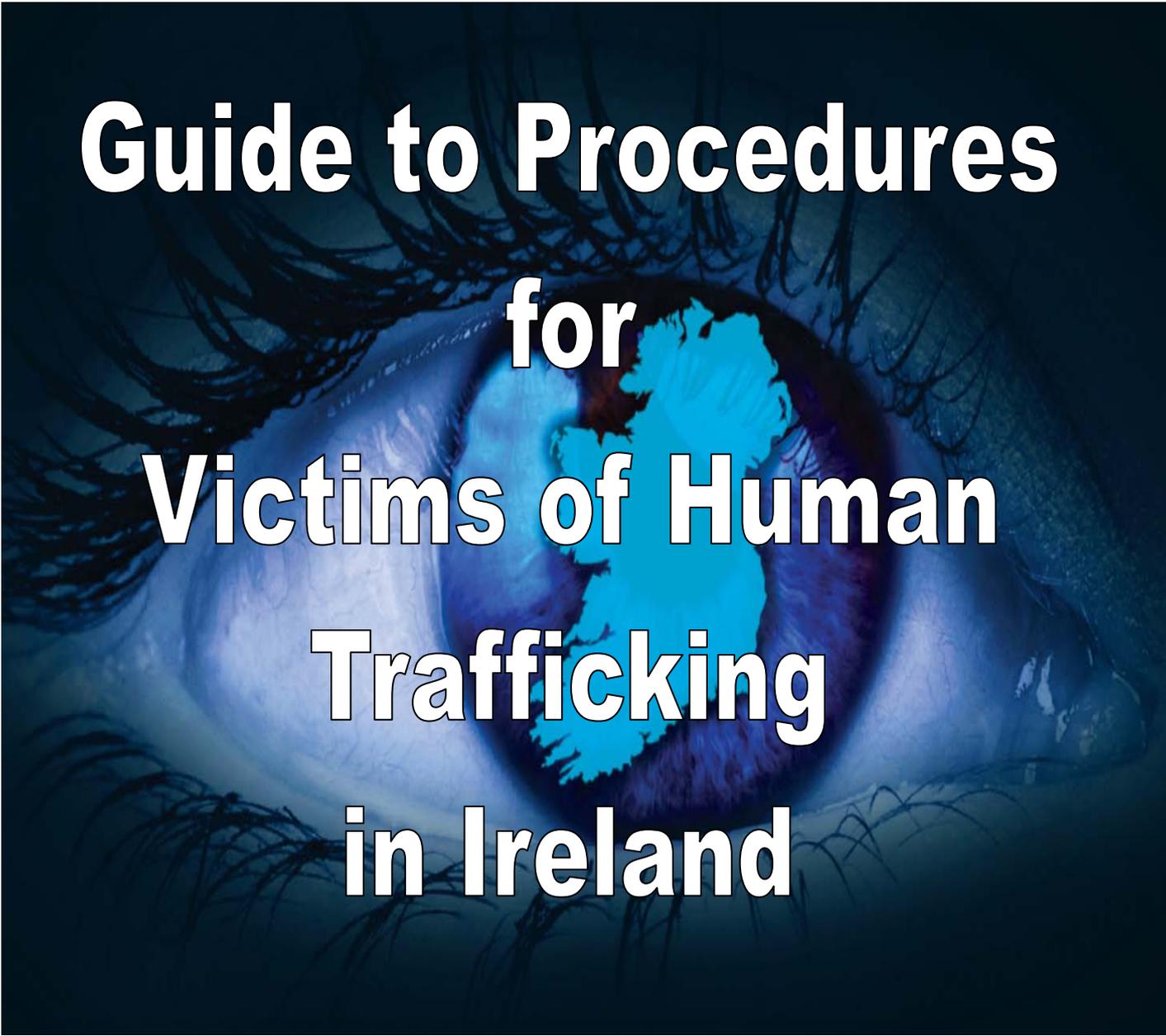




AN ROINN DLÍ AGUS CIRT AGUS COMHIONANNAIS
DEPARTMENT OF JUSTICE AND EQUALITY



**Guide to Procedures
for
Victims of Human
Trafficking
in Ireland**

A guide to the procedures for supporting and protecting victims of human trafficking, in line with the National Action Plan to Prevent and Combat Trafficking of Human Beings in Ireland 2009 – 2012.

This guide is for information only. It does not give a legal interpretation of the Criminal Law (Human Trafficking) Act 2008 or any laws mentioned in the guide. If you need more information about the law as it applies in your case, contact your solicitor or legal adviser.

We will revise this guide when any future immigration legislation comes into effect and if there are any changes to the Administrative Immigration Arrangements for protecting victims of human trafficking.

Anti-Human Trafficking Unit
Department of Justice and Equality



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Introduction

1. What is human trafficking?

Human trafficking is a crime and violates human rights. It is where a person recruits, moves, accommodates, employs or takes charge of another adult or child to exploit them for work, sexually or to remove their organs. Giving consent does not matter if someone agreed as a result of fear, fraud, deception or force.

A child cannot agree to being trafficked. Transporting a child into conditions that exploit them is trafficking.

Trafficking in humans affects women, men and children. You may be a victim of human trafficking if you have:

- been recruited and brought into Ireland,
- been moved or put to work within Ireland for sexual or labour exploitation or organ removal.

You can read about these kinds of exploitation and their signs in Section 6.

You can tell someone even if you have been a victim of human trafficking in another country. Section 2 gives a list of some of the people you can tell.

This guide will go through the procedures that apply if you tell someone you think you may have been trafficked. We hope the list of terms and acronyms (shortened words or names) at the end of this guide help you in reading and understanding this guide.

2. What should I do if I think I am a victim of human trafficking?

The Irish State wants to find, help and protect anyone who has been trafficked.

You have rights and choices. We are here to help and protect you. Someone may have told you that you cannot trust the authorities but this is not true in Ireland. We will:

- try to protect and support you to make decisions about your future,
- treat you in a proper and fair way, and,
- give you the services you need as soon as we can.

If you believe you are a victim of human trafficking please **tell someone**. You can tell someone from:

- An Garda Síochána (police),
- doctors,
- nurses,
- other Government workers, including staff at the Office of the Refugee Applications Commissioner (ORAC), or,
- someone from an organisation not run by the Government.

They can help you by putting you in contact with the services you will need.

All the information you give is confidential. However, there might sometimes be a need to give your information to other organisations, including An Garda Síochána, that may be involved in helping you.

As a potential victim of trafficking, please remember that you **will not be taken** from Ireland while the Superintendent in the Garda National Immigration Bureau (GNIB) decides if there are reasonable grounds to believe you are a suspected victim of the crime of human trafficking under the Criminal Law (Human Trafficking) Act 2008.

3. What services can I get if I think I am a victim of human trafficking?

Different supports will help you recover from your experience and help you make decisions about your future.

Voluntary organisations supporting victims of crime are listed on the website of the Commission for the Support of Victims of Crime at www.csvc.ie. You will also find useful contact details in the Victim of Crime Charter at www.victimsofcrime.ie

Different non-governmental organisations give services to victims of trafficking. These include:

- the Immigrant Council of Ireland
- the Migrant Rights Centre of Ireland,
- Sexual Violence Centre, Cork, and
- Ruhama (an organisation that gives support for women involved in prostitution and victims of sex trafficking).

These organisations can give you practical and emotional support. They can refer you to other services and in some cases give you legal advice and a lawyer to represent you in court. They can help your personal development and help you decide on your options for the future. Their contact details are at the back of this guide in Appendix 1.

If you think you are a victim of human trafficking, use the services on offer.

3.1 Foreign national (who is not an asylum seeker)

In trafficking situations, a 'foreign national' is a person who is from outside the European Economic Area (EEA). A person from the European Economic Area (EEA) who might be a suspected victim of trafficking will get the same supports as a person from outside the EEA (see Appendix 3 for definition).

Getting immigration permission

An immigration permission means that you have the permission of the Minister for Justice and Equality to be in the State.

If you are a foreign national and you need an immigration permission there are a number of stages that you have to go through. These are described below. These are officially known as Administrative Immigration Arrangements for the Protection of Victims of Human Trafficking. You can get a copy on the website of the Irish Naturalisation and Immigration Service www.inis.gov.ie They do not apply to asylum seekers (see Glossary for definition).

Step 1: Decision made about your case

After your first contact with the Gardaí, a Superintendent (or someone of higher rank) in the GNIB will look at your case. If they think there are reasonable grounds to believe you are a suspected victim of the crime of human trafficking under the Criminal Law (Human Trafficking) Act 2008 they will tell the Minister for Justice and Equality. They will try to tell the Minister in a time between five days and one month if they have enough information.

Step 2: Recovery and reflection period

If you need permission to stay in Ireland, and the Superintendent in GNIB thinks there is reasonable grounds to believe you are a suspected victim of the crime of human trafficking, you will get 60 days to recover and escape the influence of the trafficker. It will give you time to gather information and decide whether or not you want to help the Gardaí with their investigation into what happened to you.

Step 3: Temporary residence permission

At the end of, or during, these 60 days, you may get a temporary residence permission from the Minister for Justice and Equality. This means you can stay in Ireland for six months and means you can help the Gardaí (police) or other authorities with their investigation into your trafficking.

If the investigation or prosecution of your traffickers goes on longer, you can get another temporary residence permission. See Appendix 2 for more information on the conditions of the temporary residence permission.

If, at the end of the 60 day recovery and reflection period, you decide you do not want to help the authorities and unless you have looked for asylum (see Section 3.3), you will have to leave the accommodation provided by the Reception and Integration Agency. The Minister for Justice and Equality decides whether you should get any other immigration permission to stay in Ireland.

Supports before and during your 60 day recovery and reflection period

- **Legal advice: You should get legal advice as quickly as possible.** You can get **free** legal advice from the Legal Aid Board. They will give you an information leaflet about their services and can give you advice on:
 - your immigration status in Ireland,
 - the procedures in place to allow for recovery and reflection and temporary residence,
 - how to seek asylum,
 - how to seek redress (compensation) under employment protection law,
 - what is involved in a criminal trial for a victim or witness,
 - what compensation is available in criminal and civil cases, and
 - how to return home voluntarily.

You can also get legal advice and representation through private solicitors, who will charge you a fee, or through non-governmental organisations that may give a free legal service to some trafficking victims.

- **Accommodation:** The Gardaí will refer you to the Reception and Integration Agency (RIA). The RIA will let you stay in one of its centres and give you all meals. When you arrive at a centre, you will get a booklet on its services. The RIA chooses which centre you will go to and will only talk to the GNIB or the Health Service Executive (HSE) Anti-Trafficking team about your placement in a centre or a change of centre.
- **Money:** The Community Welfare Officer (CWO) in your RIA accommodation centre will provide you with an ongoing 'direct provision' allowance as well as exceptional needs payments for things you need immediately such as clothes and toiletries.
- **Medical care:** You will be given medical care and support by the HSE. You will be referred by the Gardaí to:

Anti-Human Trafficking Team
 Baggot Street Clinic
 19 Haddington Road
 Dublin 4
 Ph: 01 6699515

Secure email: antihuman.trafficking@hse.ie

The Anti-Trafficking Team will deal with your general and sexual health needs. If necessary, it will also provide counselling. To support you through the process they will assign you a key worker and develop a care plan with you which will cover all aspects of your life.

You may also want to contact the nurse in the medical centre attached to the RIA reception centre. They can refer you to the right medical services or further support if you need it.

- **Interpreter:** The agencies helping you will do their best to give you an interpreter if you need one.
- **Advice on personal safety:** A Crime Prevention Officer from the Gardaí can give you advice about your personal safety and talk about any worries you might have. If you wish they will contact you about this. The GNIB's freefone telephone number is **1800 25 00 25**. If you are worried about your security or

protection you should contact your local Garda station or in an emergency dial 999 or 112.

Supports during your temporary residence permission - if you are not in the asylum process

- **Accommodation:** You will need to move out of your RIA accommodation centre. Your HSE key worker can help you move. The CWO who helps with trafficking cases in the Asylum Seekers and New Communities Unit (ASNCU) of the Department of Social Protection will advise you on what services you are entitled to and will talk to you about your accommodation options.

You should contact the ASNCU office (telephone: (01) 858 5100) about 10 working days before the end of your 60-day recovery period.

- **Work and training:** You will be allowed to work and get the supports and training you need. Your CWO or HSE key worker will talk to you about your options.

You can access training and employment programmes. As part of your ongoing care and support, the HSE Anti-Trafficking Team will help you with this service if you need it.

- **Education:** You might be able to go on part-time education courses through the Back to Education Initiative, if there are places available and you are eligible. This initiative is run by the Vocational Education Committees. **You might** also be able to go to English language classes if they are available through the local Vocational Education Committees. See www.ivea.ie for more information on your local VEC.

You can get details about your education options from your local CWO.

Non-governmental organisations will also be able to give you help and support. Their contact details are at the end of the guide in Appendix 1.

3.2 Asylum seeker

- **Accommodation:** If you are an asylum seeker and you are a potential or suspected victim of trafficking, you will stay in the asylum process and the Reception and Integration Agency (RIA) will provide the accommodation supports that you need.
- **Immigration permissions:** An Garda Síochána will investigate your complaint of human trafficking while the Office of the Refugee Applications Commissioner processes your claim for asylum. You are not entitled to any extra immigration permission during this time. If you are refused asylum in Ireland, you may ask the Irish Naturalisation and Immigration Service to look at your identification as a suspected victim of trafficking when considering your case.
- **Medical care:** You will get medical care and support from the HSE as outlined in Section 3.1.
- **Legal advice:** You can also get legal help from the Legal Aid Board as outlined in Section 3.1.
- **Advice about personal safety:** A Crime Prevention Officer from the Gardaí can give you advice about your personal safety and talk about any concerns you might have. If you wish they will contact you about this. The Garda National Immigration Bureau (GNIB) has a freefone telephone number, **1800 25 00 25**. If you are worried about your security or protection you should contact your local Garda station or in an emergency dial 999 or 112.
- **Education:** As an asylum seeker you can take courses in English language and literacy through the Back to Education Initiative run by the Vocational Education Committees.
- **Work:** You are not allowed to work if you are an asylum seeker in Ireland.

If you give any information to any staff at the Office of the Refugee Applications Commissioner (ORAC) during the asylum process that might indicate you have been trafficked they will give this information to the GNIB so they can investigate it. The GNIB may share your information with ORAC if it is relevant to your asylum

claim. This is allowed under the Immigration Act 2003 and Data Protection Act 1998.

Under the Council of Europe Convention on Action against Trafficking in Human Beings and EU rules on asylum, you may be transferred outside Ireland if your asylum application is under the Dublin II Regulation and or it appears that the trafficking offence may have happened in another country. You will only be removed if the GNIB thinks that you are **not** a victim of trafficking in Ireland.

The information leaflet for applicants for Refugee Status in Ireland issued by ORAC has more information on the Dublin II Regulation.

3.3 Irish or EEA national

If you are identified as a suspected victim of trafficking, you will get help. The Garda National Immigration Bureau (GNIB) decides who is a suspected victim of human trafficking. After you first come into contact with the Gardaí, a Superintendent in the GNIB or someone of a higher rank will look at your case.

- **Accommodation:** If necessary you may be sent to the local homeless services on an emergency basis. The Reception and Integration Agency (RIA) does not give accommodation to Irish nationals.
- **Medical care:** You will be given medical care and support by the Health Service Executive (HSE). You will be referred by the Gardaí to:

Anti-Human Trafficking Team
Baggot Street Clinic
19 Haddington road
Dublin 4
Ph: 01 6699515

Secure email: antihuman.trafficking@hse.ie

- **Money:** Your local Community Welfare Officer can help you with things you need immediately such as clothes and toiletries.
- **Legal advice:** You can get legal services through the Legal Aid Board. See Section 3.1 above for more information

- **Work and training:** You can access training and employment programmes. As part of your ongoing care and support, the HSE Anti-Trafficking Team will help you with this service if you need it.
- **Advice on personal safety:** A Crime Prevention Officer from the Gardaí can give you advice about your personal safety and talk about any worries you might have. If you wish they will contact you about this. The GNIB has a freefone telephone number **1800 25 00 25**. If you are worried about your security or protection you should contact your local Garda station or in an emergency dial 999 or 112.

3.4 Children

Under the law Tusla provides services for an unaccompanied child that is identified as a potential or suspected victim of trafficking.

If you think a child may be in this situation, contact the Social Work Team for Separated Children Seeking Asylum, based in Dublin.

Telephone: 01 633 7822

Out of hours number is (087) 798 9722.

Further details are provided in a guide for service providers for child victims of trafficking which is available through the Anti-Human Trafficking Unit or on www.blueblindfold.gov.ie.

4. What are my responsibilities as a suspected victim of trafficking?

The authorities are here to help you. You may have been told not to trust the authorities, but this is not true.

As a suspected victim, you should:

- **tell the truth** at all times in any information you give about your case. Any information you give them will be confidential, but sometimes they might need to share this information with other organisations that may be involved in helping you. The authorities will treat you with politeness and respect.
- You must **obey the laws of Ireland**.
- If you are a foreign national, you must give your address to the Garda National Immigration Bureau and let them know if you change your address.
- If you are living in a RIA centre, you must obey the centre's rules.
- You must break all contact with your traffickers to get a recovery and reflection period or temporary residence permission.
- You must be willing to help in an investigation into or prosecution for trafficking to get temporary residence permission.

5. What are my options for the future?

5.1 Residence in Ireland

As a holder of temporary residence permission granted under the Administrative Immigration Arrangements you may, if you are eligible, apply for permission to remain under any other scheme of permission to remain in the State. Your application will be looked at under the terms of the particular scheme. Your case will be judged on your circumstances.

The Administrative Immigration Arrangements also say that you may apply for a change in your status if you have been given temporary residence permission as a suspected victim of trafficking for three years. The arrangements also say you may apply for a change of status if an Garda Síochána has decided that the investigation or prosecution into your trafficking case is complete. The change of status will apply in whichever time is shorter.

Contact the Irish Naturalisation and Immigration Service if you want to apply for a change of status. The Legal Aid Board can give you advice on this option. Contact details for these organisations are at the end of this guide in Appendix 1.

5.2 Voluntary return

International Organisation for Migration

The International Organisation for Migration (IOM) provides information on returning home to people from countries outside the European Union.

The Legal Aid Board or your legal representative can give you advice more information on this matter.

Reception and Integration Agency

The Reception and Integration Agency (RIA) works for the Department of Social Protection to support the return of people coming from Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, Slovenia, Romania and Bulgaria who fail the Habitual Residency Condition (HRC) attached

to social welfare payments. A Community Welfare Officer must assess you under the HRC if you want to return home using the RIA service. See www.welfare.ie for more information on the habitual residence condition.

Contact details for these organisations are at the back of this guide in Appendix 1.

5.3 Compensation

Human trafficking is a crime. Victims can get compensation in different ways.

- A court may order that you receive a payment once someone is convicted of a crime, for example the person who trafficked you (Under Section 6 of the Criminal Justice Act 1993),
- You may be able to take a civil case against the trafficker for compensation.
- You may be able to apply to the Criminal Injuries Compensation Tribunal for any expenses or lost earnings that you suffered directly because of a violent crime.

If you have been trafficked for labour exploitation, you may be able to seek legal compensation through laws such as the:

- Organisation and Working Time Act 1997,
- National Minimum Wage Act 2000, and
- Unfair Dismissals Acts 1997 to 2001.

A number of organisations deal specifically with work-related rights and entitlements, including:

- the Employment Appeals Tribunal,
- the Labour Relations Commission,
- the Labour Court, and
- the Equality Tribunal.

You should get legal advice from the Legal Aid Board on what your entitlements are to compensation.

The Migrant Rights Centre of Ireland can give you support about your claim for employment compensation. Their contact details are at the back of this guide in Appendix 1.

Contact details for other victim support organisations are also at the back of the guide.

6. Human trafficking - know the signs

Human trafficking involves recruiting, moving, hiding or receiving a person through fear, fraud, deception (lying), coercion (pressure), physical force or the abuse of power or a position of vulnerability to engage someone in labour or sexual exploitation or remove their organs.

If you feel that some of the situations listed below could apply to you, **look for help**.

Labour exploitation (forced labour)

People who have been trafficked for labour exploitation are usually made to work in areas such as:

- agriculture,
- construction,
- entertainment,
- service industry,
- manufacturing, such as sweatshops, and
- work in a private home in poor conditions (domestic servitude).

Below are further possible signs that a person has been trafficked for labour exploitation.

- You work too many long hours.
- You are forced to do dangerous work.
- You have low or no salary.
- You have no access to the money you earned.
- You depend on your employer for things like work, food, transport and accommodation.
- You are made to pay for tools, food or accommodation and have these costs taken from your wages.
- You have no tax or PRSI contributions and no access to social supports.
- You have no contract of employment.
- You are working without the employment documents required for workers from your country.
- You have your rights in relation to pay and conditions of employment infringed.
- You have no choice of accommodation offered to you.

- You live with the family employing you.
- You live in groups in the same place where you work, and don't leave that place very often.
- You have no privacy, sleeping in shared and over-crowded spaces.
- You live in unsuitable places, such as in agricultural or industrial buildings like sheds or warehouses.
- You never or rarely leave the house or work place without your employer.
- You are not able to move freely.
- Security measures are in place to keep you at the work place, for example locked doors and windows.
- Your social activities and movements are controlled by your employer.
- You are given only leftover food to eat.
- You are disciplined through fines and threats.
- You are insulted, abused or threatened or suffer violence.
- You don't have basic training and professional licences.
- You work in dangerous conditions, in places with no health and safety notices and or poor quality equipment.
- You are not dressed properly for the work you do, for example you don't have protective equipment or warm clothes.
- Equipment is designed or changed so that children can use it.

Sexual exploitation

People who have been trafficked for sexual exploitation sell sex on the street or in brothels, massage parlours, lap dancing clubs, and in private houses.

Below are further possible signs that a person has been trafficked for sexual exploitation.

- You move from one brothel to another or work in various places.
- You are escorted whenever you go and or return from work and other activities.
- You have tattoos or other marks indicating 'ownership' by your exploiters.
- You work long hours or have few, if any, days off.
- You sleep where you work.

- You live or travel in a group, sometimes with other women who do not speak the same language.
- You have very few clothes.
- You have clothes that are mostly the kind typically worn for prostitution.
- You only know how to say sex-related words in the local language or in the language of the client group.
- You have no money of your own.
- You are not able to show an identity document.
- You are afraid to reveal who is controlling you and lie about your story.
- Your mobile phone keeps ringing when you are out.

Removal of organs

People who have been trafficked for the removal of organs may:

- have unexplained scarring in their kidney area, and
- show signs of clumsy surgery or infections.

7. What to do if you suspect someone is a victim of trafficking.

Firstly, do not put yourself at risk. You are not expected to take direct action. This is up to the Gardaí. However, the Garda Síochána relies to some extent on the community-at-large to act as its eyes and ears.

The information you give to the Garda Síochána should be clear and detailed. At a minimum, information provided should include the name and location of the person who is suspected to be a victim together with the reason for this suspicion. You should write down the details of the information communicated to the Garda Síochána. The Garda Síochána may, in certain circumstances, need a written statement and evidence given in court in relation to the victim. If this happens the Garda Síochána will give advice on a case by case basis.

There are four ways you can report your suspicions:

1. You can contact your local Garda Station. Gardaí have been trained on human trafficking. They can link in with the Human Trafficking Investigation and Coordination Unit in the Garda National Immigration Bureau.

Or

2. You can free-phone Crimestoppers on 1800 25 00 25. Crimestoppers is a telephone hot-line for the confidential reporting of suspicions that a crime has taken place or will take place at a future date. The hotline is open from 9am to 9pm.

Or

3. You can e-mail your concerns or suspicions to blueblindfold@garda.ie.

Or

4. Dial 999 or 112 if you suspect a person to be in immediate danger.

It is a crime to harm or threaten someone who is helping the Garda Síochána with an investigation, or a witness, juror or any family member of the victim. You should tell the Garda Síochána if this is happening to you.

Appendix 1: Useful contacts

Please talk to someone about your situation. You can:

- contact the free anonymous telephone **hotline** 1800 25 00 25,
- e-mail blueblindfold@garda.ie,
- talk to any member of the Garda Síochána (police) at any time,
- talk to a doctor, nurse or any Government worker,
- talk to a non-governmental organisation (NGO). They can give you information and support.

Irish organisations

Government or State organisations

Anti-Human Trafficking Unit

Department of Justice and Equality
51 St Stephen's Green
Dublin 2
Telephone: 01 602 8202
Email: AHTUdivision@justice.ie

Asylum Seekers and New Communities Unit (ASNCU)

Community Welfare Officer
77 Gardiner Street
Dublin 1
Telephone: 01 858 5100
Fax: 01 858 5149

Criminal Injuries Compensation Tribunal

13 Hatch Street
Dublin 2
Telephone: 01 661 0604
Email: criminalinjuries@justice.ie

Employment Appeals Tribunal

Davitt House
65a Adelaide Road
Dublin 2
Telephone: 01 631 3006
Lo call: 1890 220 222
Fax: 01 6313 266
Email: eat@deji.ie

Garda National Immigration Bureau (GNIB)

13/14 Burgh Quay
Dublin 2

Telephone: 01 666 9192
Email: GNIB_DV@Garda.ie

Garda Síochána Crime Prevention Officers

All members of the Garda Síochána (police) promote crime prevention and reduction. However there are also dedicated Crime Prevention Officers (CPOs) in each Garda Division. These CPOs are trained to encourage, promote and advise people and businesses on crime prevention.

For more information please see the Garda Síochána website: www.garda.ie or contact:

National Crime Prevention Unit

Community Relations & Community Policing
Garda Headquarters
Harcourt Square
Dublin 2
Telephone: 01 666 3669
Fax: 01 666 3314
Email: crime_prevention@garda.ie

Health Service Executive

Anti-Human Trafficking Team
Baggot Street Clinic
19 Haddington Road
Dublin 4
Ph: 01 6699515

**Child and Family Agency - Tusla
Separated Children Seeking Asylum Team**

Sir Patrick Dunn's Hospital
Lower Grand Canal Street
Dublin 2

Telephone: 01 647 7000

Irish Naturalisation and Immigration Service

13/14 Burgh Quay
Dublin 2
Lo call: 1890 551 500

Labour Relations Commission

Tom Johnson House
Haddington Road
Dublin 4
Telephone: 01 613 6700
Lo call: 1890 220 227 (outside 01 area)

Fax: 01 613 6701

Legal Aid Board

Human Trafficking/ Administrative Support Unit
48 - 49 North Brunswick Street
Georges Lane
Dublin 7
Telephone: 01 646 9600
Website: www.legalaidboard.ie

National Employment Rights Authority

O'Brien Road
Carlow
Lo call: 1890 80 80 90
www.workplacerelements.ie

Office of the Refugee Applications Commissioner (ORAC)

79-83 Lower Mount Street
Dublin 2
Telephone: 01 602 8000
Email: oracmail@orac.ie
Website: www.orac.ie

Reception and Integration Agency (RIA)

PO Box 11487
Dublin 2
Telephone: 01 418 3200
Fax: 01 418 3271
Email: RIA_inbox@justice.ie

Non-governmental organisations (NGOs)

Act to Prevent Trafficking

Works to raise awareness about human trafficking
APT, c/o St. Mary's
Bloomfield Road
Donnybrook
Dublin 4
Email: info@aptireland.org

Immigrant Council of Ireland

Independent law centre giving free legal advice and representation to
migrants and their families
2 St Andrew Street
Dublin 2
Telephone: 01 674 0202 (administration)
Email: admin@immigrantcouncil.ie

Irish Refugee Council

Advocates for the rights of for asylum seekers and refugees

Second Floor

Ballast House

Aston Quay

Dublin 2

Telephone: 01 764 5854

Fax: 01 672 5927

Email: info@irishrefugeecouncil.ie

Migrant Rights Centre of Ireland

Gives support for migrant workers and their families

55 Parnell Square West

Dublin 1

Telephone: 01 889 7570

Fax: 01 889 7579

Email: info@mrci.ie

Ruhama

Gives support and help for women involved in prostitution and victims of sex trafficking

Senior House

All Hallows College

Drumcondra

Dublin 9

Telephone: 01 836 0292

Fax: 01 836 0268

Email: admin@ruhama.ie

Website: www.ruhama.ie

Sexual Violence Centre Cork

Gives support and information for victims of sexual violence

5 Camden Place

Cork

Telephone: 021 450 5577

Text: 087 153 3393

Freefone: 1800 496 496

Fax: 021 450 4690

Email: info@sexualviolence.ie

International organisations**International Organisation for Migration**

7 Hill Street

Dublin 1

Telephone: 01 878 7900

Email: iomdublin@iom.int

Website: www.iomdublin.org

United Nations High Commission for Refugees

Merrion House, Suite 4

1-3 Lower Fitzwilliam Street

Dublin 2

Email: iredu@unhcr.org (for general information)

Telephone: 01 6314613 (Protection Unit)

Appendix 2: Glossary of terms

Administrative Immigration Arrangements

Procedures that are in place to deal with potential or suspected victims of human trafficking who do not have another permission to be in Ireland. Under the Immigration, Residence and Protection Bill 2010, suspected victims of trafficking will get a recovery and reflection period of 60 days followed by a temporary residence permit for six months, which can be renewed. Until the Bill becomes law and enters into force, the procedures remain in use.

The administrative arrangements say that if there are reasonable grounds to believe that a foreign national is a suspected victim of an offence under sections 2 or 4 of the Criminal Law (Human Trafficking) Act 2008 or section 3 (other than subsections (2 A) and (2 B)) of the Child Trafficking and Pornography Act 1998, they can get a period of recovery and reflection in Ireland if they need permission to be in Ireland.

Certain administrative arrangements (in particular the granting of a recovery and reflection period) will apply to people from the European Economic Area. None of these actions will interfere with the immigration entitlements such people have under European Union law.

Asylum seeker

An asylum seeker in Irish law is a person who seeks to be recognised as a refugee in line with the Refugee Act 1996.

Foreign national

In the case of human trafficking, someone from a country outside the European Economic Area.

Immigration permission

This is the permission of the Minister for Justice and Equality to live in the State which is required by all non – EEA nationals.

Potential victim of trafficking

A person whom people think is a victim of trafficking but who has not been fully assessed as a victim by the Gardaí (police). A person who is a potential victim of trafficking will not be removed from Ireland while the Gardaí are assessing if there are reasonable grounds to believe they are a suspected victim of human trafficking.

Reasonable grounds

Reasonable grounds mean that there is enough information available to fairly and rationally decide that a person is a suspected victim of human trafficking. The information available may not all be based on facts but also on how **likely** it is that a person is a suspected victim. Reasonable grounds is **more than just a suspicion** that a person is a suspected victim. Reasonable grounds does not mean there is evidence that a person is a suspected victim of trafficking. [Please note this is not a legal definition of reasonable grounds.]

Recovery and reflection period

A person who has been identified as a suspected victim of human trafficking, by a Superintendent in GNIB or higher, and who requires permission to be in the State, will get permission to stay lawfully in Ireland for a recovery and reflection period of 60 days. This period will allow the person to:

- (a) recover from the alleged trafficking;
- (b) escape the influence of the alleged traffickers; and
- (c) take an informed decision about whether to help the Gardaí or other authorities with any investigation or prosecution.

The Minister for Justice and Equality may end a recovery and reflection period when they are satisfied that

- a) the person has actively, voluntarily and on his or her own initiative renewed contact with the alleged people carrying out the trafficking,
- b) it is in the interest of national security or public policy to do so, or
- c) victim status is being falsely claimed.

Where a person below the age of 18 years is identified as a suspected victim of human trafficking a recovery and reflection period more than 60 days may be allowed in line with the arrangements in place for the care and welfare of the child.

Suspected victim of trafficking

A person who has been assessed and about whom a Superintendent or a Garda of higher rank in the Garda National Immigration Bureau (GNIB) has enough information to believe that they are a victim of human trafficking.

Temporary residence permission

If the Minister is satisfied that a person:

- has broken all contact with their alleged or suspected traffickers, and
- is willing to continue to help the Gardaí or other authorities in an investigation or prosecution,

he will give permission for the person to remain in Ireland for a period of six months.

The permission can be given before or after the end of the 60-day period of recovery and reflection and can be extended after six months for as long as the investigation and prosecution continues.

Under paragraph 14 of the Administrative Immigration Arrangements, the Minister may cancel a temporary residence permission when:

- (a) the person concerned has actively, voluntarily and on their own initiative renewed contact with the alleged people carrying out the trafficking,
- (b) the person concerned no longer wishes to help the Garda Síochána or other authorities in the investigation or prosecution of the trafficking,
- (c) the allegation of trafficking is fraudulent or has no foundation, or
- (d) any investigation or prosecution coming from the trafficking is finished, or

(e) the Minister thinks that it is in the interest of national security or public policy to do so.

If a person below the age of 18 years is identified as a suspected victim of human trafficking a temporary residence permission may be granted in line with the arrangements in place for the care and welfare of the child. In deciding on the conditions of such temporary residence permission the Minister will have regard to matters including whether the child is in the care of the HSE or in the care of a parent or legal guardian.

Temporary residence permission does not allow you to have family members join you in Ireland.

The Administrative Immigration Arrangements also set out how you can change your status in the State.

Unaccompanied child

A child under 18 years of age who arrives at the frontiers of the State (port of entry) who is not in the custody of an adult.

Appendix 3: Guide to acronyms

CPO

Crime Prevention Officer – a Garda who will give advice on keeping safe and protecting yourself.

CWO

Community Welfare Officer – a person who is employed by the Department of Social Protection who can give advice on your entitlements, arrange payments for basic supplies and support you during your period of recovery and reflection and temporary residence.

EEA

EEA is the European Economic Area and consists of all EU Member States, plus Norway, Liechtenstein and Iceland. Swiss nationals also have the same rights as members of the EEA.

FAS

FAS is Ireland's National Training and Employment Authority.

GNIB

Garda National Immigration Bureau – the section of the Garda Síochána that investigates illegal immigration and human trafficking, patrols borders and carries out deportations.

HSE

Health Service Executive (HSE) has responsibility for delivering health and personal social services through medical professionals and hospitals and through a network of Local Health Offices, health centres and clinics at community level.

LAB

Legal Aid Board is the statutory body responsible for the provision of civil legal aid and advice in accordance with the provisions of the Civil Legal Aid Act, 1995. Its mission is to provide a professional, efficient, cost-effective and accessible legal aid and advice service.

INIS

Irish Naturalisation and Immigration Service - is responsible for the administrative functions, for example issuing recovery and reflection periods and granting temporary residence permission, of the Minister for Justice and Equality in relation to asylum, immigration (including visas) and citizenship matters.

ORAC

Office of the Refugee Applications Commissioner – the organisation that processes and makes initial recommendations on claims for asylum in Ireland

RIA

The Reception and Integration Agency of the Department of Justice and Equality – provides accommodation to asylum seekers and potential or suspected victims of trafficking.

Appendix 4: Protection process for victims of human trafficking in Ireland

