

Victims of Human Trafficking and the Importance of Legal Immigration Status on the Road to Recovery



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**KLAIPĖDA SOCIAL AND
PSYCHOLOGICAL
SERVICES CENTER**



**MEDITERRANEAN
INSTITUTE OF
GENDER STUDIES**



MONIKA - MULTICULTURAL WOMEN'S ASSOCIATION



ICI Specialist Immigration Advocacy Service

Purpose: ensure appropriate responses to the needs of vulnerable migrants

⇒ provision of **specialist support to migrant women trafficked to Ireland for the purposes of sexual exploitation**, women subjected to sexual exploitation within the sex industry, victims of domestic violence and unaccompanied minors

ICI Casework with Victims of Trafficking

1. **Identification** – generally accepted ‘*Delphi indicators*’
2. **Referral** – to State services (e.g. HSE), other NGOs and legal practitioners
3. **Representation** – vis á vis GNIB, INIS, ORAC/RAT, DPP and in court proceedings
4. **Non-prosecution and witness protection**
5. **Compensation** – liaison
6. **‘Section 3 Process’** (INIS) and **AVR** (IOM)

What Legal Immigration Status?

1. Recovery & Reflection Permit – 60 days

- **threshold for identification as ‘potential victim’ too high**
- **victims of trafficking in the asylum process excluded**
- **EU national victims’ access to social protection not guaranteed**

What Legal Immigration Status?

2. Temporary Residence Permits (6 months)

asylum-seeking victims at a clear disadvantage

⇒ in breach of Article 14(5) of the CoE Convention:

“(...) each Party shall ensure that granting of a permit according to this provision [in other words a renewable residence permit] shall be without prejudice to the right to seek and enjoy asylum”.

Long Term Residence ?

- a period of three years in the State *or*
- a continuous period during the investigation or prosecution of acts of trafficking, where a determination has been made by the GNIB that the investigation is complete.

⇒ **asylum seeking victims excluded from access to long-term residence status**

ICI Recommendations

- **lower threshold for identification** as ‘potential victim’ and ‘suspected victim’ for the purpose of granting Recovery & Reflection Permits and Temporary Residence Permits
- **include victims of trafficking who have pending applications for refugee status/subsidiary protection** in the application of the AIAs
- **guarantee access to social benefits and support services to EU national victims** through policy/legal change guaranteeing non-application of ‘Habitual Residence Test’

THANK YOU!

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