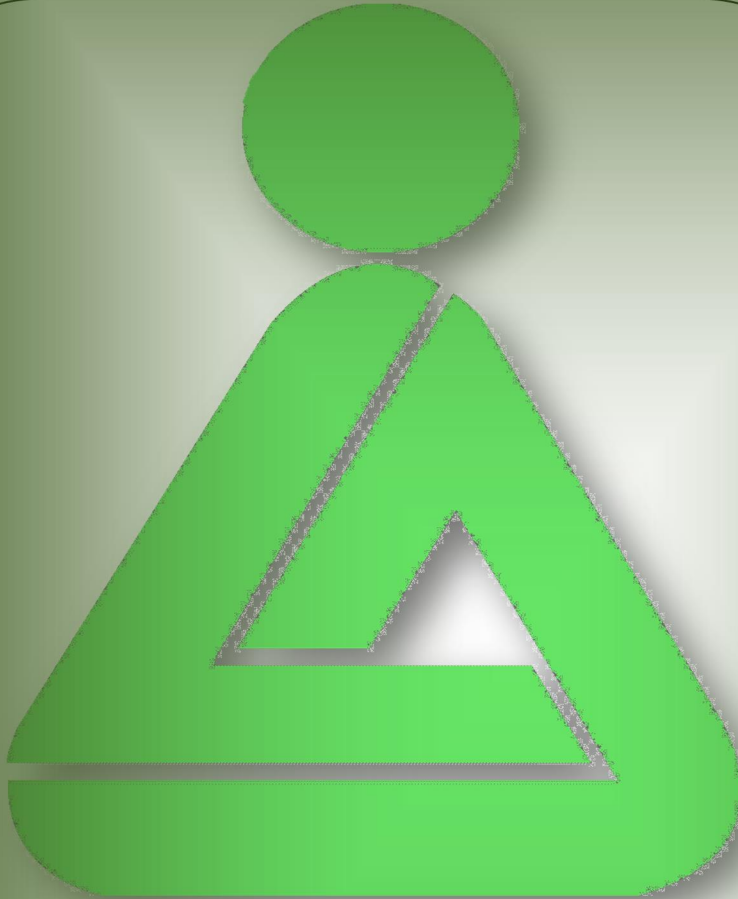


# POTENTIAL VICTIMS OF HUMAN TRAFFICKING



**LEGAL AID BOARD**

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This leaflet is not an interpretation of the law

**A victim of trafficking is a person who:**

- **has been transported, recruited, and/or harboured [either] within a country and/or across transnational borders**
- **by the use or threat of: fear, fraud, force, deception, coercion, and/or abduction**
- **for the purposes of abuse, or the giving or receiving of payments and/or benefits,**
- **for the purpose of being exploited for labour, sexual exploitation or removal of organs.**

**When children and mentally impaired persons are trafficked, no violence, deception, or coercion needs to be involved: simply transporting, harbouring etc. them into those exploitative conditions constitutes trafficking.**

You have been identified by the Garda Síochána (the Irish police) as a potential victim of human trafficking.

This leaflet has been produced by the Legal Aid Board to advise you of what this means, the process involved, and what we can do to assist you.

### **How was I identified as a potential victim of trafficking?**

When you were referred to the Garda Síochána, the Garda National Immigration Bureau (GNIB) was informed. They considered if you were a “potential” victim of trafficking.

If they have not done so already, they will offer to refer you to support services, including:

- accommodation (provided by the Reception and Integration Agency),
- emotional support and material assistance,
- medical screening (provided by the HSE Anti-Human Trafficking Team),
- access to translation and interpretation services, (if necessary), access to counselling and information particularly regarding legal rights and access to legal aid and advice.

The Gardaí will conduct an interview with you to assess if you are a “suspected” victim of trafficking. They use the International Organization for Migration’s identification procedures and other internationally used indicators as a guide. You will not have to leave Ireland during this process.

If you are identified by the Garda as a suspected victim of human trafficking under Irish law<sup>1</sup>, the Irish Naturalisation and Immigration Service will grant you special permission to be in Ireland for a recovery and reflection period of sixty days, as long as you don’t have any other immigration status here – for example, if you’re not seeking asylum in Ireland, or if you’re already entitled to be here as an EU citizen. The recovery and reflection period is to allow you time to recover and escape from the person who is alleged to have trafficked you, and to consider your options. You won’t be asked to leave Ireland or deported during this time. If you are a child, the Minister for Justice can allow you to stay for longer than sixty days. The Minister will take into account who is taking care of you (your parent, guardian, or the Child and Family Agency) and what their status in Ireland is.

After the recovery and reflection period you may be granted renewable temporary residence permission for six months, as long as you have nothing more to do with the alleged traffickers, and if it is necessary to (and you choose to) help the Gardaí with an investigation or prosecution arising from the trafficking offence. This will only be renewed while you continue to co-operate with the Gardaí. During this time you’ll be allowed to work in Ireland and claim certain social welfare benefits.

If you came to Ireland before 7<sup>th</sup> June 2008 and the alleged trafficking was before this, the law doesn’t allow you to be granted a Temporary Residence Permit. In this case you can apply to the Irish Naturalisation & Immigration Service for what is called “leave to remain” and we can assist you with this.

If you have already applied for asylum, you can remain in Ireland as an asylum seeker until a final decision is made on your asylum application. If that decision is negative, you can apply for a temporary residence permission or leave to remain.

You can also take legal action against the people who are alleged to have trafficked you, or apply to the Criminal Injuries Compensation Tribunal for compensation.

You might be also able to claim compensation under employment law and we can advise you about this, although we won’t be able to represent you in any proceedings you take.

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<sup>1</sup> Section 2 or section 4 of the Criminal Law (Human Trafficking) Act 2008 or section 3 (other than subsections 2A and 2B) of the Child Trafficking and Pornography Act 1998

If you don't wish to assist the Gardaí, and you don't have any other valid immigration status, you may be able to get help to return home from the IOM.

### **3. Legal Aid**

The Legal Aid Board can provide you with provide free legal advice in relation to the following:

- your status in Ireland and the measures set out in the Administrative Immigration Arrangements which provide for recovery and reflection and temporary residence, as well as applications for leave to remain in the State,
- seeking redress through the employment protection legislation (legal advice only),
- information on what is involved in a criminal trial for a victim/witness,
- information on compensation,
- information on voluntary return home
- criminal matters related to the trafficking offence.

If you have or do apply for asylum, we can provide legal advice and legal representation in relation to your application, but you will have to pay €10 as a contribution towards legal services.

If you have been the victim of an alleged sexual offence, we can provide legal advice, and in certain circumstances legal representation if your prior sexual history will be brought up by the accused during the trial. You won't be charged for this service.

If you don't want to avail of free legal services from the Legal Aid Board, you can hire a private solicitor. However you will have to pay their fees and other costs.

### **4. What if I decide to co-operate with the Gardaí?**

Trafficking in Human Beings is a crime. In Irish law it is an offence under the Criminal Law (Human Trafficking) Act 2008. Allegations of human trafficking are investigated, and prosecuted where appropriate. If you decide to cooperate with the Gardaí's investigation, you will have to provide a statement of what happened and will be interviewed by members of the Gardaí, possibly a number of times.

If the person who is alleged to have trafficked you is charged and brought to trial, you will probably be asked to give evidence in court against them. We will provide you with legal advice throughout this process. Your temporary residence permit will be extended for as long as the investigation and prosecution continues. If you are an adult and you have been resident in Ireland under a temporary residence permission for three years, and have been assisting the authorities in relation to an investigation or prosecution arising in relation to the trafficking, you can apply to the Irish Naturalisation and Immigration Service for a change of status. You can do this earlier if the permission has been held for a continuous period and the investigation is complete.

### **5. Can I apply for asylum?**

Yes. If you think you have grounds for asylum and have a fear of returning to your home country, you can apply to the Office of the Refugee Applications Commissioner to apply for asylum. You can apply to the law centre for legal services to assist you in this process. This is a separate process.

## **6. Can I get assistance to return to my home country?**

The **International Organization for Migration** can help you return to your home country, provide safe accommodation, help you access a doctor and other medical person, develop your skills, provide training, and assist you in reintegrating into your home country.

## **7. Protection**

A Crime Prevention Officer from the Gardaí is available to provide advice on personal safety and provide victims with a safety and security plan. The Gardaí also have a dedicated number **1800 25 00 25** and a 24/7 incident number **01 666 4964** to assist you with any security/protection concerns.

## **8. Compensation**

You can take a civil case through the Irish courts for damages against the people who are alleged to have committed trafficking. If you were injured as a result of the actions of the traffickers you can seek damages from them through [Injuriesboard.ie](http://Injuriesboard.ie). If you decide to take a civil case and you need legal aid, you will need to apply separately to the law centre for legal services. Your means will be assessed and the Board will also examine the merits of your case before it can pay for a solicitor and barrister to represent you in Court.

If a person is convicted of having trafficked you, it is open for the Court to order them to compensate you. You can also apply to the Criminal Injuries Compensation Tribunal for compensation. The tribunal considers applications from people who suffer a personal injury or death as a result of a crime of violence. Compensation may be awarded on the basis of any vouched out of pocket expenses, including loss of earnings, that you have experienced. The incident in which the injury was caused must have been reported to the Gardaí Síochána without delay. You must apply to the tribunal within three months of the incident, though this can be extended if you can show that the reason for the delay in submitting the application justifies exceptional treatment of the application. A report from the Gardaí is required to progress the application for compensation.

## **9. I am an Irish citizen. Will I be provided with assistance?**

Yes, you will be provided with assistance including:

- medical care and support through the HSE,
- legal aid and advice by the Legal Aid Board,
- safety and security advice by a Garda Crime Prevention Officer, and
- accommodation (if necessary) through the Community Welfare & Homeless Services.

## **10. Any further questions?**

If you have any further questions you can contact the law centre at **01 646 9600**.

## **Support Agencies/NGOs**

### **An Garda Síochána (Garda National Immigration Bureau)**

13/14 Burgh Quay  
Dublin D02 XK70  
Tel: 01 666 4964  
Email: gnib\_dv@garda.ie

### **Blue Blindfold Campaign**

Anti Human Trafficking Unit  
Dept. of Justice & Equality  
51 St. Stephen's Green  
Dublin D02 HK52  
Tel: 1800 25 00 25  
Email: blueblindfold@garda.ie  
<http://www.blueblindfold.gov.ie/>

### **Reception and Integration Agency**

P.O. Box 11487  
Tel: 01 4183200  
Lo-Call: 1890 777727  
Email: RIA\_Inbox@justice.ie

### **HSE Anti Trafficking Team**

Baggot St Hospital,  
Baggot Street,  
Dublin 4.  
Tel: 01 6606982  
Email: admin.whp@hse.ie

### **Legal Aid Board**

Law Centre (Smithfield)  
Human Trafficking Applications  
48-49 North Brunswick St  
Georges Lane  
Dublin D07 PE0C  
Tel: 01 646 9600  
Web: [www.legalaidboard.ie](http://www.legalaidboard.ie)  
Email: [humantrafficking@legalaidboard.ie](mailto:humantrafficking@legalaidboard.ie)

### **Ruhama**

Support and help for women involved in  
prostitution  
Senior House,  
All Hallows College,  
Drumcondra,  
Dublin D09 N920  
Tel: 01 836 0292  
Email: [admin@ruhama.ie](mailto:admin@ruhama.ie)  
Web: [www.ruhama.ie](http://www.ruhama.ie)

### **Employment Appeals Tribunal**

Davitt House,  
65a Adelaide Road  
Dublin D02 TW27  
Tel: 01 631 3006  
Email: [eat@deti.ie](mailto:eat@deti.ie)

### **International Organization for Migration**

116 Lower Baggot Street,  
Dublin D02 R252  
Tel: 01 6760655  
Freephone 1800 406 406

E-mail: [iomdublin@iom.int](mailto:iomdublin@iom.int)  
Web: [www.iomdublin.org](http://www.iomdublin.org)

### **Migrant Rights Centre of Ireland**

55 Parnell Square West  
Dublin D01 Y0H6  
Tel: 01 889 7570  
Email: [info@mrci.ie](mailto:info@mrci.ie)  
Web: [www.mrci.ie](http://www.mrci.ie)

### **Immigrant Council of Ireland**

2, St Andrew St  
Dublin D02 PD30  
Tel: 01 647 0202  
Email: [admin@immigrantcouncil.ie](mailto:admin@immigrantcouncil.ie)  
Web: [www.immigrantcouncil.ie](http://www.immigrantcouncil.ie)

### **Health Service Executive**

Asylum Seekers & New Communities Unit  
77, Gardiner St  
Dublin D01 VP04  
Tel: 01 858 5100  
Web: [www.welfare.ie](http://www.welfare.ie)

### **Health Service Executive**

Social Work Department,  
Sir Patrick Dun's Hospital,  
Lower Grand Canal Street,  
Dublin D02 P667  
Tel: (01) 647 7000

### **Health Service Executive**

Team for Separated Children Seeking  
Asylum  
Baggot St Hospital,  
Dublin D04 PH96  
Tel: 01 669 9538  
Web: [www.hse.ie](http://www.hse.ie)

## FULL-TIME LAW CENTRES

<b>CAVAN</b>	Newcourt Shopping Centre, Church Street, Cavan H12 C8D8.	Tel: (049) 433 1110 Fax: (049) 433 1304
<b>CLARE</b>	Unit 6A, Merchant's Square, Ennis, Co. Clare V95 HH58.	Tel: (065) 682 1929 Fax: (065) 682 1939
<b>CORK</b>	Law Centre, 1A South Mall, Cork. Law Centre T12 R7WC. North Quay House, Popes Quay, Cork T23 HV26.	Tel: (021) 427 5998 Fax: (021) 427 6927 <b>Freephone: 1800 202420</b> Tel: (021) 455 1686 Fax: (021) 455 1690
<b>DONEGAL</b>	Letterkenny Town Centre, Justice Walsh Road, Letterkenny, Co. Donegal F92 H263	Tel: (074) 912 6177 Fax: (074) 912 6086
<b>DUBLIN</b>	Law Centre, 45 Lower Gardiner Street, Dublin D01 P523. Law Centre (Smithfield) 48/49 Nth. Brunswick St./Georges Lane, Dublin D07 PE0C. Law Centre, 44/49 Main Street, Finglas, Dublin D11 TCC9. Law Centre, 1st Floor, Civic Centre, South Dublin County Council, Ninth Lock Road Clondalkin, Dublin D22 E9X5. Law Centre, Village Green, Tallaght, Dublin D24 P2PY. Law Centre, Unit 6-8, Business Centre, Clonsilla Road, Blanchardstown, Dublin D15 DT78.  <b>Medical Negligence Unit,</b> 7-11 Montague Court, Montague Street, Dublin 2. <b>Dolphin House Service,</b> Dolphin House, East Essex St, Dublin D02 RR76.	Tel: (01) 874 5440 Fax: (01) 874 6896 <b>Freephone: 1800 238343</b> Tel: (01) 646 9600 Fax: (01) 646 9799 Tel: (01) 864 0314 Fax: (01) 864 0362 Tel: (01) 457 6011 Fax: (01) 457 6007  Tel: (01) 451 1519 Fax: (01) 451 7989 Tel: (01) 820 0455 Fax: (01) 820 0450  Tel: (01) 477 6200 Fax: (01) 477 6241  Tel: (01)675 5566. Fax: (01) 764 5116
<b>GALWAY</b>	Law Centre, 9 Francis Street, Galway H91 N253. Law Centre, Seville House, New Dock Road, Galway H91 CKV0.	Tel: (091) 561 650 Fax: (091) 563 825 <b>Freephone: 1800 502400</b> Tel: (091) 562 480 Fax: (091) 562 599
<b>KERRY</b>	1 Day Place, Tralee, Co. Kerry V92 CR22.	Tel: (066) 712 6900 Fax: (066) 712 3631
<b>KILDARE</b>	Canning Place, Newbridge, Co Kildare W12 E127.	Tel: (045) 435 777 Fax: (045) 435 766
<b>KILKENNY</b>	Unit A, First Floor, Block A, Smithlands, Loughboy, Kilkenny R95 HK11.	Tel: (056) 776 1611 Fax: (056) 776 1562
<b>LAOIS</b>	Unit 6A, Bridge Street, Portlaoise R32 ED34.	Tel: (057) 8661366 Fax: (057) 8661362
<b>LIMERICK</b>	Unit F, Lock Quay, Limerick V94 FP90.	Tel: (061) 314 599 Fax: (061) 318 330
<b>LONGFORD</b>	Credit Union Courtyard, 50A Main Street, Longford N39 T6K5.	Tel: (043) 334 7590 Fax: (043) 334 7594
<b>LOUTH</b>	Condil House, Roden Place, Dundalk, Co. Louth A91 E6RE.	Tel: (042) 933 0448 Fax: (042) 933 0991
<b>MAYO</b>	Humbert Mall, Main Street, Castlebar, Co. Mayo, F23 XR50	Tel: (094) 902 4334 Fax: (094) 902 3721
<b>MEATH</b>	Kennedy Road, Navan, Co. Meath, C15 Y53F	Tel: (046) 907 2515 Fax: (046) 907 2519
<b>MONAGHAN</b>	Alma House, The Diamond, Monaghan H18 PD65.	Tel: (047) 84888 Fax: (047) 84879

<b>OFFALY</b>	Harbour Street, Tullamore, Co. Offaly R35 NW08.	Tel: (057) 935 1177 Fax: (057) 935 1544
<b>SLIGO</b>	Bridgewater House, Rockwood Parade, Thomas Street, Sligo F91 Y9YY.	Tel: (071) 916 1670 Fax: (071) 916 1681
<b>TIPPERARY</b>	Friarscourt, Abbey Street, Nenagh, Co. Tipperary E45 KN59.	Tel: (067) 34181 Fax: (067) 34083
<b>WATERFORD</b>	Canada House, Canada Street, Waterford, X91 K0NN.	Tel: (051) 855 814 Fax: (051) 871 237
<b>WESTMEATH</b>	Paynes Lane, Irishtown, Athlone, Co. Westmeath, N37 RK33.	Tel: (090) 647 4694 Fax: (090) 647 2160
<b>WEXFORD</b>	Unit 8, Redmond Square, Wexford, Y35 WP30.	Tel: (053) 912 2622 Fax: (053) 912 4927
<b>WICKLOW</b>	Floor 3, Block D, Civic Offices, Main Street, Bray, Co. Wicklow A98 R6W4	Tel: (0404) 66166 Fax: (0404) 66197

Issued by the  
**LEGAL AID BOARD**



**AN BORD UM CHÚNAMH DLÍTHIÚIL**

**HOURS OF OPENING**

**10:00am-12:30pm & 2:00pm – 4:00pm**

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