

IRELAND

Policy responses to gender-based violence in the context of migration



Country context

A contentious 2004 Citizenship Referendum has been criticized as a reactionary response to increased migration commencing in the late 1990s. Public discourse surrounding the referendum, which centered on allegations that pregnant migrants were coming to Ireland to give birth to gain Irish citizenship, brought to the surface underlying ideas and attitudes among the White Irish majority about “race” and “gender” and who should, or should not, have access to Irish citizenship. The Referendum, which ended the right to Irish citizenship to all born in Ireland, was a defining moment in establishing the present system of migration regulation.

One visible and controversial aspect of Ireland’s migration regime, which is frequently discussed as a form of institutionalized racism, is the Direct Provision (DP) system, established in 2000, to accommodate applicants for international protection who do not have independent means.

The recognized negative effects of the DP system on the mental health and wellbeing of residents, by creating conditions of institutionalized poverty and dependence, include its role in facilitating SGBV.

Good practices identified

The Irish Naturalization and Immigration Service (INIS) produced the Victims of Domestic Violence Immigration Guidelines in 2012. A non-EEA person, whose status depends on their spouse or partner, and is a victim of domestic violence, can apply to obtain permission to stay in Ireland in their own right at the discretion of the Minister for Justice. The Guidelines have been used successfully in some cases, but lengthy delays in processing applications impede women’s access to emergency services and welfare supports.

Good practice:

- Includes, believes and is responsive to the concrete needs identified by migrant women who are dealing with GBV
- Respects and supports the agency of migrant women victims of abuse to determine their own way forward

Project Title: VIOLENCE AGAINST WOMEN MIGRANTS AND REFUGEES: ANALYZING CAUSES AND EFFECTIVE POLICY RESPONSE

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Migrant women’s experiences

Here is what some of the women we interviewed shared:

“Changes need to be made but they need to be made on a higher level.... The fact that you are taking the time to talk to us and to listen to us. Sometimes ... I just wanted someone to hear us out. Nobody would listen to us. It was like screaming into the void.”

“Mental torture or verbal abuse is a kind of abuse that nobody can see.... In every pregnancy, he mentally tortured me too much. I have the safety order, but I never called the Gardai [police]. Because I don’t want to make a very bad or scary image in my kids’ mind about their dad.”

“I would say one thing that needs to ... be done is to educate about the services and the access and another thing is to be making ... women refuges available also for women who come through the refugee [protection] process.”

“I’ve a child ... not just a child, I have a daughter, so having men around my daughter is not.... I can’t trust anyone.... I am terrified. I am terrified of any kind of sexual violence.”

“So in eighteen months you are not receiving any help, if I didn’t get my own help from the Rape Crisis Centre. It was just me waiting for eighteen months and after eighteen months, you are still being told ‘you lying’. I remember the guy [immigration official] who was telling ‘but why you, why are you being the target, why is this one person after you?’”

“From 2012 to 2020, almost eight years, sometimes ... he used to beat me physically. So, I felt that I need to know what are the options I have. What are support systems ... available?”

“I was stamp three. And you know with stamp three [visa] you can’t have a job at all.... So, I need to ask many times ... to buy this and that, and he would ask why.... And also, he doesn’t want that I have a friend or something.... I tried to contact to the ... Community Centre, there is, like aid especially for women, and he doesn’t want me to go there.”

“It would be very nice if in the end of the research ... the results could reach as many people as possible, you know. As an eye opener, so people could really see what goes on with it.”

Policy changes required

- Regarding the determination of Habitual Residence, ensure that all deciding officers are trained and provided with guidelines to aid them in their interactions with and assessment of victims of SDGBV.
- Put the Victims of Domestic Violence Immigration Guidelines on a statutory footing to provide clear rules and a fast-track process to grant independent status to victims.
- Create a State-funded, multilingual, one-stop source of information on different forms of GBV, related legislation and policies to combat it, and available supports and services in Ireland.
- Expedite implementation of the current Government commitment to develop a new National Action Plan Against Racism for Ireland.
- Fully implement Recommendation Three of the Interim Report to the Minister for Children, Equality, Disability, Integration and Youth Anti-Racism Committee (November 2020) “to remove all barriers to accessing support for migrant women experiencing gender-based violence.”
- Expedite promised reform of the National Referral Mechanism to make it easier for victims of trafficking to come forward, be identified and access support.

Policy deficits

The single biggest obstacle to meeting the needs of migrant women who are victims of gender-based violence is the Habitual Residence Condition (HRC). The HRC, established in Irish social welfare policy in 2004, is frequently mentioned as a major obstacle to securing the safety of different categories of migrant and minority women who are experiencing domestic violence.

Typically, a person must have a “right to reside” in Ireland and must meet the HRC in order to be eligible for forms of social assistance such as the Supplementary Welfare Allowance and Rental Supplement, which are prerequisites for gaining access to refuge places and longer-term housing options for women escaping violent partners.

The authorities consider several factors when determining if a person with a right to reside also meets the HRC, such as continuity of residence and pattern of employment, among others. Service providers report inconsistency in the HRC decision-making process with outcomes varying according to geographic location and the personnel involved. In addition to excluding dependent migrants, this policy excludes by default undocumented migrants who are experiencing domestic violence as well as those who have insecure work and accommodation arrangements.

Other critical policy deficits are:

- Inadequate procedures for the required assessment of “vulnerability” of applicants for international protection
- Failure to provide accessible essential information regarding GBV in all relevant languages
- Inconsistent and slow response to domestic violence linked to dependent migration status
- Insufficient policy mechanisms to respond to experiences of gender-based violence in the context of “direct provision” accommodation
- Poor record of identification and referral of trafficking victims

The State response

In 2022, the Government has pledged a 100 per cent increase in refuge places as part of a €363m five-year strategy to address domestic and gender-based violence in line with Ireland’s Istanbul Convention obligations. Without removal of the HRC, this will not benefit most migrant women who do not pass the HRC test.

The Direct Provision (DP) system was supposed to be a “temporary” method by which the State would meet its obligations to provide for the material needs of people seeking international protection. After 20 years of criticism and advocacy by DP residents and NGOs, it is now Government policy to replace DP with a new regime of standard accommodation in the community.

A national housing and homelessness crisis, and the arrival of c. 50,000 refugees from Ukraine, has pushed the reform of DP into the background. As of June 2022, a record 11,689 people are living in direct provision, up 40 per cent on 2021, which does not bode well for the wind down of the DP system.