

# MIGRANTS AND GENDER BASED VIOLENCE AND HUMAN TRAFFICKING

A TOOLKIT FOR SERVICE PROVIDERS WORKING  
WITH NON-EEA MIGRANTS IN IRELAND

Working for **equality**



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# ACKNOWLEDGEMENTS

Founded in 2001, the Immigrant Council of Ireland (ICI) is the leading voice in securing improved rights and protections in the area of immigration, citizenship and anti-racism in Ireland. In 2006, the ICI was recognised as an Independent Law Centre in accordance with the Solicitors Acts, 1954 to 2002 (Independent Law Centres) Regulations, 2006. The ICI offers support, advice and information, while also achieving positive change through strategic legal action and engagement with lawmakers to make immigration laws fit for purpose.

Access to justice is the cornerstone of all the ICI's work. The ICI is committed to supporting individuals and families often at a vulnerable stage in their lives, including victims of human trafficking and stateless persons. The ICI works in coalition with like-minded individuals, organisations, stakeholders, and investors to deliver genuine change at both a national and European level. The ICI has contributed to a number of submissions and civil society shadow reports to the UN and Council of Europe monitoring bodies on Ireland's compliance with international and regional human rights instruments, including the ICCPR, CERD, CEDAW, UPR and UNCRC.

This toolkit has been developed by the Immigrant Council of Ireland thanks to the generous support of the Lifes2Good foundation. With this support over the course of two years, the ICI conducted an outreach and capacity building project in the West of Ireland on the topic of gender-based violence and human trafficking. Through this project, we trained individuals, to develop their knowledge and understanding of gender-based violence and human trafficking issues. We also received referrals from frontline organisations to our services and held in person and online appointments at specialist legal clinics for women affected by these issues.

The ICI has developed this toolkit for employees in frontline services so that they have a primary resource to reference when such issues present in their work. We hope that this toolkit will serve as a useful practical guide for frontline staff in seeking to provide a victim-centred approach for vulnerable service users and in ensuring their access to justice.

We are very grateful for the support of Lifes2Good Foundation to implement this project. Please note that the ideas, opinions and comments herein are entirely the responsibility of the Immigrant Council of Ireland and do not necessarily represent or reflect the Lifes2Good Foundation policy.

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**Authors: Mary Henderson, Jennifer Floyd**

**Design: Abby Ryan**

# INTRODUCTION

This toolkit is a basic guide for service providers who work with migrants impacted by the issues of gender-based violence and human trafficking. This guide explains the definitions of these phenomena, and how they can specifically impact migrants and why they can be more vulnerable to the effects of these crimes.

This toolkit briefly sets out the current administrative schemes applied by the Minister for Justice to non-EEA migrants impacted by domestic violence and human trafficking. It also provides information on support services that are available in the West of Ireland. Additionally, it can be used by people working with migrants to ensure they understand the importance of a person accessing appropriate advice about their residence permission.

This toolkit is not a substitute for legal advice. In all situations where a service user has a query arising from their residence permission, their entitlement to reside in Ireland or gender-based violence they have experienced, we urge service providers to ensure their service user gets access to expert legal advice. You can refer a person to an appropriate service such as our information and support service or to a specialist immigration solicitor to ensure migrants access the most up to date information and ensure that they are empowered to choose the right the courses of action available to them.



## Immigration Helpline



**Free confidential  
immigration  
advice & information**

**(01) 674-0200**

**Mon/Tues/Thurs/Fri  
9am-1pm**

# WHAT IS GENDER BASED VIOLENCE?

Gender-based violence is understood to be a form of discrimination and a violation of the fundamental freedoms of the victim and includes violence in close relationships, sexual violence (including rape, sexual assault and harassment), trafficking in human beings, slavery, and different forms of harmful practices, such as forced marriages, female genital mutilation and so-called 'honour crimes'.

Gender based violence may result in physical, sexual, emotional or psychological harm, or economic loss, to the victim.

Although women are the majority of those reporting incidents of gender-based violence it is not limited to violence perpetrated by men against women – men can be victims of gender based violence too.

The Department of Justice has recently (2022) published a strategy to end Domestic and Gender Based Violence and a cross departmental agency is in the process of being established to ensure there is an all of government approach to this issue.

The Immigrant Council of Ireland offers specialised legal advice to migrant victims of gender based violence. We have assisted many victims of domestic abuse, victims of human trafficking and other victims of gender based violence to access residence permission that is not dependent on their abusers.

***Violence that is directed against a person because of that person's gender, gender identity or gender expression or that affects persons of a particular gender disproportionately, is understood as gender-based violence.***



**European  
Commission**

# DOMESTIC VIOLENCE AND ABUSE



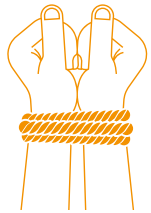
There is no formal definition in Irish law of what domestic abuse is. It can sometimes be understood to only mean physical violence perpetrated by a man or woman against their intimate partner.



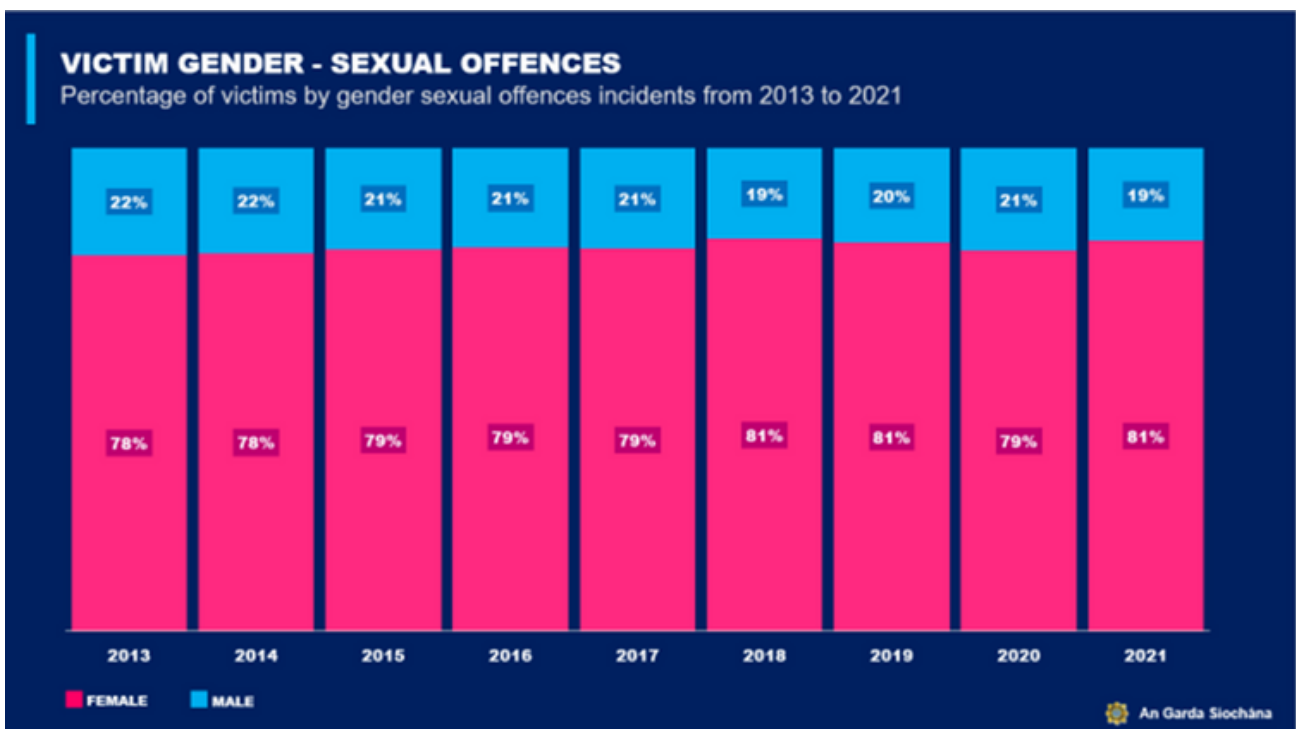
An Garda Síochána defines domestic abuse as the physical, sexual, financial, emotional or psychological abuse of one person against another who is a family member or is or has been an intimate partner, regardless of gender or sexuality.



The term abuse, as opposed to violence, is used to ensure that all damaging behaviour is captured by the definition. Abuse does not have to involve physical abuse - emotional and financial abuse as well as coercive control are all recognised forms of abusive behaviour. Domestic abuse occurs in every class, gender, race and religious belief and it can take many formats.



In Ireland, in 2021 there were 12,993 incidents of domestic abuse crime reported. Of those incidents, 77% of murders or attempts to murder, 72% of assaults and 88% of harassment and related offences involved female victims.



# WHAT IS HUMAN TRAFFICKING?

Human trafficking is a criminal offence that can be perpetrated against anybody. It is not limited to situations of migration and although it often involves crossing state borders, that is not a requirement for the crime to occur. Human trafficking can impact any person of any nationality, including Irish and EU citizens.

Human trafficking is defined as the recruitment, transportation, transfer, harbouring or reception of persons, including the exchange or transfer of control over those persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. It has three elements: the action, the means and the purpose.

Human trafficking is recognised as a global phenomenon and is suspected to impact over 20 million people around the world. In the United Nations Office of Drugs and Global Report on Trafficking in Persons 2022, it highlighted that only 36,488 victims were detected in 86 countries in 2020, a reduction of 11% of the number of victims detected in 2019. While the reduction has been ascribed to the Covid 19 pandemic restrictions on travel, it is clear that the numbers of victims detected is significantly less than the number of people that are understood to be impacted by this crime.

There are three factors that must be present for the crime of human trafficking of an adult to have occurred. The act of trafficking, the exploitation of the person and the means of obtaining a person's consent to that exploitation. In cases concerning children (people aged under 18), or people of diminished capacity, there is no requirement for the "means" factor to be present: a child or a person of diminished capacity cannot consent to their exploitation.

Exploitation can take many forms. The law in Ireland specifically refers to the following types of exploitation: sexual exploitation, labour exploitation (including forcing a person to beg), forced criminality and the removal of organs. While the law sets out these specific forms, it is possible that other types of exploitation will fall within these definitions and be recognised as forms of human trafficking. Examples of these types of exploitation that have been identified in Ireland include trafficking for the purpose of sham marriages, domestic servitude and forced surrogacy.

To date in Ireland, there has been one criminal trial that has found people guilty of human trafficking. In Ireland, in 2021, 44 victims of human trafficking were identified. In the EU in 2021, the number of registered victims of human trafficking was 7,155. The actual number of victims is likely significantly higher than that as these statistics only refer to victims who were officially registered by a national authority. Many victims, unfortunately, remain undetected.

<b>The Action (What is done)</b>	<b>&amp;</b>	<b>The Means * (How it is done)</b>	<b>&amp;</b>	<b>The Purpose (Why it is done)</b>
<ul style="list-style-type: none"> <li>• Recruitment</li> <li>• Transportation</li> <li>• Transfer</li> <li>• Harboursing</li> <li>• Receipt of persons</li> </ul>		<ul style="list-style-type: none"> <li>• Threat or use of force</li> <li>• Other forms of coercion</li> <li>• Abduction</li> <li>• Fraud</li> <li>• Deception</li> <li>• Abuse of power</li> <li>• Abuse of a position of vulnerability</li> <li>• Giving or receiving of payments or benefits</li> </ul>		<ul style="list-style-type: none"> <li>• Prostitution of others or other forms of sexual exploitation</li> <li>• Forced labour or services, including begging, slavery or practices similar to slavery, servitude</li> <li>• Exploitation of criminal activities</li> <li>• Removal of organs</li> <li>• Forced marriage</li> <li>• Illegal adoption</li> </ul>

\* Not relevant to child victims or those with diminished capacity



# STATE RESPONSIBILITY TO VICTIMS OF TRAFFICKING

Ireland has a legal responsibility to prevent and prosecute the crime of human trafficking and to provide assistance and support to suspected victims of human trafficking.

If a person who may be a victim of human trafficking comes to the attention of the State, there is a legal duty on the authorities to identify that person as a suspected victim of human trafficking. The authorities must provide assistance and support to that person as soon as there are reasonable grounds to believe that person is a victim of human trafficking.

The assistance and support must be of a minimum standard to ensure the victims' subsistence through the provision of measures such as:



Appropriate and safe accommodation



Material assistance



Necessary medical assistance



Information



Translation services

Information must be provided on the right of a recovery and reflection period as well as on the right to seek international protection. Legal counselling must be made available on the role of the victim in the criminal justice system and on the right to seek compensation. The State has a duty to provide access to compensation schemes that are available to other victims of violent crimes of intent.

In the criminal justice process the victim is entitled to special measures, aimed at reducing the possibility of re-traumatisation as well as access to witness protection programmes where they are appropriate.

In addition, the State also has a duty to prevent and to prosecute the crime of human trafficking. This means it must give appropriate resources to fulfil that duty. The EU also requires that all member states engage in cross-border co-operation to address this crime.

As well as addressing the crime of human trafficking, EU member states are required to work with civil society organisations and to establish a National Rapporteur to monitor human trafficking. In Ireland, since October 2020, the Irish Human Rights and Equality Commission (IHREC) is designated as the national rapporteur.

See the references section below for links to the reports IHREC has prepared which provide a detailed and up to date and independent analysis of Ireland's actions to address human trafficking.

# HOW TO RECOGNISE HUMAN TRAFFICKING

Many people who are victims of human trafficking are extremely scared of reporting their traffickers to the police. They may not understand that they are a victim of a crime, and their traffickers may have made serious threats against them or against their family to frighten them into thinking they have no choice but to continue complying with their exploiters' demands.

Victims of human trafficking may come to your attention when they are seeking services at your organisation. Aspects of their behaviour or their situation may alert you to the fact that they are living in an exploitative situation. These signs are what is referred to as "indicators" of human trafficking.

There are some very elaborate methods of evaluating indicators of human trafficking such as the Delphi style indicators system elaborated by the International Labour Organisation in conjunction with experts from EU countries. Other resources are published by the EU Asylum Agency, the UN Office on Drugs and Crime and the International Organisation for Migration.

An Garda Síochána Blue Blindfold website sets out some of the indicators of trafficking that are most relevant in Ireland. These are divided into general indicators and indicators of specific types of human trafficking. On the next few pages, we have reproduced the general indicators of human trafficking and the indicators of child trafficking.

If you have concerns about a situation that has come to your attention and you do not know how to best proceed, please contact the Immigrant Council helpline for guidance on what options may be available.

# HUMAN TRAFFICKING GENERAL INDICATORS

A victim of human trafficking may:

- Believe that they must work against their will
- Be unable to leave their work environment
- Show signs that their movements are being controlled
- Feel that they cannot leave
- Show fear or anxiety
- Be subjected to violence or threats of violence against themselves or against their family members and loved ones
- Suffer injuries that appear to be the result of assault
- Suffer injuries or impairment typical of certain jobs or control measures
- Suffer injuries that appear to be the result of the application of control measures
- Be distrustful of the authorities
- Be threatened with being handed over to the authorities
- Be afraid of revealing their immigration status
- Not be in possession of their passports or other travel or identity documents, as those documents are being held by someone else
- Have false identity or travel documents
- Be found in or connected to a type of location likely to be used for exploiting people
- Be unfamiliar with the local language
- Not know their home or work address
- Allow others to speak for them when they are addressed directly
- Act as if they were instructed by someone else
- Be forced to work under certain conditions
- Be disciplined through punishment
- Be unable to negotiate working conditions
- Receive little or no payment
- Have no access to their earnings
- Work excessively long hours over long periods
- Not have any days off
- Live in poor or substandard accommodations
- Have no access to medical care
- Have limited or no social interactions
- Have limited contact with their families or with people outside of their immediate environment
- Be unable to communicate freely with others
- Be under the perception that they are bonded by debt
- Be in a situation of dependence
- Come from a place known to be a source of human trafficking
- Have had the fee for their transport to the country of destination paid for by facilitators, whom they must pay back by working or providing services in the destination
- Have acted on the basis of false promises

# CHILD TRAFFICKING GENERAL INDICATORS

A victim of child trafficking may:

- Have no access to their parents or guardians
- Look intimidated and behave in a way that does not correspond with behaviour typical of children their age
- Have no friends of their own age outside of work
- Have no access to education
- Have no time for playing
- Live apart from other children in substandard accommodations
- Eat apart from other members of the "family"
- Be given only leftovers to eat
- Be engaged in work that is not suitable for children
- Travel unaccompanied by adults
- Travel in groups with persons who are not relatives
- The presence of child-sized clothing typically work for doing manual labour or being forced into prostitution
- The presence of toys, beds and children's clothing in inappropriate places such as brothels and factories
- The claim made by an adult that he or she has "found" an unaccompanied child
- The finding of unaccompanied children carrying telephone numbers for calling taxis
- The discovery of cases involving illegal adoptions

# RESIDENCE PERMISSION IN IRELAND

Before travelling to Ireland it may be required to apply for pre-clearance or a visa for a migrant in order to enter the state. A visa is not the same as residence permission although people often confuse these terms. A visa is simply an endorsement on a passport or travel document indicating that the holder is allowed to enter, leave or travel through a particular country. The list of migrants that are visa required for Ireland can change from time to time and you should always check if a person is visa required or not. See the resources section for links to where you can find this information.

In principle, every person who is not an Irish citizen is required to have permission to be in the state. Permission is granted by the Minister for Justice; however, certain exemptions are in place for diplomats and citizens of the following countries:

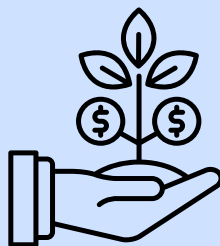
- UK,
- any EU member state,
- Norway,
- Iceland, Liechtenstein and Switzerland.

As of January 2021, there were 349,946 EU or EEA nationals and 299,242 third country nationals (non-EU or EEA) living in Ireland. Most third country nationals come from the UK, Brazil, India, China and the US.

## TYPES OF MIGRATION TO IRELAND



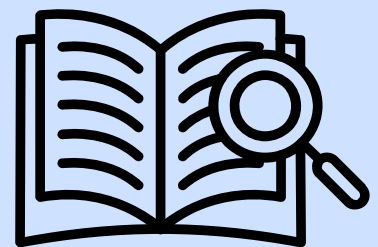
Work



Invest



Join family



Study



Seeking International Protection



Retire



Reside on some other basis

Residence permission in Ireland can be granted to migrants for many different reasons. People can be migrant workers with employment permits, international students or they may hold refugee status or subsidiary protection. Migrants may also have come to Ireland to live with a family member who is Irish, British, an EU or EEA citizen or a non-EEA national.

If a person is a non-EEA citizen and they want to live in Ireland, they are required to hold a residence permission granted by the Minister for Justice.

Some migrants will be given a letter of permission that will set out how to register their residence permission and the terms and conditions that apply to their permission. This is the case if a person is granted a residence permission following an application for international protection or an application to the Immigration Service Delivery (“ISD”) of the Department of Justice. However, some migrants will not have had to make an application and will be able to register at their local immigration office following their entry to the State. This would be the case with international students and the non-visa required spouses of Irish nationals.

Whichever system applies, the migrant must still register their permission at their local immigration office (which may be their local Garda station) or at the Garda National Immigration Bureau (“GNIB”) office in Dublin. If a person lives in Dublin there is a special online registration system, however first-time applicants in Dublin currently have to make an appointment to attend for in-person registration at the GNIB at Burgh Quay.



This is a sample Irish Residence Permit card. When a migrant has registered their residence permission, they will then be issued with an Irish Residence Permit (IRP). This was previously referred to as a GNIB card and is often still called this by migrants and people working in migration services in Ireland. It is a credit card sized card that has a photo, name and other important information on it, including the permission expiry date and what type of residence “stamp” is held.

“Stamp” is the term used to refer to the category of residence permission that is assigned to a migrant when they register. There is a list below of the different types of residence permission “stamps”, indicating the conditions and the usual reason or basis on which a person has been granted that permission.

Just because one migrant has the same stamp as another, it does not mean they obtained it on the same basis or with the same conditions attached.

# IRISH RESIDENCE STAMPS

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The "stamps" detailed below set out the usual reasons a migrant has been given a particular "stamp". When assisting a migrant, it is very important to understand the basis on which that stamp was granted and whether any exceptional circumstances apply.

---

1

## Stamp 1

This usually requires a person to hold an employment permit\*

Migrants are granted stamp 1 to

- Work here based on an employment permit
- Operate a business
- Work in Ireland based on a Working Holiday Authorisation.

1H

## Stamp 1H

Work in Ireland as a doctor who is in receipt of a two-year General Employment Permit as a Non-Consultant Hospital Doctor in any public hospital or health care facility during the two-year validity period of their permit.

1A

## Stamp 1A

Study accountancy as a trainee & be employed as a trainee accountant.

1G

## Stamp 1G

- Look for work as part of the Third Level Graduate Programme.
- **Spouse/de facto partner of a Critical Skills Employment Permit holder or a Spouse/de facto partner of Researchers in the State on Hosting Agreements**

*All of the permissions underlined and in bold are directly dependent on a migrant's relationship with another person.*

# IRISH RESIDENCE STAMPS

2

## **Stamp 2**

Study a full-time course on the official Interim List of Eligible Programmes (ILEP) for a specified period, subject to conditions.

2A

## **Stamp 2A**

- Semester abroad (that is at an Irish university/college)
- Study at a private secondary school in Ireland
- Spouse of financially independent student.

3

## **Stamp 3**

- Volunteer, for example with a charity or non-profit organisation
- Be a minister of religion
- Join your non-EEA/EU/Swiss spouse/civil partner or family member who is here based on a work permit.

4

## **Stamp 4**

- After having held a permission to work in Ireland with a valid Critical Skills Employment Permit for 2 years; with a valid employment permit for 5 years or as a researcher (with a valid Hosting Agreement) for 2 years.
- To join and reside with your Irish spouse, civil partner or de-facto partner
- As a convention or programme refugee, or based on subsidiary protection
- To join your family member who is a recognised refugee or has been granted subsidiary protection
- To remain with your child who is an Irish citizen
- Under the Investor and Entrepreneur Programme (including spouse/partner & eligible family member)
- For Long Term Residence.

*All of the permissions underlined and in bold are directly dependent on a migrant's relationship with another person.*



# IRISH RESIDENCE STAMPS

4S

## *Stamp 4S*

The scheme applied to non-EEA persons who commenced their presence in the State lawfully under a student permission with a limited right to work and maintained that lawful presence for at least two years. Applications for that scheme closed in 2019.

4D

## *Stamp 4D*

Non-EEA family of UK citizens who are seeking to reside here after 01/01/2021

5

## *Stamp 5*

Granted following an application to remain in Ireland 'Without condition as to time' (WCATT).

6

## *Stamp 6*

Stamp 6 indicates a migrant is an Irish citizen with dual citizenship. This is sometimes endorsed on the migrant's other passport.

0

## *Stamp 0*

- Retire to or live in Ireland as a person of independent means
- Be a visiting academic at an Irish university or college
- **Live in Ireland as the elderly, dependent relative of an Irish National, or a non-EU/EEA or Swiss citizen.**

*All of the permissions underlined and in bold are directly dependent on a migrant's relationship with another person.*

# IMPACTS OF GBV ON MIGRANTS

## MIGRANTS WHO DEPEND ON AN ABUSIVE FAMILY MEMBER FOR THEIR RESIDENCE PERMISSION

Gender-based violence can impact anybody and does not discriminate between social class, ethnic background or nationality.

Many migrants in Ireland hold residence permission that depends on their relationship with another person. People who hold Stamp 3 residence permission can be especially vulnerable as they are not entitled to work or access social welfare and often depend completely on their family member for financial support.

As a result, if that migrant experiences domestic abuse at the hands of the person whom they depend on for their residence permission, they can be frightened of leaving that relationship and believe that they will not be permitted to reside in Ireland if the relationship ends. This is not true. Unfortunately, this is often something an abusive spouse or relative will say to further abuse and victimise their family member. Using a person's residence permission to force them to stay in a relationship or in an abusive scenario is understood to be a form of abuse in itself.

A person whose residence permission depends on an abusive person can seek to change the basis of their residence permission. The Department of Justice has published guidelines as to how such people can seek an independent residence permission (see Resources section below for links).

No one should have to suffer domestic violence and the matter is taken seriously by the Irish authorities.

While the Department indicates that the application should set out details of the domestic violence suffered, it does not require explicit details of the abuse. Applications should however clearly state that it is to make an application for independent immigration status on the basis of the Victims of Domestic Violence Immigration Guidelines. Any relevant family circumstances, especially whether there are any children involved should be disclosed, including information on whether the applicant or the perpetrator has left the family home.

The guidelines suggest that a person should provide evidence of the domestic abuse they have experienced and that this evidence could be any of the following:

- Protection Order, Safety Order or Barring Order from the Courts;
- Medical reports indicating injuries consistent with domestic violence. Details of doctor and dates of consultation should be supplied
- A Garda report of incidents of domestic violence

- A letter from a State body (such as the Health Service Executive) indicating that it is dealing with the case as an issue of domestic violence
- A letter of support from a domestic violence support organisation
- Any other evidence indicating that you are the victim of domestic violence.
- It is important to note that one of the best pieces of evidence can be confirmation from a support organisation that it is assisting an applicant in relation to them having experienced domestic abuse. Such correspondence does not need to elaborate the details of the abuse, but simply to confirm the fact that support was sought and is ongoing.

## **OTHER RESIDENCE PERMISSIONS AND RELEVANT LEGAL PROVISIONS**

### FAMILY MEMBERS OF EU/EEA & BRITISH CITIZENS

There are cases when a person who experiences domestic abuse will not fall into the category that can make this type of application. This includes people who hold residence permission as the family member of an EU or EEA citizen or people who hold residence permission as the family member of a British person who was exercising EU Treaty Rights at the end of 2020 (the Brexit transition period) as well as undocumented people who hold no residence permission at all.

In those situations, where a person holds an EU FAM stamp 4 or a Withdrawal Agreement Stamp 4, they may be able to retain their rights and entitlements as the family member of an EU citizen, or British citizen.

### UNDOCUMENTED MIGRANTS

Even though the Department indicates that the Guidelines are intended only for people whose residence permission is linked to the person abusing them, it still reinforces the message that domestic violence should always be reported. For people who are undocumented and do not have residence permission, they may have other options available to them to seek residence permission and they should be referred for legal advice to ensure they do not remain in an abusive situation because they are undocumented.

We strongly urge anybody who is considering making an application to the Department of Justice to seek legal advice before doing so. The ICI provides specialised legal advice and legal representation, within the limits of our capacity, to people who need assistance and support navigating these types of applications.

## **NON-EEA VICTIMS OF HUMAN TRAFFICKING**

Human trafficking is a crime that can affect anybody regardless of nationality. However, The Irish Human Rights and Equality Commission recognises that human trafficking is racialised and gendered. As non-EEA migrants are required to hold residence permission in Ireland, traffickers often rely on this to instil fear in their victims and to prevent them from reaching out for help or

contacting authorities about the abuses they experience. As a result, these victims of human trafficking will often think that if they approach any authorities for assistance that they will be deported or removed from the state straight away. This is not the case.

Victims of human trafficking should be provided with access to support services to assist them with their recovery. If they are a non-EEA citizen, they should also have access to and information about what is called a “Recovery and Reflection” period during which they cannot be removed from the State.

In Ireland, the Recovery and Reflection period and other residence permissions specifically for non-EEA victims of human trafficking are set out in the Administrative Immigration Arrangements for the Protection of Victims of Human Trafficking. These are sometimes referred to as the “AIAs”. They are an explanation of how the Minister for Justice considers the issue of residence permission for non-EEA nationals who are suspected victims of human trafficking.

In short, if a member of An Garda Síochána, not below the rank of Chief Superintendent of the Garda National Immigration Bureau, believes there are reasonable grounds that a non-EEA national is a victim of a human trafficking offence they may then be eligible for residence permission under these administrative arrangements.

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## **TYPES OF RESIDENCE PERMISSIONS SET OUT IN THE ADMINISTRATIVE IMMIGRATION ARRANGEMENTS FOR NON-EEA VICTIMS OF TRAFFICKING**



### ***Permission for the purpose of recovery and reflection***

The purpose of the recovery and reflection period is to allow the person time to recover from the alleged trafficking, and to escape the influence of the alleged perpetrators of the alleged trafficking so that he or she can take an informed decision as to whether to assist Gardaí or other relevant authorities in relation to any investigation or prosecution arising in relation to the alleged trafficking.

This permission may be terminated if the victim has actively, voluntarily and on his or her own initiative renewed contact with the alleged perpetrators of the trafficking, in the interest of national security or public policy or victim status is being falsely claimed.

This permission is usually granted for 60 days on a Stamp 3 basis. A period of more than 60 days may be granted to a victim of trafficking who is a child.



## ***Temporary residence permission***

A 6-month temporary residence permission will be granted on a Stamp 4 basis for the purpose of allowing the suspected victim to continue to assist the Garda Síochána or other relevant authorities in relation to an investigation or prosecution arising in relation to the trafficking.

This permission will be renewed up to five times provided the person has not renewed contact with the alleged perpetrators of the trafficking.

It can be revoked if the victim has actively, voluntarily and on their own initiative renewed contact with the alleged perpetrators of the trafficking, the person concerned no longer wishes to assist the A Garda Síochána or other relevant authorities in relation to any investigation or prosecution arising in relation to the trafficking of the person, the allegation of trafficking is fraudulent or unfounded, any investigation or prosecution arising in relation to the trafficking has been finalised or terminated, or in the interest of national security or public policy.



## ***Change of Status***

Where a person has held a temporary residence permission under the AIAs for 3 years or where the investigation into the alleged human trafficking offences has concluded that person can then apply for a change of their residence permission.

If that application is successful a person will be granted a residence permission for 2 years that can then be renewed without further applications being submitted.

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If a non-EEA citizen wants to make an application for residence permission on the basis of being a suspected victim of human trafficking, we urge you to refer them to a specialised solicitor so that person can be fully advised of their rights and entitlements as well as other residence permissions that may be available to them.

Of particular note, is that many victims of human trafficking may have family members in their country of origin, and they may want to be able to make applications for their family members to come to Ireland to live with them. Only certain types of residence permission entitle a person to have their family members join them in Ireland and even then, there are strict rules applied to those cases. If a person is granted residence permission on the basis of the AIAs it does not give them a right to family reunification.

# EXAMPLES OF BEST PRACTICE

## FOCUSING ON A VICTIM CENTRED APPROACH

The Irish Government's Third National Strategy on Domestic, Sexual and Gender-Based Violence (DSGBV) places a clear emphasis on having a victim-centred approach. The strategy recognises that victims require a variety of supports that are individual to their personal circumstances.

The strategy recommends various actions that improve access to victim centred services, including:

- Ensuring victim's rights, under the Victims of Crime Act 2017, to access information in clear and concise language, facilitated by a high-quality interpreter if necessary, and that information is made accessible to migrants and traditionally hard to reach communities;
- Providing specialised support on a case-by-case basis. It is noted some victims may require tailored support, such as legal advice or counselling, the strategy places emphasis on victims having access to such services;
- Improvement of the quality of services. The strategy reiterates the necessity for high quality services that are both victim centred, and trauma informed. Organisations should have regard to the specific needs of different groups, such as migrants, including non-EEA nationals, young people, people with disabilities and minorities;
- Providing a multi-disciplinary response by coordinating with relevant services in the sector and giving a full and complete response to victims of DSGBV;
- Empowering victims to make decisions about the course of action they wish to take and supporting them in taking control of their own life.

A victim centred approach is also evident in the EU Anti-Trafficking Directive. The Directive aims to ensure victims of trafficking are identified, protected and assisted throughout the legal process. A victim centred approach is critical in accomplishing these objectives, as it prioritises the victim in the response to human trafficking.

The Directive places emphasis on the following:

- Providing protection to victims as soon as competent authorities have reasonable grounds for believing they may be a victim, including ensuring their physical safety, providing them with information and access to appropriate services, such as healthcare, legal advice, accommodation and mental health services. It has been noted identification systems that do not rely on formal criminal reports by the victim to the national authorities are best practice, as these systems follow a victim centred approach. Ireland does not currently facilitate this type of identification, however the State has started drafting legislation that will allow identification without the need for a report to An Garda Síochána;

- Ensuring victims receive a coordinated response from a range of stakeholders, including An Garda Síochána, government bodies and various support services;
- Empowering victims to participate in the legal process and encouraging them to make their own decisions, by ensuring they are informed and supported about their future;
- A victim centred approach is crucial to preventing future cases of trafficking. By addressing the needs of the victim, the Directive aims to focus on the causes of trafficking and use that information to reduce the vulnerability of potential future victims.

The ICI has contributed to numerous projects and the development of toolkits from same. Projects such as ASSIST (Best practice principles for gender specific delivery of services), TRACKS (Identification of Trafficked Asylum Seekers Special Needs) and TRIPS (Trafficked International Protection Beneficiaries Special Needs) identify and seek to implement best practice standards to ensure a victim centred approach is taken.

The ICI assisted in identifying specific legal best practices in the Coalesce, Gender-Specific Integration Model (GeSIM), observing the following:

- Providing victims with early legal advice in order that they can make an informed decision having regard to their rights and entitlements, what courses of action may be available to obtain a desired result either through a statutory, administrative or discretionary procedure and what the risks of same may be.

The *Upholding Rights! Early Legal Intervention for Victims for Trafficking* project, to which the ICI contributed, set out the best practice in securing the protection of victims of human trafficking (VoT) through early legal intervention. Fundamental principles emphasised in the project included the importance of good relationships between partner organisations and legal advisors and securing evidence from the client with early legal intervention, to assist with their applications and criminal investigations.

- The early identification of victims is imperative to expeditiously assist, support and protect victims and facilitate authorities to better investigate and punish perpetrators.

TRACKS developed a toolkit, which aims to advise practitioners in direct contact with asylum seekers on how to detect a victim of human trafficking in the asylum process, how to respond to suspicions, to offer suggestions for referees not familiar with the concept and the practical consequences of trafficking in human beings and the special needs a victim may have. TRIPS continues the work of TRACKS to address the long term needs of victims of human trafficking, who are beneficiaries of international protection. A toolkit for professionals has been developed providing guidance and checklists to reference when engaging with a victim of human trafficking, emphasising a case-by-case approach.

For further supports and additional resources, see the resources section below where the materials referenced above are available as well as details of the organisations delivering services in this area.

# SUPPORT SERVICES IN IRELAND

- An Garda Síochána, Ireland's national police force can receive reports of crime in person or by contacting them by telephone. See [here](#) for a list of local Garda stations. The Garda National Protective Services Bureau, the specialist unit that deals with domestic violence and human trafficking can be contacted at 01 475 5555. The [blue blindfold](#) website is also useful.
- The [HSE Anti-Human Trafficking Team](#) provides care planning to victims of human trafficking.
- The Department of Justice has a website dedicated to information about immigration to Ireland.
- TUSLA, the Child and Family agency has detailed lists of [help](#) available to people impacted by gender-based violence.
- The [Crime Victim's Helpline](#) is a national support service for victims of crime in Ireland. It has a helpline and some useful information on its website.
- The Rape Crisis Centre has a 24-hour helpline 1800 778 888 to offer support to victims of sexual violence.
- Women's Aid offers services to victims of domestic abuse. It has a 24-hour support line: 1800 341 900, with a translation service provided, email service and [helpline@womensaid.ie](mailto:helpline@womensaid.ie) – an instant message support on its [website](#). It also operates a drop-in service on the 4th Floor, Dolphin House Family Law Court in Dublin.
- [Ruhama](#) is Irish NGO and registered charity that offers nationwide support to women impacted by prostitution, sex trafficking and other forms of commercial sexual exploitation. It can be contacted at 01 836 0292 or by free text: REACH to 50100.
- Family Resource Centres are family and community based support programmes existing all over Ireland. Among other areas of operation, family resource centres provide information, advice and support to individuals and families. Information concerning the range of services and programmes available locally and advice on accessing rights and entitlements is also extended. Family Resource Centres act as a focal point for onward referrals to main stream service providers. An interactive map of all their locations in Ireland can be found [here](#).



## SPECIALIST ORGANISATIONS IN THE WEST OF IRELAND

Organisation	Area of work	Contact details
<u>Galway Migrant Service</u>	Information, advocacy and support services for migrants and their families in Galway City and County.	Telephone: 091 773 466 Text Service: 086 602 0580
<u>Cope Galway</u>	Domestic abuse service for women and children.	24-hour support line: 091 565 985
<u>Domestic Violence Response Galway</u>	Services to women impacted by domestic abuse.	Telephone: 091 866 740
<u>Galway Rape Crisis Centre</u>	Services to people who have experienced sexual trauma and abuse.	Freephone Helpline: 1800 355 355 Email: helpline@grcc.ie
<u>Domestic Violence Advocacy Service (DVAS) (Sligo, Leitrim, West Cavan)</u>	Services for women experiencing domestic violence.	Telephone: 071 914 1515 Email: support@dvas.ie
<u>Mayo Community Based Family Support Service, funded by Tusla (Mayo)</u>	Support service for families experiencing relationship difficulties and parents experiencing crisis which impact their children.	Telephone: 087 606 0535
<u>Mayo Rape Crisis Centre (Mayo)</u>	Support service for anyone who has experienced any form of sexual violence at time in their lives.	Telephone: 1800 234 900 Email: info@mrcc.ie
<u>Mayo Women's Support Services (MWSS) (Mayo)</u>	Support service for women and children living with domestic violence.	Telephone: 094 902 5409 or 087 656 9672 Email: administrator@mwss.ie
<u>Sligo Rape Crisis Centre (Sligo, Leitrim, Cavan)</u>	Support service for anyone over the age of 14 who has been raped, sexually assaulted, sexually abused as a child or has experienced other forms of sexual violence.	Telephone: 1800 750 780 Email: info@srcc.ie

# FURTHER READING

If you are interested in this topic and want to know more there are many resources available.

Ireland's [national strategy](#) and national implementation [plan](#) towards Zero Tolerance of Gender based violence is published on the Department of Justice website.

The Department of Justice further have their [Domestic Violence Immigration Guidelines](#) and the [Administrative Immigration Arrangements for the Protection of Victims of Human Trafficking](#). There is an [interim List of Eligible Programmes](#) which lists the third level courses that support applications for residence permission for non-EEA students who attend those courses.

Further information on obtaining visas to enter Ireland can be found on the [Immigration Service](#) website or through the [Citizens Information Service](#).

The Irish Human Rights and Equality Commission has information about its role as independent rapporteur on [human trafficking](#).

In 2022, An Garda Síochána produced a [report](#) on the crime levels and operational response to Domestic, Sexual and Gender Based Violence in Ireland.

The European Commission has detailed information on policies and laws related to [gender based violence](#) and [human trafficking](#). Furthermore they host the [European website on integration](#) which has information on Ireland and integration policies.

The Council of Europe has information and resources in relation to [human trafficking](#) and [preventing and combatting violence against women](#). It also has a free online [training](#) course.

The Organisation for Security and Co-operation in Europe has a dedicated post of [Special Representative and Co-ordinator for Combating Trafficking in Human Beings](#) to develop and implement effective policies to combat human trafficking.

The [United Nations office on Drugs and Crime](#) has a lot of information and resources available on its website, including the [Global Report on Trafficking in Persons](#).

The International Labour Organisation has produced operational [indicators of human trafficking](#). In 2017 they also produced a report in conjunction with the International Organisation for Migration and Walk Free Foundation on the [global estimate of modern slavery: forced labour and forced marriage](#).

# RESOURCES

## LEGISLATION

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### IRELAND

- [Immigration Act 1999](#),
  - [Immigration Act 2004](#),
  - [Consolidated version](#)
  - [Criminal Law \(Human Trafficking\) Act 2008](#)
  - [Consolidated version](#)
  - [Criminal Law \(Human Trafficking\) Act 2013](#)
  - [International Protection Act 2015](#)
  - [Domestic Violence Act 2018](#)
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### EUROPEAN UNION

#### The Victims' Rights Directive

- DIRECTIVE 2012/29/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA

#### The Anti-trafficking Directive

- DIRECTIVE 2011/36/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA
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### COUNCIL OF EUROPE

[Council of Europe Convention on Action against Trafficking in Human Beings, 2005](#)

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### INTERNATIONAL

#### "Palermo protocol"

- Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, 2000

#### "Istanbul Convention"

- Council of Europe Convention on preventing and combatting violence against women and domestic violence, 2014
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