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

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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

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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 à 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”.

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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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