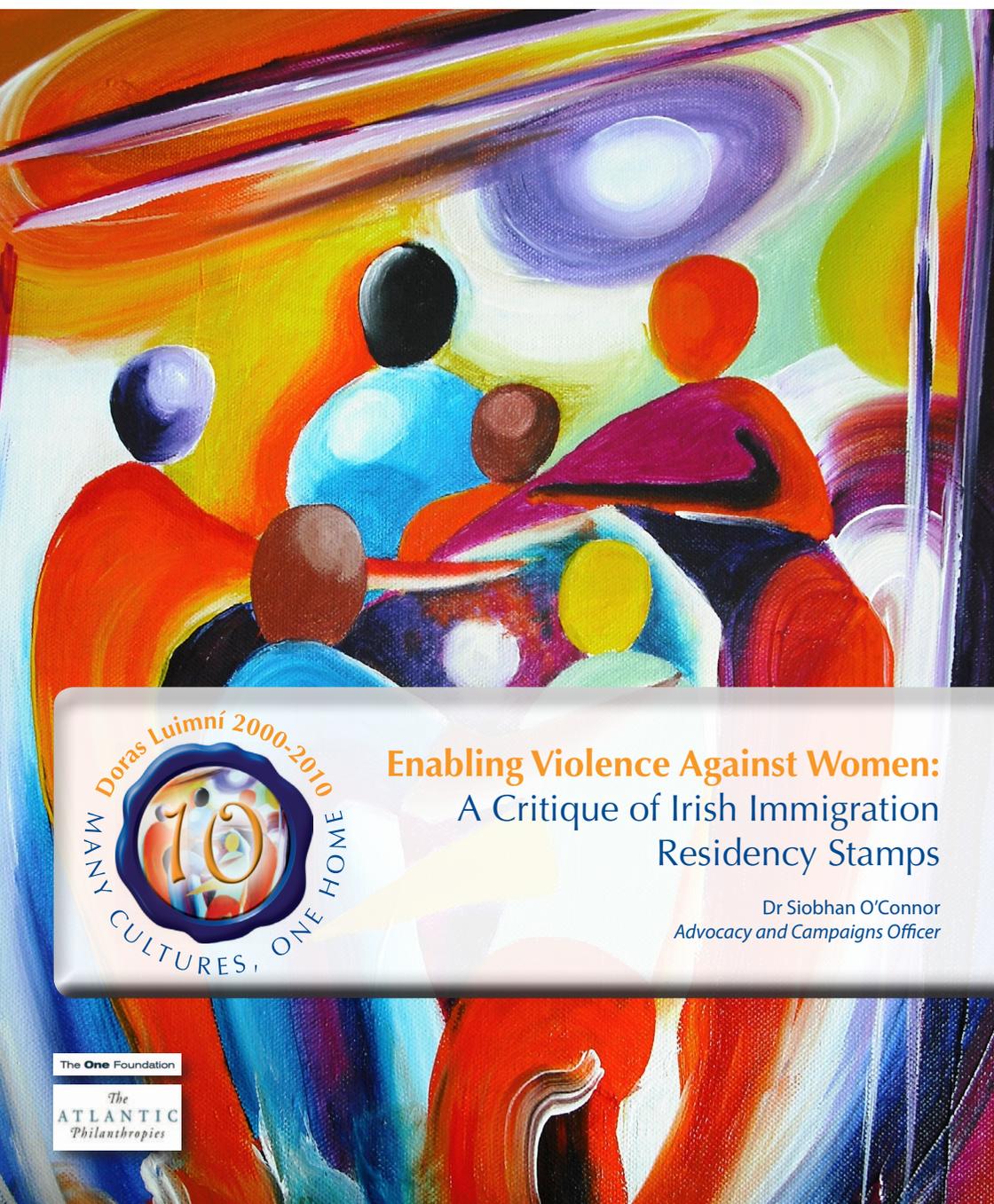




Doras Luimní

Promoting and protecting the rights of all migrants



Enabling Violence Against Women: A Critique of Irish Immigration Residency Stamps

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The **One** Foundation

The
ATLANTIC
Philanthropies

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Introduction

Vision

Doras Luimni is an NGO based in Limerick that supports the rights of asylum seekers, refugees and migrant workers.

Our **mission statement** is:

To promote and protect the rights of all migrants, including asylum seekers, refugees and migrant workers. Its role is to support migrants on a personal level, while engaging in advocacy with them and for their collective interests.

Our **vision** for Ireland is:

A society where equality and respect for the human rights of migrants are social norms. Our core values are rooted in the human rights framework, with a belief in equality and non-discrimination in both public and private life. We believe that it is a moral imperative to be welcoming towards new communities arriving in Ireland, and to extend particular support to the most vulnerable amongst them.

Origins of Doras

In February 2000, a group of people came together, with a shared concern about the needs of a group of asylum seekers who were expected to arrive in Limerick. The members of the group were drawn from all walks of life. Some had worked overseas in the developing world. Others came out of interest in other cultures. The group also includes members from different Churches and Religious Communities in the city.

What's in a Name?

The name Doras Luimni was chosen because it suggests a door open in welcome and hospitality.

Advocacy and Campaigns

Doras Luimni works in collaboration with local and national organisations to inform local and national government, civil service agents and institutions around actions and policies that impact on or affect migrants.

We continue to develop policy papers and briefings on issues that are directly affecting refugees, asylum seekers and migrants in Limerick City and its environs. We advocate locally and nationally on specific issues of concern by engaging with the media and policy makers. This work is funded by Atlantic Philanthropies and the One Foundation.

Issue

Violence Against Women - Presentation to the Limerick Local Area Network on Violence Against Women 2nd February 2010.

Introduction

We in Doras recognise that all women are susceptible to becoming victims of violence and we are in no way saying that some women are more at risk than others. Neither are we implying that all migrant women are in violent situations. What we do contend is that government policy puts restrictions on some women that either enables their victimisation or prevents them from escaping from it.

The forms of violence that we are concentrating on here are domestic abuse and trafficking for sexual exploitation.

We identify domestic abuse as abuse in the home carried out against women by a relative either a husband, father, brother or male guardian.

Trafficking we identify as the forced exploitation of women for sexual services.

When a woman with a passport from outside the EU enters Ireland she is assigned a numerical stamp by the Irish Naturalisation and Immigration Service (INIS) and she must comply with this stamp as determined by the Garda Naturalisation and Immigration Bureau. (GNIB) As expected there are many conditions attached to the stamp and being granted a particular stamp is not necessarily a guarantee that particular services might be accessible to the woman.

There are at least nine stamps and each one has very specific obligations attached to them. However for every stamp that is granted a further number of obligations might be ascribed in a particular case so there is no way of advising a person of a particular stamp that they have a defined list of rights, entitlements and obligations. An example of this is that somebody who is granted Leave to Remain and somebody who is granted Refugee Status both get a Stamp 4. Yet only the person with Refugee Status is entitled to a higher education grant.

Each section below identifies a residency status and where we believe there are potential areas of concern.

Temporary Residency Card Holders (TRC)

The TRC is a document issued by the Refugee Applications Commissioner to asylum-seekers. An asylum seeker is a person who is seeking to be recognised as a convention refugee under the Geneva Convention 1951. The TRC contains personal details and a photograph of the person who is seeking asylum. It is not an identity document. The cramped conditions and psychological damage the direct provision system has on people makes them susceptible to violence generally. With no privacy or space, families are being forced to live on top of each other in single rooms. Anger and frustration build up and unfortunately women and children often bear the brunt of it particularly but not specifically nor generally if they hail from cultures where spousal and child abuse are accepted norms. There is little

opportunity for such women to seek any recourse as there is a huge fear that if they raise concerns or complain their application for protection will be affected or it might cause a negative consequence for the abuser. However even when people hail from cultures where such behaviour has not been normalised, due to the strain of the living conditions combined with post traumatic stress it can mean that the most vulnerable remain open to assault. This is not enhanced by the interpretation of the Community Welfare Officers who see these families as a single unit and therefore if for example the man deviates from expected behaviour all supports are stopped to the spouse and children as well. Although these supports are limited, €19.10 for the adult and €9.60 for each child, with two small clothing allowances annually, they are the mother's only income. Such poverty adds to the stress of an already hellish situation since some women are in this situation for up to and above five years.

Another issue of concern for asylum seeking women is reports from the media in October last year which show that women and young girls in Direct Provision centres were and possibly still are being solicited for prostitution by Irish men in Galway.¹ We are concerned that traffickers haunt these very visible centres for both their own victims that may have escaped and are housed in them or for susceptible new victims. Of great concern to us is the number of children who the HSE have lost, 501 from 2000-2009. It is a matter of public record that children, who have disappeared from HSE care, have subsequently been 'found' in situations where they were being exploited by traffickers. The Children's Rights Alliance has collated a list of over 25 cases of confirmed child trafficking for the purposes of sexual or labour exploitation, including forced marriage.

People on Temporary Residence Cards are not permitted to work or attend education or training courses except for basic English, Literacy and Computer classes if available. If they are in a situation of domestic violence they can request to be transferred to a different hostel but transfers are difficult to get. A successful transfer may mean moving to a completely different part of the country which is traumatic in itself but also not feasible if there are children to be considered. There is a perpetual fear that to complain or to draw attention to yourself might affect an asylum case negatively therefore a woman might simply endure for the perceived greater good.

Stamp Number 2

A person who holds a stamp 2 is permitted to remain in Ireland to pursue a course of studies on condition that they do not engage in any business or profession other than casual employment (defined as 20 hours per week during school term and up to 40 hours per week during school holidays) and does not remain later than a specified date. Also the person has no recourse to public funds unless otherwise provided. As per the Department website a student is informed that they will need €7000 per annum to survive in Ireland as a student as well as fees and registration. As you can see they have entitlement to access the labour market to subsidise this amount so they are given a lot of flexibility around autonomy and

¹ *Galway Advertiser* 15 October 2009.

independent living. However, casual work is not easy for anyone to find at the moment. In August last the *Irish Independent* reported that “Helan da Cruz began working as a prostitute as a brief summer job because of exceptionally difficult financial circumstances.”² She was working out of Windmill Street in Limerick. Such an action by the student seems somewhat extreme however Brazil is too far and too expensive to return to in order to save money by staying with family. As jobs become more and more difficult to acquire and since recent ESRI research has shown a person with a non-Irish name is twice as unlikely to be offered a job to a person with similar qualifications and experience who has an Irish name,³ such people are marginalised. On top of that, if the student had a child in need of primary school education the parent can only remain in the state if she puts her child into a fee-paying rather than a state school. This is a severe cost burden on top of day to day living. In one case in Galway a mother had to fight a deportation order against her four year old son because she had him enrolled in a local primary school to avoid incurring such costs.⁴

Stamp 2A

This person is permitted to remain in Ireland to pursue a course of studies on condition that *the holder does not enter employment, does not engage in any business or profession, has no recourse to public funds* and does not remain later than a specified date. Being denied access to any means of earning an income is of particular concern to us. This stamp is given to a *non-EEA national attending a course of study not recognised by the Department of Education and Science* which we also question. Again research and precedence has shown that this stamp is used by perpetrators of violence against women. In October 2007 a Brazilian woman who was trafficked to Ireland to work as a prostitute in Limerick City appeared before the District Court. Alyne De Souza had come to Ireland in July to attend the Atlas College in Dublin. The court was told that traffickers more than likely paid course fees for the woman as a cover before setting her up in a brothel. "She would be beholden to these persons given the amount of money concerned. The police at the time maintained it was a classic description of a person who has been trafficked for the purpose of prostitution and when she is caught, she is no longer of use to them."⁵ The outcome was that the vicym was fined and deported. This woman had no outlet; due to her residency status she was denied access to the labour market and to social services.

Stamp 3

This person is permitted to remain in Ireland on conditions that the holder *does not enter employment, does not engage in any business or profession* and does not remain later than a specified date. This stamp is granted to non-EEA spouse/dependant of employment permit holder. Up until the 1st June 2009 a spouse of a work permit holder was permitted to acquire a

² *Irish Independent* 27 August 2009.

³ *Irish Times* 7 May 2009.

⁴ *Irish Independent* 18 December 2007.

⁵ *Limerick Leader* 17 October 2007.

part-time job if she was able to secure one so in the case of a domestic violence situation she could at least have some independent means. However since that date spouses and dependants of new employment permit holders are no longer exempt from the labour markets needs test and fee to acquire the permit. If a work permit could be secured it would cost €1000 annually. Women suffering domestic violence in this situation suffer a double burden. Their residency in the state is based on them remaining a dependent of the primary permit holder. If they eventually work up the courage and self-esteem to leave the home they are no longer considered a dependent therefore their right to remain in the state is removed. They risk a number of consequences at this point. Any child's residency is also dependent on the work permit holder therefore the mother may have to choose to leave the child behind if she leaves. The option of leaving is not always an option because to return to the country of origin might mean she is susceptible to an honour killing or being forced back to the violent situation or suffering at the hands of her or her spouse's family for bringing shame to the family. Doras have evidence of women who have made the break and accessed services such as Adapt House here in Limerick, but eventually returned to psychological and physical abuse as she felt she had no other option because of her residency status.

Stamp Number 4

This person is permitted to stay in Ireland and is the holy grail of stamps to a certain degree as it gives the holder many of the rights ascribed to an Irish person. However as stated earlier, there are so many nuances attached to each stamp that it is not only the stamp but the permission to remain as laid out in the legislation that also has a bearing on a person's access to state supports. The Habitual Residency Condition⁶ applies here very often and thus a woman may be obliged to tolerate abuse as she has no alternative living arrangement to access. Also a woman who has a stamp 4 may not be aware that under Irish law she does not have to live in a violent situation. Due to a lack of investment by the Department of Education into Cultural Orientation training a victim may not be aware that it is illegal for their husband, partner or guardian to physically, sexually and psychologically abuse them. Many victims may well be suffering in isolated living conditions unnecessarily. Many perpetrators may be committing crimes without realising it.

If somebody is in the state on family reunification, even though they have a stamp 4 they can still be denied access to state supports because they do not satisfy the HRC. Therefore a dependent remains a dependent even if they are adults and are potentially open to suffer abuses.

⁶ **Habitual Residency Condition:** This piece of legislation was initially introduced to protect the exchequer from **unfounded concerns** of a surge in people arriving from 10 eastern European EU accession countries to access Ireland's social welfare system. This condition is impacting directly on migrants and means that many are tied into situations that they cannot flee because of a lack of access to state supports. Although the Department maintain they will consider all factors equally we have seen evidence where the length of how long a person has been in Ireland is really all that is being considered.

Two tier Europe

For some reason the Irish government decided against welcoming Bulgarian and Romanian citizens equally into Europe. Ireland was one of three countries; UK and Sweden were the other two, who did not enforce restrictions after EU enlargement in 2004. As an economy Ireland greatly benefitted from the broadened labour market. Despite this the Irish government placed restrictions on Romanian and Bulgarian citizens when the EU further enlarged in 2007. Hence Bulgarian and Romanian citizens have freedom to travel to Ireland but not to work or access state supports even though they are as much EU citizens as British or French citizens. Such legislation forces people to attempt to survive the unthinkable. “Eugenia Bratis died as a result of internal trauma caused by multiple stab wounds to her upper body.”⁷ She was found in the Phoenix Park where it appears she was living rough. Without an underlying entitlement to a social welfare payment a person, such as Eugenia, cannot access HSE Homeless services so must endure what she can despite the risks.

Doras Luimni will continue our campaign to raise awareness of the conditions that migrants are being forced to accept. We have a concern that immigration legislation and residence status types defines people as economic units rather than individuals with lives, loves, aspirations and needs. We understand the need to have immigration authorities; we feel there is a requirement now to treat the people it impacts on with respect.

Glossary of Immigration Terms⁸

Asylum seeker	A person who is seeking to be recognised as a Convention refugee under the Geneva Convention 1951
Business permission	Written permission from the Minister for Justice, Equality and Law Reform to a non-EEA national to allow you to become established and engage in business in Ireland. Business permission usually lasts for 1 year initially. A visa-required national will still need a visa as well as the business permission. If you hold a business permission, you will have residence stamp number 1 endorsed on your passport.
C Visa	The type of visa that allows a visa-required national to come to Ireland with a view to staying a maximum of 90 days (3 months). It cannot be renewed and the holder must leave the State on or before expiry of the visa.
Convention refugee	A person who is recognised as being a refugee under the criteria set down in the 1951 Geneva Convention relating to the Status of Refugees, as implemented by legislation in Ireland. A Convention refugee will receive residence stamp no. 4 and will be permitted to work in

⁷ *Irish Times* 18 August 2009.

⁸ <http://www.inis.gov.ie/en/INIS/Pages/Stamps> and

<http://www.citizensinformation.ie/References/checklists/glossary-of-immigration-terms-a-checklist>

	Ireland without needing an employment permit or business permission .
D Visa	A visa that allows a visa-required national to come to Ireland with a view to staying more than 90 days (3 months). The holder must register with the relevant immigration registration officer .
EEA national	A citizen of one of the member states of the European Economic Area (EEA). The EEA is made up of the EU member states (see EU national below) together with Iceland, Liechtenstein and Norway. There are similar arrangements for Swiss nationals so the term <i>EEA national</i> is often used to cover EEA and Swiss nationals. No residence stamp is placed on the passport of an EEA national on arrival in Ireland. In general an EEA national (other than certain Bulgarian and Romanian nationals) does not need an employment permit or business permission to work in Ireland.
Employment permit	A document which non- EEA nationals (and certain Bulgarians and Romanians) must have in order to be allowed to work in Ireland. This term originally referred to work permits, working visas and work authorisations . Since 1 February 2007 there are 3 categories of employment permit: Green Cards, work permits , and intra-company transfer. If you hold a Green Card or a work permit, you will have residence stamp number 1 endorsed on your passport.
EU national or EU citizen	A citizen of the European Union. The members of the EU are: Austria, Belgium, Bulgaria, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom. No residence stamp is placed on the passport of an EU national on arrival in Ireland. An EU national (apart from certain Bulgarian and Romanian nationals) will be permitted to work in Ireland without needing an employment permit or business permission .
Garda National Immigration Bureau	The Garda National Immigration Bureau (GNIB) is responsible for all immigration-related Garda operations in the State. It issues the immigration certificate of registration or GNIB card (see below) to non- EU nationals .
GNIB card	Another name for the immigration certificate of registration .
Green Card	A new type of employment permit for occupations in Ireland where there are skills shortages. Skills relate to a restricted list of occupations in the annual salary range from €30,000 to €60,000 and for occupations in the annual salary range above €60,000. Since 1 February 2007 it replaced the working visa and work authorisation . If you hold a Green Card permit you will have residence stamp number 1 endorsed on your passport.
Immigration certificate of registration	A card issued by the Garda National Immigration Bureau (GNIB) to all legally resident non- EEA nationals who stay in Ireland for more than 3 months. Possession of this Certificate of Registration verifies that the person has registered with their local immigration registration officer . The card is a credit-card sized document. It includes the person's photo, the number of the relevant residence stamp (see below), date of expiry and the GNIB reference number. Sometimes called a GNIB card or a residence permit, the card may also be called a Green Book. It was also known as an Aliens Book. There are several different versions of the GNIB card, depending on the person's status. These different types of card are described below. There is a fee of €150 for the card (with

	exceptions).
Immigration officer	Immigration officers are appointed under statute by the Minister for Justice, Equality and Law Reform. Their functions include interviewing those arriving in the State to establish whether they are foreign nationals, and if so, whether they have the correct documents and whether they should be given permission to land or be in the State. This permission generally takes the form of a stamp on the passport. It is usually known as a residence stamp or it may be a landing stamp only.
Immigration registration officer	A member of the Garda Síochána who is responsible for the registration of non-EEA nationals who stay in Ireland for more than 3 months. In the Dublin metropolitan region this function resides with the GNIB at Burgh Quay. Outside this area, the local immigration registration officer is the Superintendent at the local Garda district headquarters. In certain districts, there are local arrangements. For example, people who live in the catchment areas of Blessington Garda Station, Co. Wicklow and Maynooth Garda Station, Co. Kildare can register at these local stations.
Permanent residence card	The type of GNIB card issued to a non-EEA national family member of an EU citizen who has lived in the State for 5 years. The card will record the fact that the family member's permission to remain is residence stamp no. 4 EU-FAM . Even if the holder is a visa-required national , they will not need a re-entry visa when returning to Ireland after a stay abroad. Application form EU 3 is used to apply for this type of GNIB card. There is no fee.
Permanent residence certificate	A letter issued to an EU citizen who has lived in Ireland for 5 years or more. Application form EU 2 is used apply for this certificate. There is no fee.
Permitted family member	A a non-EEA national dependant (or partner) of an EU citizen who is not a qualifying family member (see below). They have completed an application form EU1 and have been approved as a permitted family member by the Irish Naturalisation and Immigration Service (INIS) under the European Communities (Free Movement of Persons) Regulations 2006. A permitted family member will receive residence stamp no. 4 EU-FAM and will be permitted to work in Ireland without needing an employment permit or business permission .
Programme refugee	A person who has been invited to Ireland by the government, usually in response to a humanitarian crisis and at the request of the United Nations High Commissioner for Refugees. In general, they have the same rights as Convention refugees . A Programme refugee will have residence stamp no. 4 on their passport and will be permitted to work in Ireland without needing an employment permit or business permission.
Qualifying family member	The non-EEA national spouse or dependent relative of an EU citizen who has exercised the right to move to and live in Ireland under the European Communities (Free Movement of Persons) Regulations 2006. A person who has been approved by INIS as a qualifying family member and has completed an application form EU1 will receive residence stamp no. 4 EU-FAM and will be permitted to work in Ireland without needing an employment permit or business permission . The certificate of registration card will be 4 EU-FAM (which is the residence card of a family member of a EU citizen)
Residence card	A type of GNIB card that is issued to a non-EEA citizen who is a qualifying family member or permitted family member of an EU citizen under the European Communities (Free

	<p>Movement of Persons) Regulations 2006.</p> <p>Form EU 1 is used to apply for this card. There is no fee.</p>
Residence document	<p>The type of GNIB card issued to non-EEA national dependants of citizens of Iceland, Norway, Liechtenstein and Switzerland under the European Communities (Aliens) Regulations 1977 and the European Communities (Right of Residence for Non-Economically Active Persons) Regulations 1997.</p> <p>Formerly issued to non-EEA dependants of citizens of all the EEA and Switzerland, it is no longer issued to non-EEA dependants of EU citizens, who qualify for residence cards.</p> <p>The holder of a residence document will receive residence stamp no. 4 EU-FAM and will be permitted to work in Ireland without needing an employment permit or business permission. EU 1 form is now used to apply for this as well. There is no fee.</p>
Residence stamp or permission to remain	<p>An endorsement placed on the passport of a non-EEA national permitting them to remain in Ireland. It specifies the duration for which the person is permitted to remain and the conditions under which they may remain (for example, whether they are allowed to work or not). This stamp must be kept up to date at all times.</p> <p>The different types of stamp are explained below.</p>
Stamp number 1	<p>Issued to a non-EEA national who has received an employment permit, a business permission or a working holiday authorisation. From 1 July 2009 it is issued to all non-EEA doctors.</p>
Stamp number 2	<p>Issued to a non-EEA national student who is permitted to work for up to 20 hours a week during term and up to 40 hours a week during holidays. (The student must be attending a full-time course of at least a year which is recognised by the Department of Education and Science).</p>
Stamp number 2A	<p>Issued to a non-EEA national student who is not permitted to work.</p>
Stamp number 3	<p>Issued to a non-EEA national who is not permitted to work, such as, a visitor, a retired person of independent means, a minister of religion or the spouse or dependant of an employment permit holder.</p>
Stamp number 4	<p>Issued to the following categories of people, all of whom are permitted to work without needing an employment permit.</p> <ul style="list-style-type: none"> • *Spouses of Irish nationals • *Family members of EEA nationals • *People who have permission to remain on the basis of parentage of an Irish child • *Convention and Programme refugees • *Former asylum-seekers granted leave to remain • Non-EEA nationals on intra-company transfer • Non-EEA nationals who have working visas or work authorisations <p>In addition, people in the category marked * do not need a business permission.</p>
Stamp number 4 (EU FAM)	<p>Issued to non-EEA national family members of EU citizens who have exercised their right to move to and live in Ireland under the European Communities (Free Movement of Persons)</p>

	<p>Regulations 2006.</p> <p>People holding this stamp are permitted to work without needing an employment permit or business permission, and they can apply for a residence card under the Regulations.</p>
Stamp number 5	<p>Issued to non-EEA nationals who have lived in Ireland for at least 8 years and who have been permitted by the Minister for Justice, Equality and Law Reform to remain in Ireland without condition as to time.</p> <p>People holding this stamp are permitted to work without needing an employment permit or business permission.</p>
Stamp number 6	<p>Can be placed on the foreign passport of an Irish citizen who has dual citizenship, and who wants their entitlement to remain in Ireland to be endorsed on their foreign passport.</p> <p>This stamp certifies that the holder of the passport is permitted to remain in Ireland without condition.</p>
Temporary residence certificate	<p>A document issued by the Refugee Applications Commissioner to asylum-seekers. It contains personal details and a photograph of the person who is seeking asylum. It is not an identity document.</p>
Visa	<p>An Irish visa is a certificate stating that the foreign national identified in it is permitted by the government to be present at the frontier of the state for the purpose of seeking permission to enter the state. A visa is valid only if affixed to a passport or travel document.</p> <p>The granting of a visa only a form of pre-clearance. A visa merely permits a person to travel to the state during the validity period of the visa. The visa does not grant permission to enter or reside in the State. This permission is given by the immigration officer at the point of entry, who has the authority to grant or deny such admission. Applicants' passports should be valid for at least 6 months after the intended date of departure from Ireland following visits.</p>
Visa-required national	<p>A person who needs a visa if travelling to Ireland. The states whose nationals do not require a visa are listed in Schedule 1 of the current Visas Order. The list of states can change at any time and a new Order is issued in this case. EEA nationals do not require visas. There are about 60 other states listed in the Order, whose nationals do not require a visa.</p>
Work authorisation	<p>A type of permission to work given to non-EEA nationals who do not require a visa to enter Ireland, and who have been offered employment in a specific category where skill shortages are particularly acute. Since 1 February 2007, the work authorisation scheme has been replaced by the Green Card permit.</p> <p>Work authorisations were issued by an Irish embassy or consulate abroad. They last for 2 years and could be renewed by an immigration registration officer. They relate to a particular employment sector, but the holder may change employers within that sector.</p> <p>If you hold a work authorisation, you will have residence stamp number 4 endorsed on your passport.</p>
Work permit	<p>A type of employment permit issued for occupations in the annual salary range from €30,000 to €60,000 and for a very few employments with annual salaries below €30,000. Some occupations are ineligible for work permits and the employer must have shown that the relevant vacancy could not be filled from within the EEA (or Switzerland). It lasts for 2 years and is renewable. If you hold a work permit you will have residence stamp number 1 on your</p>

	passport.
Working visa	<p>A type of permission to work given to non-EEA nationals who require a visa to enter Ireland, and have been offered employment in a category of employment where skill shortages are particularly acute. Since 1 February 2007 the working visa has been replaced by the Green Card permit.</p> <p>Working visas were issued by an Irish embassy or consulate abroad. They last for 2 years and could be renewed by an immigration registration officer. They relate to a particular employment sector, but the holder may change employers within that sector.</p> <p>If you hold a working visa, you will have residence stamp number 4 endorsed on your passport.</p>

Response to HSE statement that no missing child from HSE care has been trafficked.⁹ By Jillian van Turnhout, Children's Rights Alliance

In five of these cases, listed below, children have gone missing from HSE care and been exploited by child traffickers.

1. A 17-year-old Nigerian girl was placed into the care of the HSE after arriving in Ireland unaccompanied. She ran away shortly after being placed in care and six months later was found working in the sex industry in Sligo. Gardaí found the girl after they raided premises in Sligo Town, which they suspected was a brothel run by foreign nationals. The previous year, a 17-year-old African girl was found to be working as a prostitute in Sligo Town. The Gardaí subsequently discovered that this African child was trafficked into Ireland by an organised prostitution ring.
2. An underage female from Nigeria was found by Gardaí in a brothel in Kilkenny and was identified as a suspected victim of trafficking. She was taken into HSE care. She was charged at Carlow District Court with failing to produce identity papers. Her case was originally heard in early July 2008 and she was remanded on continuing bail to appear again on 9 September 2008. She was placed in HSE care but failed to show up for her court appearance and was reported missing. Her whereabouts are unknown.
3. A 16-year-old female from Nigeria who arrived as a separated child was enticed out of a HSE residential care for separated children by a man who later got her involved in prostitution.
4. A 10-year-old Romanian Roma girl was taken into State care by the Gardaí under an Emergency Care Order. She went missing from her Dublin HSE care placement less than a week later. The 10-year-old was suspected to have been subject to an arranged marriage to an 18-year-old. The teenager concerned was also missing.

⁹ PRESS STATEMENT: Monday 1 February 2010 <http://www.childrensrights.ie/>

5. A 16-year-old female from Liberia was living in a HSE hostel for separated children in Dublin in 2003. She was reportedly picked up from her HSE Dublin care placement by traffickers and transported to Cork. In Cork, she was put on a plane destined for abroad. Her journey was intercepted by the Irish authorities and she was placed in a Limerick prison.

Habitual Residence Condition¹⁰

Irish and European law set down the following five factors to be considered when deciding if you are habitually resident:

- **Your main centre of interest**, based on facts such as:
 - whether you own or lease a home here,
 - where your close family members live,
 - whether you belong to social or professional associations here, and
 - any other evidence or activities indicating a settled residence in Ireland
- **The length and continuity of your residence in Ireland or other parts of the Common Travel Area**
- **The length of and reason for any absence from Ireland. For example, you can spend time on short holidays, studying or travelling outside of the Common Travel Area and still be regarded as habitually resident here**
- **The nature and pattern of your employment, if any**
- **Your future intention to live in the Republic of Ireland as it appears from the evidence**

¹⁰ <http://www.welfare.ie/EN/Publications/SW108/Pages/1WhatistheHabitualResidencecondition.aspx>

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