mental health issues and homelessness is identified, where addiction and substance abuse can develop as a coping mechanism (Immigrant Council of Ireland 2012, 59). However, the alternative for many people is to return to a country where they have not lived in many years and does not necessarily have any family or income opportunities to return to. For some, the option of continuing to live undocumented in Ireland with the hope of potentially being able to get back into the system is better than the prospect of returning to their country of origin. This is based on conversations, I have had with clients, when discussing the possibility of returning to their country of origin, as their prospects in Ireland were very limited.

Then there are people, who have been issued with a Section Three Letter (INIS 1999), as explained in Jacques' case (Case file 1A). In these instances, people are referred to consult a solicitor because having a deportation order issued can have severe consequences for the person's future mobility. By being deported from Ireland, a person is indefinitely barred from entering the country, and it could also impact the persons' ability to enter other member states, as it will be saved on their immigration record (Sinnott Solicitors 2019). Sometimes it might be preferable for people to leave the country voluntarily, because then they will still have the possibility of returning in the future. Considering cases such as Jacque, Linda, and Jennifer (Case file 1A, 3A, 2E), who all lost their status for some time due to administrative pitfalls, could potentially all have been issued with Section Three Letters, had they not been able to get back into status. This highlights that the risk of deportation is not limited to a group of people, who has arrived illegally in the country or blatantly disregarded the laws but is an indiscriminate risk for any stamp holder.

Deserving, or Just in Need

"*The relationship between the state and the applicant should not be seen as merely unidirectional because the criteria used for Naturalisation are in an important sense reflective of reigning ideals*" (Kalm 2019, 140).

The quote highlights that the naturalisation process to gain citizenship is not just a momentary event. Contrary, practices of naturalisation indicate to both applicants and citizens the type of loyalty and mutual bonds they are expected to enact, which has far-reaching effects beyond the individual legal process (Kalm 2019, 140). In the following, I will examine, how the social welfare system in Ireland

is influenced by some of the same values of deservingness as Irish citizenship, which is evident in the criteria for social welfare payments.

The Social Welfare and Pensions Act 2005 added the condition of Habitual Residence Condition (HRC) as a requirement before a person can access most social welfare payments. Additionally, the right of residence for EEA-citizens was specified in the European Communities (Free Movement of Persons) Regulation 2015 (Government of Ireland 2020). The HRC and right of residence limit the number of people, who can access social services and welfare payments, and reflects the same rationale of citizenship legislation that the person needs to be deserving. Thus, the logic of the 'regimes of mobility' (Schiller & Salazar 2013) present in the immigration system are transferred to other aspects of society in terms of rights and security. For instance, to be deserving of social welfare payments the claimant must prove their connection to the Irish State by legally residing in the State, like with reckonable residence, whilst intending to continue to live in the State in the foreseeable future, similar to the requirement of continuous residence. The specification of time spent in prison does not count as residence also indicates that deserving includes being of 'good character', where time spent in prison can affect eligibility for social welfare payments. The Social Welfare and Pensions Act 2005 (Government of Ireland 2020) also reflects the rationale introduced by the Citizenship and Nationality Act of 2001 that residents must prove they are legally residing within the State (eIBS 2001), where HRC mirror the notion that unless the person has valid residence permission they do not have a right to access social welfare payments. Furthermore, the facilitation of pathways for workers as exemplified in section 2, is also evident in the social welfare policies, where EU workers and social insurance payments, which is only available to people with employment history, are exempt from HRC (Government of Ireland 2020). Hence, people in employment are given an advantage regarding accessing social welfare payments. Likewise, the mobility of students and their access to rights continue to be impeded, where HRC states the permission must be 'unconditional' (Government of Ireland 2020). Since the student permission is conditioned on the person being financially independent, they cannot access any social welfare payments. Even the means-tested and universal payments that are supposed to support people that are not eligible for social insurance payments, becomes determined by deservingness as HRC is a requirement excluding people out of status (Government of Ireland 2020). Consequently, nonnationals in vulnerable situations, are at risk of being excluded from these payments, if unable to meet the requirements for HRC. Only one-night-accommodation is available to all in-

discriminatory of residence permission, income, and employment situation (CLM 2018, 7-9). The only requirement is that the person is unable to obtain and afford suitable accommodation (CLM 2018, 7-9). However, the requirement of proving one's local connection introduces a bureaucratic loophole for the Deciding Officer to refuse a person, social welfare payments, which also pertains to one-night accommodation (Government of Ireland 2020). Thus, undocumented individuals might struggle to access even this basic social service, as they might not have any documentation to prove their physical presence within a specific area.

Essentially, the same criteria and values inherent in the eligibility requirements for citizenship has trickled down through the system and have also become the determining factors for evaluating stamp holders' claim to social services and welfare payments. For instance, how much PRSI workers have accumulated before becoming unemployed, or how strong a person's social, physical, and legal tries are to the State to meet the conditions of HRC. The access to economic rights for stamp holders' is, thereby, not determined by need, but how much the person has contributed or integrated into society, before reaching a state of need. If a person is unable to prove deservingness, it can become difficult for the person to access welfare payments or homeless accommodation.

Spatial and Social Immobility

The final aspect that will be discussed is how limited security and access to economic rights affect the mobility of stamp holders.

The State's attempt to ensure its sovereignty by increasing its control and management of migration flows through 'regimes of mobility' (Schiller & Salazar 2013) has been riddled with bureaucratic and administrative pitfalls, where people risk becoming 'preventable undocumented' (CMP 2009), even if they have tried to comply with policy guidelines. If a person becomes out of status they are effectively left with no access to any rights or security. Additionally, if a person insists on staying in Ireland, they lose their mobility as they cannot leave the country temporarily because they will be refused entry back into the country. Additionally, if they have applied for a residence permission, this application will not be processed, if the person is not present in the country. The social mobility of a person out of status is also impaired, as the individual is not allowed to work or access any social welfare. 'Regimes of mobility' can effectively both regulate the individual's physical and social mobility and, in some instances, lead to the person's confinement to immobility. This means, a person can be stuck in a condition of what I term 'spatial and social immobility' as they are unable to leave

the country, if they wish to pursue a life in Ireland, but are also left without any access to rights, social services or legal employment.

As mentioned previously especially international students are at risk of becoming out of status due to the State's 'regimes of mobility' (Schiller & Salazar 2013) that has created several structural disadvantages for students to get permanent residency in the State. However, regardless of previous permissions, all people that lose their status are located at the bottom of the hierarchy, stuck in a 'spatial and social immobility', where there are only limited escape routes. The options available to a person in this situation is either to get deported, voluntarily return to their country of origin, get married to an Irish or EEA-citizen or become the parent of a child, where the other biological parent is an Irish citizen. Though, if none of these options are chosen or becomes available, the individual might be stuck in 'spatial and social immobility' indefinitely.

Conclusion

This research set out to examine, how the Irish state regulates access to Irish citizenship, and what implications this has for the mobility of non-EEA nationals and their access to rights and security. By examining Irish Citizenship legislation, it has been established that the different basis for conveying citizenship based on birth right or naturalisation indicates that applicants for naturalisation must prove deserving by meeting the eligibility requirements, whereby the State determines, who should be granted Irish citizenship. By restricting the immigration system through regimes of increased bureaucracy, discretionary systems, and a hierarchical status division between residence permissions, the state can regulate, whose mobility is facilitated, and granted access to Irish citizenship, based on the above-mentioned requirements for deservingness.

Thus, the State continues to yield a significant power over individuals' mobility and access to rights and security, when internally in the country. Thus, the concept of citizenship has not become irrelevant as it is necessary to understand the relationship between State, citizens, and noncitizens as nuanced, interconnected, and dynamic, rather than polarised between included and excluded, member and non-member. The Irish immigration system highlights that there exists a hierarchy between noncitizens, where the State either facilitates or obstructs the mobility of non-EE nationals according to their potential value and adherence to eligibility criteria to become Irish citizens. By using these regimes, the Irish State can to some extend prevent non-EEA nationals, who have been deemed

undeserving from accessing rights and security. However, the Irish State is not in complete control, where its power is challenged by migrants that do not follow the intended pathways to citizenship, by finding loopholes in the system. In an attempt to close these loopholes and maintain the perception of its sovereignty the Irish state has increased the bureaucratic and administrative nature of the system, which increases the risk of administrative pitfalls, where stamp holders, who have been contributing to society and followed the intended pathways, risks becoming preventable undocumented. As it has been highlighted, people, who lose their immigration permission, is placed in a vulnerable and uncertain situation, where they are at risk of unemployment, homelessness, psychological distress and deportation, without access to any social welfare payments. These regimes that the State uses to regulate non-EEA nationals' access to citizenship, places all individuals dependent on a residence permission in an ambiguous and uncertain situation, as there is no guarantee of maintaining their right to reside in Ireland.

Paradoxically, in the State's attempt to prevent the access of individuals, who could potentially become a burden to the State, it creates a group of vulnerable people excluded from contributing to society, who used to be potential candidates for Irish citizenship. By focussing less on safeguarding the system against people finding loopholes, the State might benefit from ensuring that people stay in status so they can maintain their employment and positive social mobility. Effectively pathways to Irish citizenship for non-EEA nationals are a journey of social mobility with risks of indefinite confinement.

By using the Irish immigration system as a case study, I have attempted to illustrate that questions of citizenship are more complex and nuanced than a simplistic distinction between included and excluded, where access to rights is not limited to citizens. I have sought to show that different conditions connected to stamps create a hierarchy between stamp holders that provides people with different levels of access to rights and security. This hierarchy is depending on the individual's estimated value and deservingness and, thereby, the potential to become an Irish citizen, which changes according to the individual's behaviour or status. As shown non-EEA nationals can fall in and out of status, whereby, access to rights is not guaranteed, unidirectional, or a fixed state. There is undoubtedly a hierarchy between citizens and noncitizens, as well as citizens by descent and by naturalisation. However, there are levels of being included/ excluded, where crossing the border is not a guarantee of being either, but rather a continuous fluctuation between the two statuses.

Future Research

For further research it could be interesting to examine, what impact the European Union has on the negotiation of citizenship internally in Ireland, and how perceptions on immigration in EU-member states translate into requirements for citizenship throughout the European Union. For instance in 2019, when it was discussed whether Birth Right Citizenship based on jus soli should be reinstated in Ireland, the main counter-argument was that Ireland as an EU member state shares a responsibility to protect European borders from illegal migration, by guarding access to Irish citizenship (INIS 2019d). Essentially, it was argued that if it is too easy to get Irish citizenship based on having a child born in Ireland, parents without any legal immigration status would be given a pathway to Irish citizenship. This would enable them to move freely in any EU-member state as an EU-citizen (INIS 2019d). This "threat" was so effective that the suggestion to reintroduce Birth Right Citizenship based on jus soli was discarded. Thus, examining the interplay between the European Union and member states, and its effect on access to 'EU-citizenship' could be highly relevant to understand, how EU-member states respond to migration flows. As this research has highlighted, a more nuanced approach to citizenship acknowledging that membership is not distinguishable between included/excluded, allows for a more in-depth understanding of the relationship between different groups of people within the society, and what this means for the overall negotiation of citizenship values and requirements.

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