

**Continuous denial of racism from the Irish state**

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**Introduction**

The history of the Republic of Ireland is not a simple one with it once being part of the United Kingdom. The bid for Ireland's freedom from the UK gained prominence with the 1916 Easter Uprising. Easter Sunday in 1916 could arguably be seen as the day which was the catalyst for Ireland becoming its own state. It saw the rebels who were leading the pursuit for independence storm the General Post Office and fixing two flags to the building, one of which being the orange, white and green flag (Kee, 1972), which is now known to be the flag of the Republic of Ireland. One of the leaders of the revolt then announced that Ireland was "striking for her freedom" and spoke of how for so long Ireland had been controlled by "a foreign people and government" (Kee, 1972, p.549). This led on to a series of events, eventually culminating in the Anglo-Irish war, which saw much "callousness and brutality" (Kee, 1972, p.702). The 7<sup>th</sup> of January 1922 saw Ireland gain complete independence from Britain and become its own state.

The government of contemporary Ireland deny that the country is racist and that racism is a problem. However, what will be outlined in this discourse is that various elements of Irish society do involve racist attitudes, beliefs and behaviours and that indeed racism is a problem within the state. This will be done by looking at the treatment of asylum seekers, the controls on immigration, how the criminal justice system works along with the lack of legislation against racism and then exploring racial violence and harassment. Two partial explanations will be put forward for the continuing racism that is seen within Ireland. Firstly, that the denial of racism by the government and their attitudes and behaviours reproduce and encourage racism. Secondly, that the racism that can be seen throughout Ireland may be because of the country's fight for independence and to become their own state. People may believe that they still need to fight to protect their country, customs and traditions and do so through racism.

**The refusal to allow asylum seekers to enter Irish society.**

In the 80s and the 90s there was a surge of refugees around the world due to various conflicts. However, many countries started to become reluctant to grant asylum seekers access (Law, 2010). During this time the number of asylum seekers to Ireland started to increase. However, from 2003 to 2014 the number of people seeking asylum in Ireland decreased every year (Lally, 2014), which could be attributed to the way in which asylum seekers are treated in Ireland. The argument to be made here is that the response of the Irish state has been a highly negative one surrounding those wishing to seek asylum in the country, racialising these groups negatively and not worthy of being given a place in the country.

The view has been put forward that state discourses within Ireland show how those who seek refuge are demonized, being portrayed negatively as fake refugees, illegal immigrants and are linked to criminality and breeches of state security (Schuster, 2003). This already shows that there are negative attitudes towards outsiders, such as asylum seekers, coming into and living in Ireland. Loyal (2003) states that there is an idea of Ireland being an open and multicultural state, however, he argues that underlying this construction is an “exclusionary nationalism and growing xenophobia, in relation to both the state and the general populace” (p.4). This can be highlighted by the way in which asylum seekers are treated in Ireland from the start of the application process through to how they are housed whilst applications are processed and decisions are made. The treatment of asylum seekers seems unacceptable and portrays the idea that they are not welcome in the country and not wanted. Applications for asylum in Ireland can be taken in two different directions, either, the normal determination procedure or the manifestly unfounded procedure. The manifestly unfounded procedure is a process used when applications appear fraudulent and so can be considered under quicker procedures (EUROPA, 2015). Ireland saw a huge increase in the use of manifestly unfounded procedures in a very short space of time. In 1999, 1.7% of applications were put through this process, increasing to nearly 19% by 2000 (Loyal, 2003). The increasing use of the manifestly unfounded procedure would not appear to be a problem if it was for legitimate reasons, however, a report from the Irish Refugee Council (Mullally, 2001) states that the procedure is being used on extremely broad grounds. This implies that the state are looking for any slight reason not to put applications through the normal process, thus reducing the chances of a successful application. Loyal (2003) also reports that asylum interviews also embody institutional racism and that not all interviews are fair, from the off trying to find minor inconsistencies and contradictions in the stories and applications of those seeking asylum. This feels an inept way of going about the interviewing of asylum seekers, many of whom may feel extremely nervous or emotional, depending on the situations in which they have left their home country, coupled with being in a new country. These emotions may affect how coherent they are during interviews and how well they can answer questions. If both forms of procedures are being carried out in unfair ways to restrict successful applications, it is fair to suggest a racist, prejudice view of asylum seekers from the state, not wanting them present in the country.

Statistics from the Office of the Refugee Applications Commissioner (2012) shows that in 2012 only 67 out of 1198 applications received a positive recommendation compared to 987 cases which received either a negative recommendation or other negative recommendations and had the case withdrawn. On top of this O’Reilly (2013) points out that the rate of success for asylum applications in Ireland is around 5%, which is quite low, when comparing it to the European Union’s average of 14%. When comparing these two figures, Ireland success rate for applications is considerably lower and it could be argued that the state are practicing an exclusionary approach when it comes to asylum seekers.

Whilst applications are processed, asylum seekers are placed in what is meant to be temporary accommodation, called Direct Provision. Nasc (The Irish Immigrant Support Centre) (no date) defines Direct Provision as residential institutions that are intended to provide for the welfare of asylum seekers as they await for a decision of their asylum application. Over the past years there have been calls from various people and groups for urgent change to the way Direct Provision is run, due to the disgraceful treatment and conditions that people have been subjected to. Russell (2015) quotes a member of the Irish parliament as saying that if Irish people were being treated the way asylum seekers were in Ireland, delegations would be going to these countries and demanding change, he also described Direct Provision accommodation as being like a prison cell. The Direct Provision system is thought to be so bad that it has been compared with the Magdalene Laundries of the 20<sup>th</sup> century, which saw the inhumane treatment of thousands of women, which subsequently lead to the Irish government having to issue an apology years later in 2013. It

is pointed out by Joyce and Quinn (2014, v) that asylum seekers do not have to go into Direct Provision but if they make this choice “they have no entitlement to any social welfare payment”. This would not seem as bad if asylum seekers were permitted to work while their application was processed but Ireland has chosen to opt out of joining the Reception Directive of the EU “which includes proposals granting (limited) access to employment” for asylum seekers (Lentin and McVeigh, 2006, p.47). This further shows the reluctance of the state to allow these ‘others’ to join society and benefit from Irish society, even if it is in a marginal way, highlighting how the state restricts asylum seekers autonomy and doesn’t give them a chance to integrate into society. This once again portrays the countries exclusionary tactics when it comes to foreigners.

As asylum seekers are not permitted to work and will get no social welfare help outside of Direct Provision, many have no other choice but to take the poor conditions and little money that is available through the system. Once in Direct Provision, people receive only €19.10 a week (Joyce and Quinn, 2014), totalling just over €75 a month. This is an extremely small amount of money to live on, but when put in to perspective that Ireland was the fifth most expensive country within the EU in 2013 (Central Statistics Office, 2015), the amount asylum seekers have to live on seems even less. On top of this, it was stated earlier that Direct Provision is meant to be temporary living accommodation. However, at the end of 2012, 59% of residents had been in the accommodation for 3 years (Joyce and Quinn, 2014), and a significant number of people had been waiting for more than 7 years to be moved out (Nasc, no date). This shows a lack of urgency in the application process, wanting to keep asylum seekers segregated from Irish society, seemingly treating them like criminals for no apparent reason. The processes around asylum seekers highlights how they are racialized in a negative way, as not being worthy of being given a place in Irish society, being liars and not being good enough to have suitable living conditions. However, not everyone agrees with the way in which Direct Provision is run, with some politicians speaking out against it. For example, the newly appointed Minister of State in 2014 stated it was a priority of the government to reform the way in which the Direct Provision system worked (Irish Independent, 2014).

### **The exclusionary controls on immigration.**

Law (2010) points out how migration plays an important role in the “development of racialised situations and patterns of ethnic relations” (p.105). This most certainly seems to be the case in Ireland, a country in which immigration has been increasing for some decades now. Like many countries around the globe an influx of immigrants is likely to produce a response, whether positive or negative, from the state and the general public. The idea will be put forward that although the government would prefer the country to remain predominately white Irish, when immigrants are permitted the state enforce procedures that try to maintain ‘whiteness’ among the immigrants as much as possible and therefore excluding those of other ethnicities.

Lentin and McVeigh (2006) highlight that with the economic boom of the 90s that saw a rise of immigrants entering the country, “Irishness became racialised in new ways” and that the “Irish became ‘white’ in Ireland for the first time” (p.37). This new racialisation of the Irish meant that immigrants, especially those from places such as Africa or Asia- or in another sense, not white- would automatically be set apart from everyone else. Lentin (2007) argues that Ireland has shifted from being a racial state, a term used by Goldberg (2002), in which he argues “race is integral to the emergence, development and transformations... of the modern nation-state” (p.4), to being a racist state. This can be supported by looking at the

ways in which the Irish government restrict and control immigration. It is well known that immigrants actually help the economies of countries, rather than hinder them “by reducing labor shortages in low- and high-skilled markets because their educational backgrounds fill holes in the native-born labor market” (Furchtgott-Roth, 2013, p1). This need for immigrants to help the economy has been noted in the report, *Migrants and the Irish Economy*, stating that migrants are of utmost importance to the Irish economy (Power and Szlovak, 2012). Despite this knowledge the Irish state still appear to be trying to put restrictions on immigration.

The immigration controls in Ireland can be seen to be racist through the way in which they appear to take an assimilationist approach to immigration, but also such as with the treatment of asylum seekers, but more implicitly, actually take an exclusionary approach. Alba and Nee (2003) define assimilation as “the decline of an ethnic distinction and its corollary cultural and social differences” (p.11). The assimilationist and exclusionary process of the state can be seen through their issuing of work permits. The government starting issuing more work permits to migrants in response to a labour shortage in the country, however employers “had to demonstrate that it had not be possible to fill the vacancy with indigenous labour or with EEA workers” (Loyal, 2003, p.118). Although the government were issuing more work permits, the rule still shows that the country would prefer people from inside Ireland getting jobs, and if this was not possible then people from Europe- who tend to be predominately white. This portrays a racist attitude towards people outside of the EU, who are more likely to be people of ‘colour’, and shows how the state continuously try to exclude these people from Ireland. Loyal (2003) also points how when job fairs are held to find migrant workers, they are held in places such as London, Newfoundland, Prague, Berlin, Hanover, Manchester, Birmingham and Cape Town, which are populated by a lot of white Christians. These types of countries are the preferable type of places to gain migrants from in the eyes of the Irish state as they are more likely to be able to blend into the majority population demographic of Ireland.

Lentin and McVeigh (2006) inform us of how since the 1990s the country saw the emergence of the Immigration Control Platform (ICP) and that policies of the group became “central to mainstream Irish political discourse” (p.58). The ICP (no date) cite their aims as being to “address the phenomenon of immigration to Ireland and to lobby... for a tight immigration policy.” Although the ICP explicitly state that they are not a racist group, Lentin and McVeigh (2006) highlight that the group want to minimise racial and ethnic difference in Ireland. This again is a roundabout way of saying they are happier to allow immigrants of ‘white’ ethnicity but want to try and restrict people from certain areas, for example, Africa and Asia. This way of thinking and acting within a country is what Barker (1981) calls ‘new racism’ and the idea that without “sharing traditions, customs, beliefs, language- in a word, culture- there could be no society” (p.17). The admittance of these new, ‘different’ type of people into a country make indigenous people feel threatened about their “way of life” (p.18). However, the term ‘new’ racism can be contested as, although is it useful for understanding some types of racism, it is not necessarily a new form of racism and has been present for a long period of time. Schuster (2003), supports Barker’s argument, stating that arrival of immigrants with their own identity could bring the national identity into crisis. This could be the reason behind why Ireland has such control over immigrants and also asylum seekers, as they fought for their national identity and so treat outsiders the way they do as they believe they need to protect the national identity by excluding ‘others.’ This however, does not make this racist, exclusionary practice within the country acceptable. ICP ideas being brought into political discourse in Ireland can be seen to reflect other countries implementation of policies as a reaction to immigration. The National Front party in France have similar aims to the ICP. Their policies state that they strive to reduce immigration from 200,000 to 10,000 a year and to give priority to French citizens over foreigners for jobs (France 24, 2014). This is reminiscent of Ireland’s issuing of work permits, even though it

has been shown that immigrants are vital to the growth of the economy. However, it seems very contradictory and hypocritical that a country such as Ireland, which has high levels of emigration of its indigenous people to other countries around the world such as Britain, America, Canada, Australia and various other places, to act in such a way and have such negative outlooks on immigrants entering their state.

### **A racist criminal justice system?**

It has been well documented for many years that police forces and other elements of the criminal justice system around the world can operate in discriminatory forms. In 1999 the London Metropolitan police force in one of Ireland's closest neighbouring countries was deemed to be institutionally racist after the death of a young black man, Stephen Lawrence. Although still not fully there yet steps have been taken over the years to combat this institutional racism through legislation in England and around the UK. However, the same does not appear to be able to be said about Ireland. The European Network Against Racism (ENAR) in Ireland has stated that "racism is criminal. However, in Ireland legislation to prevent and combat racist violence and crime is not as clear, strong or effective as it should be" (2015).

From looking at the way the Irish criminal justice system (CJS) is run and what legislation is in place within the country, it can be argued that there is an undercurrent of racism in both the CJS and legislation. Irish legislation is still lacking a concrete way in which to deal with racial crime. It seems absurd that a country such as Ireland does not have provisions in place to deal with racism and racist crime, such as the ones that Britain have, for example. Despite calls for new laws on racism to be brought in continuously over the years, as of yet there has still been no new implementations. The European Commission against Racism and Intolerance (ECRI) (2013, p.12) has:

reiterated its recommendation that the Irish authorities include in the criminal legislation provisions which allow for the racist motivation of a criminal offence to be considered as an aggravating circumstance at sentencing.

Despite various recommendations from non-governmental organisations for a new law to be brought in, setting racist offences apart from other crimes and to make it a separate offence, the Irish government appear to keep ignoring these organisations. This emphasises the states denial of racism but also highlights their racist attitudes by thinking that there doesn't need to be a control of racism in the country. The lack of definitive law on racism in Ireland means that when it comes to punishment of a crime with a racist element it is up to the judge's discretion whether or not they take the racism into account, how seriously it is perceived and what line of action should be taken against the defendant. Leaving these decisions entirely up to the Judge does not seem appropriate. There should be a single, common way of dealing with offences that have a racist element to it, especially as it was found by the UN Committee on the Elimination of Racial Discrimination (CERD) (2011, p.4) "that racist motivation is not consistently taken into account by judges in sentencing for crime." This is of utmost importance, as a report from ENAR (2013) found that some Judges are themselves racist during trials, with one Judge using the word 'knacker' to describe a traveller, which is a highly offensive word to describe a traveller by. This behaviour from Judges highlights how trials to do with racism may not be carried out in a completely fair, subjective way, if left up to the Judge's discretion, as their racist attitudes could affect the way in which they make decisions about the crime and the trial overall. Not providing a fair way in which justice can be served for racist crimes, namely for the ethnic minorities in the country, as they are the ones more likely to experience racism than the

white Irish population, racialises minorities as not being equal to their white Irish counterparts.

Racist attitudes can also be seen through the way in which racist incidents are dealt with by the Garda Síochána- Ireland's police service. It is noted that a lot of the time "large amounts of often serious crime do not come to the attention of the authorities" (Skogan, 2006, p.535). Research from An Garda Síochána found that only 18% of people were likely to report a racist incident to the police (Lynch, 2011). Statistics showing the underreporting of racist incidences in Ireland highlights underreporting of racism as quite a large phenomenon. ENAR's iReport was set up as a way of reporting and recording racist incidents, whether or not they had been reported to the police, to get a better idea about racist crime around the country. Data from iReport (no date) showed that nearly 50% of incidents reported to the system had not been reported to the Gardaí. This underreporting could be accredited to racism from Gardaí officers when incidents had been reported to them. Lentin and McVeigh (2006) point out that since the 1990s there have been problems with the Irish police force, especially when it comes to "complaints against Garda racism" (p.82). iReport put together quarterly reports from data gathered about racist incidents and also gathers data about the response given by the Garda when offences are reported. In the first quarterly report, data from July, August and September found that only 16 of the 97 incidents reported had also been reported to the Garda Síochána (O'Curry and Michael, 2013). The information that the report gave about the Garda responses to racism was highly negative. The responses ranged from people being laughed at, not having any more contact from the police once a racist crime was recorded, verbal racist abuse and being told to go to a different station (O'Curry and Michael, 2013).

Lynch (2011) states in her report that there are still problems when it comes to policing and ethnic profiling because of "deficiencies in legislation, problems with data collection and police practice" (p.22), which can be seen through the fact that police do not have to record the ethnicities of people that they stop (Lynch, 2011). This hides the problems of stop and searches being carried out discriminatorily. If officers are carrying out stops in prejudice manners this rule gives them free reign to continuously stop ethnic minorities without them being held accountable for potentially racist attitudes. The European Union Minorities and Discrimination Survey (2009) found that sub-Saharan Africans in Ireland had the joint highest stop rate out the countries included in the survey.

Taylor (2011) states there is "no distinct mandatory category for recording the racist aspect of a reported incident" (p.18) in Ireland. As Taylor (2011) further points out this means that what is written and how detailed what is written down is based upon the discretion of the officer. As stated above some officers do not take reports of racist incidents seriously and can also hold racist ideas themselves. This lack of a mandatory category for a racist element of a crime means that crimes aren't recorded as racist so are not shown in statistics, will not be dealt with properly and people aren't given the best help that they deserve. The behaviour and practices carried out within the Garda Síochána clearly shows that racism is present within the police force and so it could be deemed as institutionally racist. It further gives the impression that those from ethnic minorities are not seen as being as important as those from the white Irish community, sending the message to the general public that racism is acceptable within Irish society.

### **A surge of racial violence and racial harassment.**

Racist violence and harassment occurs all over the world and for many different reasons. Law (2010, p136) states that "national political debate and government policies may be paramount in focussing and amplifying local tensions, and there is evidence of a direct

connection here.” This explanation could be core in trying to explain racist violence and harassment in Ireland as the policies in place in Ireland and the way in which the CJS is sometimes run does not condemn racism and so the white Irish population may feel that it is acceptable to use violence or harass minorities.

Although some may deny its existence, racial violence and harassment appears to be prominent in Ireland. The Immigrant Council of Ireland (2011, p.11) has stated that “racist crime is a problem in Ireland that has involved assaults... criminal damage, incitement to hatred, verbal abuse and other forms of harassment.” It is also difficult to imagine an end coming to this type of behaviour as there are not any specific laws to prevent it. It has been reported by English (2014) that in the first twenty days of 2014 there had been twenty racist incidents against people, compared to one in the first twenty days of 2013, as well as one of the attacks being carried out against a nine year old boy by a thirty year old. Attacks such as these shows that violence and harassment of a racist form is a continuing, prevalent occurrence in Ireland. On top of this, an assault of a nine year old boy by someone significantly older than him highlights just how much of a serious problem racism may be in Ireland, that a fully grown man resorted to violence due to an issue of race.

Statistics also show racial violence and harassment to be a problem in Ireland. The European Union Minorities and Discrimination Survey (2009) found that Ireland was in the top five countries of where Sub-Saharan Africans experienced racist assaults. As well as this it has been reported that “three-quarters of black migrants in Ireland consider that racist discrimination is widespread in the Republic of Ireland” (Immigrant Council of Ireland, 2011, p.11), with 75% of incidents reported to the ENAR involving racist violence (Lynch, 2011). McKinley (2013) also reports that racist incidents had doubled in a year, 12% involving violence and harassment online had seen a surge. He also reports that a woman from an ethnic minority was beaten to the ground and repeatedly kicked in the stomach without anyone stopping to help (McKinley, 2014). It is worrying that racial violence is increasing and that nothing is being done about it. This shows that there may be an increasing acceptance not of only racist ideas but also of racist violence. Racial violence and harassment in Ireland can be seen to be such a problem that young children are exhibiting racist behaviour. In their report, the Immigrant Council of Ireland gave examples of people who had experienced and been affected by racial violence of harassment. One couple reported how a child was so young that he was still learning to talk but used racist language against them, with other children also being involved in harassment of the family (Immigrant Council of Ireland, 2011). The report documented many other examples of the experiences of migrants or those from a minority background. It is of much concern that such young children are displaying racist behaviour and becoming involved in harassment and violence. It shows that racism is entrenched in certain areas of Ireland and that it is likely to remain. Lynch (2012) also states how many of these racist attacks are taking place in public areas such as outside homes, on the streets and on public transport. For a country that denies that racism exists and is a problem, for attacks to be taking place in such public places highlights that *it is* actually a problem and that it happens very openly.

Social media is now being used more and more “as the medium for abuse of racialised minorities” (O’Curry and Michael, 2014). Racial harassment in Ireland is a continuing and increasing phenomenon as we can see that it is now growing into more and different areas of society. This growth becomes even more problematic as online abuse is hard to control, especially in a country like Ireland which already has poor legislation when it comes to combatting racist crime. For a country that doesn’t have fair legislation when it comes to racist crime it is doubtful that online abuse will be properly policed and dealt with and it will continue to increase. Ireland has also seen some high profile racist murders. In 2008 two Polish men, Pawel Kalite and Marius Sz wajkos, were attacked and murdered in Dublin. In 2010 fifteen year old Toyosi Shittabey, a boy of Nigerian background, was subject to racist

verbal abuse and then followed and murdered. Both these attacks happened in public spaces on the street, which shows the lack of concern of those who were carrying out the attacks. This racial violence and harassment can partly be explained by the fact that country's legislation, as well as the CJS does not appear to properly condemn this behaviour. However, it could also again be explained by a continuing nationalism in the country, with the indigenous population believing that they are protecting their national identity and customs.

To conclude, it is clear to see the racism present in Ireland and it is a continuing problem. It will continue to be a problem due to the government's apparent denial that anything is wrong within the country. This has not gone unnoticed with people citing that Ireland went from "beginning a debate on racism to practically erasing the word from its collective vocabulary" (Goldstone, 2008). However, it is hard to believe a government that says there is not a problem of racism in the country, when in 2004 they proposed a referendum on Irish citizenship which meant that if someone was born in Ireland but did not have at least one parent who was an Irish citizen, they would have no right to be a citizen of the Republic of Ireland (Department of the Environment, Community and Local Government, 2013). Through the treatment of asylum seekers, the controls on immigrants, the lack of legislation and the way the CJS is run, along with racial violence and harassment carried out in the country, you can see how immigrants, asylum seekers or those from ethnic minorities are racialised in negative ways, as not being equal to their white Irish counterparts and in some cases being treated in inhumane ways. There seems to be an increasing acceptance of racism throughout the country which needs to be counteracted. However, for this to happen the government would have to accept that racism is a problem and make steps to help to change the attitudes of the Irish people. However, although this would be immensely helpful in taking steps towards an anti-racist country, the idea of nationalism and protecting Ireland's culture will always be present, perhaps even more so now, with the centenary of the 1916 Easter Uprising approaching.

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