



PROMOTING & PROTECTING HUMAN RIGHTS

# MIGRANT VICTIMS OF DOMESTIC, SEXUAL & GENDER-BASED VIOLENCE

AN INTRODUCTORY  
GUIDE FOR PEOPLE WORKING  
IN FRONTLINE SERVICES IN IRELAND



An Roinn Dlí agus Cirt  
Department of Justice

This project is supported by the Department of Justice



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# MIGRANT VICTIMS OF DOMESTIC, SEXUAL & GENDER-BASED VIOLENCE

## AN INTRODUCTORY GUIDE FOR PEOPLE WORKING IN FRONTLINE SERVICES IN IRELAND

This introductory guide has been developed to support frontline staff in their work with migrant victims of domestic, sexual and gender-based violence and gives a brief overview of the following:

- ADDITIONAL BARRIERS FACED BY MIGRANT VICTIMS OF DSGBV
- IMMIGRATION BARRIERS TO ACCESSING SUPPORT
- RIGHTS & ENTITLEMENTS: IMMIGRATION PERMISSIONS & "STAMPS"
- APPLYING FOR INDEPENDENT IMMIGRATION STATUS FOR VICTIMS OF DOMESTIC VIOLENCE
- ANNA'S STORY: A CASE STUDY
- USEFUL LINKS & CONTACT DETAILS

\*This guide has been produced as an introductory guide for service providers for information purposes only. For individual advice and up-to-date information, please refer to [www.irishimmigration.ie](http://www.irishimmigration.ie) or contact us at Doras to discuss individual circumstances.

# INTRODUCTION

People from a migrant background who have been victims of domestic, sexual and gender-based violence (DSGBV) in Ireland have rights and entitlements to access a range of supports, regardless of their nationality or immigration status. However, in many cases, a person's nationality or immigration status can act as a barrier to support services.

## WHAT ADDITIONAL BARRIERS DO MIGRANT VICTIMS OF DSGBV FACE?

- A migrant victim of domestic violence might feel unable to leave an abusive relationship, due to the fear of being deported if they leave their spouse. This can significantly impact on people who are undocumented or if people who have an immigration permission that is dependent on their spouse (See pages 5 & 6).
- A migrant victim might have limited or no English skills and be unable to communicate with support services without the use of an interpreter.
- A migrant victim might have very limited awareness of rights, entitlements or available support services, especially if they are new to Ireland and have limited or no social networks.
- Cultural norms and stigma in some communities can act as a barrier to accessing support.
- Victims who are seeking asylum in Ireland and living in a direct provision centre might fear that reporting the crime could negatively impact on their asylum application.
- Victims of human trafficking may present as a victim of domestic or sexual violence to support services. They might be unaware that what they experienced was the crime of human trafficking.

## IMMIGRATION BARRIERS TO ACCESSING SUPPORT

The immigration status of a person can have an impact on their rights and entitlements to basic services including social welfare, housing assistance and employment supports. Even where a right and entitlement to access services does exist, immigration status can still act as a barrier to availing of support services in practice for a number of reasons, most notably fear of deportation.

Victims of domestic violence, in particular, face barriers trying to leave abusive relationships when their immigration status is linked to and dependent on their spouse (See Pages 7 & 8 for details of how to apply for independent immigration status).

Victims of human trafficking might also be in abusive relationships with a partner or "spouse", who has deceived or coerced them into a relationship for the purposes of exploitation. Threats and fear of deportation can have a powerful hold over people in these exploitative situations and prevent them from accessing supports.

**“Migrant victims of domestic violence can obtain independent immigration status – they do not have to remain with their abuser in order to maintain their immigration status in Ireland.”**

# RIGHTS & ENTITLEMENTS - IMMIGRATION PERMISSIONS & “STAMPS”

The immigration system in Ireland is complex, with several different immigration permissions or “stamps” that each come with a unique set of rights, entitlements and barriers.

A brief overview of the rights and entitlements provided for under each immigration permission are outlined below. A complete list can be found on the Immigration Service Delivery website ([www.irishimmigration.ie](http://www.irishimmigration.ie)).

## Stamp 0

- No entitlement to social welfare
- No right to use public services, including hospital
- No right to employment
- Elderly dependent relative of non-EEA citizen

## Stamp 1

- Permitted to work only when employer has obtained employment permit

## Stamp 1A

- Permitted to work in employment related to their full-time training in Accountancy

## Stamp 1G

- Granted for 12 months
- Permitted to work without employment permit
- Same other permissions as Stamp 2
- No entitlement to social welfare
- No right to use public services, including hospital
- **Example:** Former international student, now seeking employment; Spouse of “Critical Skills” work permit holder.

## Stamp 2

- Permitted to undertake full-time study
- Casual employment of up to 20 hours per week is permitted
- No entitlement to social welfare
- No right to use public services, including hospital
- **Example:** Full-time international student

## Stamp 2a

- Permitted to undertake full-time study
- No entitlement to social welfare
- No right to use public services, including hospital
- **Example:** Spouse of financially independent student

## Stamp 3

- No right to employment
- Immigration permission to live in Ireland is dependent on spouse
- **Example:** Joined your spouse or family member, who is a non-EEA citizen with an employment permit (e.g. spouse is on Stamp 1)

## Stamp 4

- Permitted to take up employment without an employment permit
- Right to access to social welfare
- Right to use public services, including hospitals
- **Example:** Refugees are granted Stamp 4 when they receive a positive decision on their asylum application or when they arrive under refugee resettlement programmes.

## Stamp 4 (EUFAM)

- Permitted to work without the need for employment permit
- **Example:** Family members of EU nationals

## Stamp 5

- Permitted to work without the need for employment permit
- Unlimited permission to remain in Ireland

## Stamp 6

- Dual nationality, i.e. Irish citizens and citizens of another country
- Permitted to work and access services on same basis as Irish citizens

**IMPORTANT:** Each individual case is different and will require advice and guidance in relation to immigration issues.

# APPLYING FOR INDEPENDENT IMMIGRATION STATUS FOR VICTIMS OF DOMESTIC VIOLENCE

The Immigration Guidelines for Victims of Domestic Violence outline how a person can apply for independent immigration status after leaving an abusive relationship.

## WHAT IS THE APPLICATION PROCESS?

An application can be made by the individual victim or with the help of a support service or solicitor as needed.

Applications are made in writing with supporting documentation enclosed.

There is no application fee.

## DOCUMENTS TO SUPPORT THE APPLICATION:

The following documents are not required but might be helpful to support the application.

- 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 your 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.

## FURTHER INFORMATION & ASSISTANCE

If you require further information and assistance to make an application for independent immigration status, please contact Doras by phone or by email to make an appointment.

Immigration Guidelines for Victims of Domestic Violence: <https://www.irishimmigration.ie/wp-content/uploads/2021/06/Victims-of-domestic-violence-immigration-guidelines-june-2021.pdf>

## SUBMITTING AN APPLICATION

Completed applications can be made in writing to:

Unit 2 Domestic Residence and Permissions Division  
Immigration Service Delivery  
Department of Justice  
13-14 Burgh Quay  
Dublin 2 D02 XK70  
Ireland

## ANNA'S STORY – A CASE STUDY

Anna had experienced physical, emotional, and financial abuse from her partner for many years. She was referred to Doras after seeking shelter from her abusive partner with a domestic violence refuge service.

Her husband was living in Ireland on a work permit and Anna was here on a stamp 3. Due to her immigration status, she was not permitted to work or to claim social welfare. Her partner had control of all finances and received child benefit payments to his account on behalf of the children.

Anna contacted a local domestic abuse support service and with their help, she applied for protection orders and was granted free legal aid to support her case while being accommodated at the refuge. She was unable to access social welfare payments or child benefit for her or her children due to her immigration status.

During court proceedings, she was advised by the Judge to sort out her immigration status with her abusive partner. Anna was extremely distraught by this suggestion. Her support worker made a referral for her to Doras for immigration assistance.

Doras assisted Anna to apply for independent immigration status and liaised with the domestic abuse support service on immigration issues for the duration of her case. Doras also appealed to the decision to refuse child benefit on the basis of her domestic violence situation, which was subsequently granted and backdated.

Anna's application for independent immigration status was eventually granted, which enabled Anne to move out of the domestic violence refuge and into housing with her children.

## IMMIGRATION & MIGRANT VICTIM SUPPORT SERVICE

Doras, 51a O'Connell Street, Limerick

Tel: 0870802378 // 061310328

Email: info@doras.org

Web: www.doras.org

## MULTILINGUAL VICTIM SUPPORT SERVICES

Women's Aid Telephone Interpretation Service offers support in more than 170 languages, accessible 7 days a week from 8am to 8pm.

Women's Aid National Freephone Helpline (1800 341 900).

Rape Crisis Centre Helpline Interpreting Service offers support in 200 languages, accessible Monday to Friday from 8am to 6.30pm.

Rape Crisis Centre Helpline 1800778888

## USEFUL LINKS & INFORMATION

Full details of immigration permissions/ Stamps: <https://www.irishimmigration.ie/registering-your-immigration-permission/information-on-registering/immigration-permission-stamps/#stamp-categories>

Victims of domestic violence – Immigration Guidelines: <https://www.irishimmigration.ie/wp-content/uploads/2021/06/Victimsof-domestic-violence-immigration-guidelines-june-2021.pdf>

<https://www.irishimmigration.ie/my-situation-has-changed-since-i-arrived-in-ireland/immigration-guidelines-for-victims-of-domestic-violence/>

Guide to Procedures for Victims of Human Trafficking in Ireland: <http://www.victimsofcrimeoffice.ie/en/vco/Humantraffickingguidelines.pdf/Files/Humantraffickingguidelines.pdf>

# Doras

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