

Submission to the Garda Síochána Inspectorate on the Garda Síochána's response to domestic abuse

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Nasc

Migrant & Refugee Rights

Submission by Nasc, Migrant and Refugee Rights Centre to the Garda Síochána Inspectorate, regarding the Garda Síochána's response to domestic abuse.

About Us:

1. Nasc, Migrant and Refugee Rights Centre is a non-governmental organisation based in Cork City, Ireland. Nasc, the Irish word for 'link', empowers migrants to realise and fulfil their rights. Nasc works with migrants and refugees to advocate and lead for change within Ireland's immigration and protection systems, to ensure fairness, access to justice and the protection of human rights.

2. Nasc has over two decades of experience supporting refugees, asylum seekers and ethnic minority communities in Ireland. Through our various projects including our free legal service, our migrant youth project, the community sponsorship programme, and our various education and employment projects, Nasc provides information, advice and support to up to 1,300 people annually. Our information, advice and support work include supporting migrant victims of domestic violence. Nasc also provides support in the form of referrals and training to mainstream services, including domestic violence services, working with migrant and ethnic minority communities.

3. This submission is directly informed by our day-to-day experiences working with migrants, refugees, asylum seekers and ethnic minorities living in Ireland. This submission aims to identify issues disproportionately impacting Ireland's migrant, asylum seeking and ethnic minority communities.

Introduction

4. Migrants and people from ethnic minority backgrounds often face additional barriers in accessing domestic violence supports. These barriers include lack of immigration firewall when An Garda Síochána are investigating crimes, and the potential risk of becoming undocumented when separating from an abusive partner. Other barriers to accessing supports include the lack of availability of interpretation services, the reluctance of migrant communities to report crimes, lack of access to - or availability of - refuge spaces, lack of family support, and isolation.

Immigration System and Residence Permits

5. Ireland does not have a statutory right to retain immigration status for migrant victims of domestic, sexual or gender-based violence. This is problematic as under Ireland's immigration system, migrants who are resident on the basis of their family relationship to a sponsor find their immigration residence permit indefinitely tied to that of the sponsor. The migrant and sponsor often need to reside together at the same address and the dependent migrant may be required to be physically present with the sponsor in order to register or to renew their immigration residence permit. Nasc's direct experience of working with victims of domestic violence is that where the victim's immigration status is tied to that of their abuser, the abuser uses that to threaten, control or coerce the victim. Our

experience has shown that victims will remain in abusive relationships for longer because they feel trapped by their immigration status. This power imbalance is made worse when the migrant family member is entirely financially dependent on their abusive sponsor.

6. Undocumented migrants can struggle to access refuge spaces or financial supports and may risk having their lack of immigration status investigated by An Garda Síochána when they report an incident of domestic violence. Nasc's experience has been that abusive sponsors may withdraw their cooperation with their family members' immigration residence permit to deliberately isolate the victim and prevent them from seeking support.

7. The Department of Justice produced a policy document¹ outlining the discretionary application process for victims of domestic violence to apply under. Nasc's primary concern is that the Guidelines exclude undocumented migrants who experience domestic violence from their remit however we are also concerned by inconsistent and untransparent decision-making with no time limit set for a decision to be made on an application.

8. Migrant victims of domestic violence who report a crime to An Garda Síochána may find themselves questioned about their immigration status and a referral of their case made to the Department of Justice. This is a huge concern for undocumented migrants who believe that they cannot safely report incidents of domestic violence without endangering their presence in the country and placing themselves at risk of deportation.

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

Recommendations:

Members of An Garda Síochána should be aware of the immigration status concerns faced by migrant victims of domestic violence and should be prepared to refer those with precarious immigration statuses to appropriate services.

An Garda Síochána should publicly implement an 'immigration firewall' for migrants reporting domestic violence.

An Garda Síochána should be aware of the additional barriers faced by migrants who are undocumented or who may not meet the habitual residence condition in accessing longer-term refuge accommodation. This should inform their approach in making recommendations to the victim of domestic violence on leaving the home.

An Garda Síochána should be aware of the documentation that may be required by a migrant victim of domestic violence to ground an application for independent residency.

Access to information in languages other than English or Irish

9. Nasc's experience is that there is a lack of awareness amongst migrant communities about the resources available for people in abusive relationships, or what can be considered domestic violence in an Irish context. This is particularly common amongst our services users whose first

language is not English. Ireland's 2016 census found that approximately 13% of people living in Ireland speak a language other than Irish or English at home. 14.2% of this cohort indicated, when asked about their proficiency in English, that they spoke English 'not well or not at all'. Ireland's domestic violence services are not adequately resourced to respond to the needs of non-English speakers. Nasc believes that there has been an under-investment in delivering messaging of domestic, sexual and gender-based violence to migrant communities. By way of example, the Immigration Guidelines referred to at para 7 have not been translated into any other languages which would make them accessible to migrants. It is very rare that any of Nasc's service users is aware of or has read the Immigration Guidelines prior to attending our service. There has never been a national information domestic violence campaign directed at non-English speakers or addressing the issue of immigration-based coercive control.

10. Nasc welcomes initiatives such as an interpretation phone line service offered by Women's Aid² which aim to ensure that migrants have access to domestic violence supports however this relies on women firstly being aware of this service and secondly overcoming their fear of contacting any service. It is also important to note that an equivalent service for men who become victims of domestic violence does not exist.

11. Information on the availability of interpretation services³ should be available at every Garda Station and all members

2. Women's Aid offer a 24 phone line service which includes access to interpreters in 170 languages. For more information see <https://www.womensaid.ie/services/helpline/telephoneinterp.html>

3. Nasc's experience is that the quality of interpretation and translation varies very significantly in Ireland. Ireland does not have a system to regulate interpretation or translation services or even a strict ethical code of conduct for interpreters and translators. When you hire an interpreter in Ireland, there is no certification confirming that person's level of competency in English or in the language they are interpreting into.

of An Garda Síochána should be aware of how to request interpretation support via telephone. An Garda Síochána should be aware of interpretation resources and have access to them when called out to a suspected domestic violence incident so they do not have to rely on a member of the household to interpret.

12. There are no widely available resources in languages other than English or Irish which provide information for a migrant victim of domestic violence who wishes to apply for a protection order, safety order or barring order through the courts. If the migrant has sought support from a domestic violence service, this information may be communicated to them via an interpreter. Unfortunately, migrants who do not access these services, are often left without any information or expectation of what the process can entail.

Recommendations:

Ensure that migrants are made aware that they have a right to report to the Gardaí. Ensure communication is made in different languages and that migrants are made aware of interpreter services. Introduce a multi-lingual, national domestic violence campaign which includes information specifically directed at those with precarious or dependent immigration residence permits.