



*IDENTIFICATION OF TRAFFICKED  
INTERNATIONAL PROTECTION BENEFICIARIES'  
SPECIAL NEEDS*

# **Summary National Report Ireland**



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This document is produced as part of the project TRIPS – *identification of TRafficked International Protection beneficiaries' Special needs*. This report was funded by the European Union's Asylum, Migration and Integration Fund. The content of this report represents the views of the author only and is his/her sole responsibility. The European Commission does not accept any responsibility for use that may be made of the information it contains.

**Partnership**

The project TRIPS – *identification of TRafficked International Protection beneficiaries' Special needs* is a two year project implemented by Forum réfugiés-Cosi, the project coordinator, and its European partners Churches' Commission for Migrants in Europe (CCME), Italian Council for Refugees (CIR), Immigrant Council of Ireland (ICI), Organization for Aid to Refugees (OPU). The French Office for the Protection of Refugees and Stateless persons (OFPRA), the French Office of Immigration and Integration (OFII), the Council of Europe (Secretariat of the Group of Experts on Action against Trafficking in Human Beings - GRETA), and Amicale du Nid are associated to this project as European experts.

**Acknowledgments**

The TRIPS project's partnership, composed of the five organisations, would also like to thank in particular the French Office for the Protection of Refugees and Stateless Persons (OFPRA), the French Office of Immigration and Integration (OFII), the Council of Europe (Secretariat of the Group of Experts on Action against Trafficking in Human Beings – GRETA), Amicale du Nid as well as participants of national focus groups for their very valuable inputs and contributions.

Last but not least, this report has attributed a central place to the invaluable information provided by the interviewed beneficiaries of international protection who were victims of trafficking, and who had experienced first-hand the asylum and integration process in the studied countries. With humility and appreciation, this report includes the voices of the vulnerable and often silent people who are the focus of the TRIPS project.

## About the Immigrant Council of Ireland

The Immigrant Council of Ireland is a charitable non-governmental organisation and an Independent Law Centre. We provide information, legal advice and representation to migrants and their families, while we prioritise vulnerable groups, in particular, migrant women experiencing gender-based violence and unaccompanied children. Of specific relevance to the TRIPS project, we provide legal services and lead integration and policy campaigns benefitting migrant victims of human trafficking, in particular victims trafficked for the purposes of sexual exploitation. We are gender-specific in our work and have accumulated extensive expertise in direct legal representation of trafficked women and girls, including strategic litigation, and broader policy and law reform activities.<sup>1</sup>

The Immigrant Council of Ireland has been exploring the important link between human trafficking and international protection for a number of years. This is due to the fact that some of our clients are applicants for international protection and a small number are beneficiaries of such protection. In 2011, we investigated the difference in the level of assistance and rights afforded to victims of trafficking (VoTs) who apply for protection and those who do not, respectively. The resulting report *Asylum seeking victims of trafficking: Legal and practical challenges* exposes the discriminatory treatment of some victims of trafficking in Ireland.<sup>2</sup> Later on, with Forum Refugie France and other partners in the EU, we explored the special needs of asylum seeking victims of trafficking (TRACKS project<sup>3</sup>), which used the framework established by the EU Reception Directive (2013/33/EU), which Ireland adopted in 2018.

1 ICI (2015) led the EU-funded project Early Legal Intervention for victims of trafficking. Available at: <http://www.earlylegalintervention.eu/>. See also, ICI (2016) EU-project HESTIA: Exploitative Sham Marriages and Human Trafficking. Available at: <https://www.immigrantcouncil.ie/sites/default/files/2017-10/AT%202016%20Exploitative%20Sham%20Marriages%20European%20Report%20HESTIA.pdf>

2 ICI (2011) UN.GIFT-funded project report. Available at: <https://www.immigrantcouncil.ie/sites/default/files/2017-11/AT%202011%20Asylum%20Seeking%20Victims%20of%20Human%20Trafficking%20-%20Legal%20&%20practical%20challenges.pdf>

3 TRACKS EU project (identification of Trafficked Asylum seekers' Special Needs, HOME/2014/AMIF/AG/ASYL/7849. Available at: <https://www.immigrantcouncil.ie/sites/default/files/IC%20Trafficking%20Report-A4-WEB-FA.pdf>. More information on the report and deliverables: [European report](#), [European summary report](#), [European toolbox](#)

## Executive Summary

TRIPS – *identification of Trafficked beneficiaries of International Protection Special needs* is a two-year project co-funded by the European Union under AMIF-2018-AG-INTE and implemented by Forum réfugiés-Cosi, the project coordinator, and its European partners Churches Commission for Migrants in Europe, Immigrant Council of Ireland, Italian Council for Refugees, and Organization for Aid to Refugees.

The French Office for the Protection of Refugees and Stateless Persons, the French Office of Immigration and Integration, the Council of Europe (Secretariat of the Group of Experts on Action against Trafficking in Human Beings - GRETA) Amicale du Nid have supported the project as European expert organisations. They participated in the European meetings of the project and provided advice and feedback on the elaboration of the European deliverables of the project, including the European report, the European summary report and the European toolbox for practitioners.

This transnational project aims at identifying and better addressing the specific needs of trafficked international protection beneficiaries in relation to the integration process, both at European Union (EU) and national levels. This project follows up a previously implemented transnational project coordinated by Forum réfugiés-Cosi, *TRACKS - identification of Trafficked Asylum seekers' Special needs* (2016-2017), and co-financed by the European Commission.

After getting an international protection status related or not to the trafficking situation, the victims enter into an integration process. The European Qualification Directive of December 2011 that came into force on 22 December 2013 grants specific rights to beneficiaries of international protection. It also specifies that when implementing the Directive, the Member States shall take into account the specific needs of vulnerable people including the victims of human trafficking after an individual evaluation of their situation. However, the integration

of beneficiaries of international protection leads to interconnected challenges which call for a comprehensive approach including access to rights, to housing, to training, to the labour market, and psycho-social support. Despite the fact that the identification, the protection and the integration of victims of trafficking are at the core of the European agenda, the link with international protection has been less addressed.

The project examined how to ensure tailored support to trafficked international protection beneficiaries in their integration process taking into account their specific needs and their vulnerable situation, which do not stop after getting international protection. TRIPS aimed at giving visibility and raising awareness among relevant actors involved in the integration mechanisms and procedures at both European and national levels, as well as giving a voice to victims of trafficking in identifying their specific needs in relation to the integration procedures in the participating EU Member States. The objective was also to improve the capacities of practitioners to identify and respond to specific needs of victims related to integration through the exchange of practices and the development of innovative tools. Finally, the project contributed to more consistency and coherence throughout EU Member States in the way trafficked beneficiaries of international protection are accompanied and supported.

## Main Findings of the project

### Legal framework

The analysis of the legal framework applicable reveals that the four States covered by the study, except [Ireland](#), have transposed the recast Common European Asylum System, including the recast Qualification Directive of December 2011. [Ireland](#) participated in the original Qualification Directive, as well as the original Asylum Procedure Directive and recently joined in 2018 the recast Reception Directive. Moreover, [Italy](#) has been through re-

cent reforms and several kinds of residence permits linked to the asylum procedure and the reception conditions have been introduced. The four States have also transposed the EU legislative texts relating to human trafficking as the Anti-Trafficking Directive and the Victims' Rights Directive. Moreover, the EU action on fighting human trafficking, on enhancing integration and inclusion of third-country nationals, and EASO's work provide global guidelines to the EU Member States in their national policies. Furthermore, the UN Palermo Protocol, the Council of Europe Convention on Action against Trafficking in Human Beings, and the Convention and Protocol relating to the Status of Refugees provide a valuable and common legal background and framework to the States covered by this study, to address the triple nexus of human trafficking, international protection and integration.

### Trends and statistics

The collection of comprehensive and disaggregated data on human trafficking remains a challenge at EU and national level. The European Commission data report released in 2020 provides partial, but updated, statistics on victims registered in the EU in 2017-2018. Although data collection is improving in the four countries, each Member State collects data at national level in an inconsistent manner making any comparative approach impossible. None of the Member States covered by the study collect detailed data on the target group of the TRIPS project. In [Czech Republic](#), critical issues and challenges are reported on data collection of victims of human trafficking. Annual statistics on trafficking do not include asylum seekers or beneficiaries of international protection. In [Italy](#), although some statistics on victims benefitting from assistance and protection are available, no coordination is ensured among the different databases. In [France](#), only data on residence permits granted to victims who filed a complaint and on presumed victims supported by NGOs are available. In [Ireland](#), some relevant information with regards to international protection beneficiaries affected by human trafficking could be obtained from the International Protection Appeal Tribunal, which publishes their decisions in anonymised form, and some data is also produced by the National Referral Mechanism.

### Identification of victims of trafficking in the integration process

Looking at the implementation of Article 20(3) and (4) of the recast Qualification Directive, the study has demonstrated that in the four countries covered by the study, there is no proper assessment of victims of human trafficking's special needs, after being granted an international protection status. In [France](#) and [Czech Republic](#), there is no legal provision; in [Italy](#) there is no designated competent authority, and a lack of vulnerability screening is reported in [Ireland](#) (vulnerability assessments in Ireland have commenced in pilot form in 2021, but are limited to date). The Evaluation report of the recast Qualification Directive underlines the general reuse of the vulnerability assessment made during the asylum procedure. The four countries have developed different action plans or strategies in order to address these gaps, including specific action for victims of human trafficking or vulnerable international protection beneficiaries.

Furthermore, all four countries covered by the study report important challenges relating to the information sharing on victims' special needs, including between asylum and integration authorities. In order to ensure continuum of care for trafficked international protection beneficiaries, the role of NGOs and social workers is crucial to either alert authorities on victims' needs or refer cases to appropriate services.

### Coordination between the National Referral Mechanisms and the international protection system

Although [Czech Republic](#), [Ireland](#), and [Italy](#) have a National Referral Mechanism, there is no consistency in the coordination with the international protection system. On the one hand, the [Czech](#) NRM only covers the victims who were exploited in the country<sup>4</sup> and

<sup>4</sup> Presumed victims of trafficking in human beings over the age of 18 can be included in the Programme for Support and Protection of Victims of Trafficking. Next to Czech citizens, a third-country nationals or a EU citizens who are presumed victims of THB in the territory of Czech Republic or have been brought to Czech Republic for this purpose can participate in the programme.

the [Irish](#) NRM excludes asylum seekers from aspects of the NRM, such as the Administrative Immigration Arrangements (AIA's). On the other hand, the [Italian](#) NRM, although not fully implemented, includes asylum seekers and beneficiaries of international protection in the referral. France does not have a NRM. Moreover, the study highlights important differences between status and rights if the victim is protected with a specific residence permit for victims of human trafficking or is granted an international protection status which can impact the integration perspectives of the victims.

### Access to social rights and benefits

Despite the provisions in the recast Qualification Directive on access to social rights and housing, important obstacles and challenges are reported in the four Member States exposing trafficked international protection beneficiaries to risk of (re)trafficking. Different systems and services are proposed in each Member States. In order to access social rights and protection, the issuing of a residence permit and/or civil documentation are key steps, especially in [France](#) and [Italy](#). Important challenges and delays are reported in these two countries which can expose victims to destitution or risk of (re)trafficking. The four EU Member States provide the same social protection rights to international protection beneficiaries as for nationals, but there is no facilitation or special provisions for trafficked international protection beneficiaries. Challenges relating to complex administrative procedures, delays, inconsistent decisions by authorities and lack of training on human trafficking have been reported in these countries. As for other beneficiaries of international protection, family reunification entitlements and procedures have a great impact on the integration process. Additional difficulties can be observed for trafficked international protection beneficiaries such as the lack of trustworthy contacts in the country of origin, the vulnerability of the applicants and their family members, and the safety of the children as a source of fear and concern.

### Access to safe housing

In addition to the common challenges faced by vulnerable people across EU to access adequate and affordable housing, trafficked international protection beneficiaries face additional obstacles to benefit from durable and safe housing. In [Czech Republic](#), [France](#) and [Italy](#), common provisions are generally applied to trafficked international protection beneficiaries, but specialised housing solutions are only made available in small numbers. The three countries report general obstacles to access safe housing due to lack of places, long delays, safety, financial capacity, and language barriers. While [Italy](#) demonstrates to have the most adapted common framework to trafficked international protection beneficiaries and [France](#) intends to develop promising specialised places for trafficked women international protection beneficiaries, [Ireland](#) deplores a lack of provision to ensure access to appropriate and safe accommodation for international protection beneficiaries exposing them to discrimination practices, a risk of destitution, and a risk of re-trafficking.

### Medical and psychological assistance

All Member States covered by the study provide access to healthcare and the public health insurance system under the same eligibility conditions and to the public health insurance system as nationals, with different specific measures to facilitate access. However, none of them include specific provisions for trafficked international protection beneficiaries. Common challenges relating to administrative procedures, language barriers, lack of specialised professionals and adapted services for victims of human trafficking are deplored in the four EU Member States.

### Empowerment of trafficked international protection beneficiaries

Different national mechanisms to support international protection beneficiaries in accessing employment and education are in place in the four EU Member States, but no specific provisions are planned for trafficked international protection beneficiaries. In [Czech](#)

[Republic](#), [Italy](#) and [France](#), the international protection beneficiaries can refer to specific assistance provided by national and/or local authorities and institutions, including interviews with them to determine their needs and specific actions to facilitate access to the labour market. In [Ireland](#), beneficiaries can access the support provided to nationals. In addition, in the four EU Member States, specific programmes have been developed by NGOs to support access to employment. Moreover, while assistance in accessing employment provides an important opportunity to inform about workers' rights in order to prevent exploitation situations, [Czech Republic](#), [France](#) and [Italy](#) report information provision on labour law. Language barriers represent the main obstacle to training and employment opportunities which is addressed by language courses in [Czech Republic](#), [Italy](#) and [France](#). Language classes in [Ireland](#) are provided to a limited extent by local agencies funded by city councils and local authorities and in some centres designated for the housing of international protection applicants, however overall no special provision or allocation of places are made for either beneficiaries of international protection or victims of human trafficking. In [Italy](#), the study highlights that better language skills also represent a way to prevent labour exploitation situations and an empowerment for former victims. Recognition of skills is provided in all Member States although issues are reported on the procedures. The study underlines the importance of accessing a durable and paid job position to ensure basic needs and avoid (re)trafficking. At the same time, trafficked international protection beneficiaries may need time to recover before engaging in professional integration, but they also face pressure to accept any job to cover the costs related to their integration process and procedures. Furthermore, parenting issues have an important impact on the access to education and employment opportunities, especially for women, because support and assistance are rarely provided to facilitate access to childcare and schooling.

### Impact of the COVID-19 crisis

The pandemic has greatly impacted the integration process of many beneficiaries of international protection. In [Italy](#) and [Ireland](#) an increase in the delay to issue residence

permits and to access housing have been observed. The suspension of language courses and other integration activities have been reported in [Italy](#) and in [France](#). Moreover, in [France](#), there are concerns about a 6-month delay in the global integration process of the beneficiaries. The interruption of the integration dynamic created by the pandemic and the restriction measures may have exposed them to an increased risk of destitution and (re)trafficking. Furthermore, while several activities and services have been developed online, the study has also highlighted difficulties in accessing digital platforms due to a lack of devices or appropriate assistance.

### Special needs related to the integration process identified by interviewed trafficked international protection beneficiaries

A specific approach of the project was the conscious effort to evaluate existing practices not only from the perspective of organisations which are supporting trafficked victims benefitting from international protection, but also from these victims' own perspective. The national partners therefore interviewed the international protection beneficiaries directly to ask for an evaluation of what they had experienced. While these interviews were less numerous than initially planned due to COVID-19 pandemic, they offer important insights.

The results of the interviews will be presented in more detail in the specific chapters, but main aspects can be highlighted as follows:

- Early identification and appropriate environment
- Assistance and support during asylum procedure
- Adapted asylum procedures to victims' special needs
- Adequate and dignified reception conditions
- International protection status alone is not enough

- Prompt issuance of documents and social rights
- Continuum of social assistance and information provision
- Trained officers in charge of social benefits and adapted procedures
- Access to family reunification
- Reducing delays in finding durable housing solutions
- Ensuring safety for victims
- Financial support to access housing
- Speedy identification of mental health needs
- Environment of trust
- Getting information about and offered effective medical care
- Gender-specific medical care
- Accessing childcare
- Overcoming the language barriers
- Getting empowered and achieving economic independence
- Safe working environment
- Accessing vocational training courses

# Common Recommendations

*The following recommendations are based on the findings of the TRIPS project for the purpose of which four European countries have studies, namely Czech Republic, France, Ireland, and Italy.*

*These recommendations are addressed to the relevant authorities and institutions as well as to policy and legislation makers at national and European levels to who the relevant legal frameworks apply.*

## **Disclaimer**

*These recommendations are formulated by the project partners only and do not reflect the views of the European Commission nor the associate partners.*

- 1. Improve the identification of trafficked international protection beneficiaries thanks to a fostered multi-stakeholder cooperation.**
- 2. Introduce a National Referral Mechanism or enhance the existing National Referral Mechanism to ensure appropriate identification and protection of all victims of human trafficking.**
- 3. Reinforce and expand training and capacity building of practitioners.**
- 4. Ensure the monitoring of trafficked international protection beneficiaries' integration.**
- 5. Develop tailor-made integration to ensure a continuum of information sharing and care.**
- 6. Elaborate a clear, transparent and needs-based national integration system including a trained adviser in charge of access to service providers.**
- 7. Ensure access to specialised shelters and develop durable and appropriate housing.**
- 8. Guarantee support for family unity, especially for trafficked women with children.**
- 9. Empowering trafficked international protection beneficiaries through education and employment based on their special needs.**
- 10. Following the TRACKS project's recommendations, consider the impact of the asylum process on integration perspectives, in particular for victims of human trafficking.**

## Main findings of the project in Ireland

### Legal framework

#### European framework relevant to Ireland

Over the last two decades, Ireland has used its freedom to participate in a range of EU measures, while the Common Travel Area with the United Kingdom has informed at least some of the decisions regarding participation. The relevant EU Directives and Regulations that Ireland has opted in or out of are outlined below.

Regarding international protection, Ireland does not, therefore, participate fully in the Common European Asylum System (CEAS). Ireland exercised its right to participate in the original Asylum Procedures Directive<sup>5</sup>, the Dublin III Regulation<sup>6</sup> and the original Qualification Directive (2004/83/EC)<sup>7</sup>. Initially, Ireland did not opt into the (recast) Asylum Procedures Directive, the (recast) Qualification Directive, or either the original Reception Conditions Directive (2003/9/EC) or the (recast) Reception Conditions Directive<sup>8</sup>. More recently, in 2018, Ireland has opted into the (recast) Reception Conditions Directive, 2018 and transposed with national regulations.<sup>9</sup> Following transposition, eligibility to access the labour market is provided for after six months.<sup>10</sup>

Regarding trafficking in human beings, Ireland began its participation in the relevant EU

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5 [Asylum Procedures Directive 2005/85/EC](#)

6 [Dublin III Regulation](#)

7 [Qualification Directive 2004/83/EC](#)

8 [Recast Reception Conditions Directive 2013/33/EU](#)

9 [European Communities \(Reception Conditions\) Regulations 2018](#)

10 [INIS Information on Permission to Access the Labour Market](#)

measures in the last ten years, following the introduction in 2008 of national legislation to address the crime of trafficking in human beings.<sup>11</sup> Thereafter, Ireland opted into the EU Trafficking Directive<sup>12</sup> and the Victim's Right Directive.<sup>13</sup> In doing so, Ireland joined the EU Member States in developing and applying measures for identification, protection and assistance of victims of trafficking in human beings. There are a range of notable potential benefits delivered through this framework that positively impact on victims, in particular those linked to the victims' special needs, to responding from a gender-specific angle and keeping the best interest of the child paramount in responding to minor victims. However, overall any specialised supports provided to victims of trafficking who are beneficiaries of international protection remain minimal, are often not tailored for their specific needs and lack a gender dimension which takes account of the particular needs of migrant women.

### Irish national legislation and policy

The following section outlines relevant aspects of the two national legal and policy frameworks existing in the areas of international protection and trafficking in human beings, respectively.

#### International protection

The original international protection system in Ireland, incrementally adopted in response to the increased number of asylum applications in the early 2000's, was overhauled in 2015 with the enactment of the International Protection Act (IPA) 2015.<sup>14</sup> The IPA introduced a number of substantive changes to international protection law in Ireland. The Act repealed and

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11 [Criminal Law \(Human Trafficking\) Act 2008](#)

12 [EU Trafficking Directive 2011/36/EU](#)

13 [EU Victims Directive 2012/29/EU](#)

14 [International Protection Act 2015](#)

replaced the Refugee Act 1996<sup>15</sup>, and amended the Immigration Acts 1999<sup>16</sup>, 2003<sup>17</sup>, 2004.<sup>18</sup>

More notably, the IPA introduced a single procedure for international protection applicants. If the applicant receives a negative recommendation for protection under the IPA from the International Protection Office at first instance, applicants may appeal the refugee and/or subsidiary protection element of the recommendation to the International Protection Appeals Tribunal.

As noted above, in 2018, Ireland enacted the Reception Condition Regulations.<sup>19</sup> As a result, the standards for reception of international protection applicants, including accommodation, were placed on a statutory footing for the first time in Ireland. These standards include specific provisions for vulnerable applicants<sup>20</sup>, including suspected victims of trafficking.<sup>21</sup> The Regulations provide that the Minister for Justice shall assess, within 30 days of an application, whether an applicant has special reception needs and, if so, the nature of those needs. However, in practice, to date the Department of Justice has not yet published a specific procedure which either assesses whether an individual is a vulnerable applicant or provides for needs arising from that vulnerability.<sup>22</sup> Progress has been made in this area in 2021 with the development of a vulnerability assessment team within the Department of Children, Equality, Disability, Integration and Youth. Information made available through parliamentary question indicates that, as of May 2021, 306 persons have entered into the vulnerability assessment process, 165 vulnerability assessments have been carried, with 96 individuals identified as having some form of vulnerability as defined by the EU Reception Conditions Directive (Recast).<sup>23</sup>

15 [Refugee Act, 1996](#)

16 [Immigration Act, 1999](#)

17 [Immigration Act, 2003](#)

18 [Immigration Act, 2004](#)

19 [European Communities \(Reception Conditions\) Regulations 2018](#)

20 Regulation 8, Reception Condition Regulations 2018

21 Regulation 2(5), Reception Conditions Regulations 2018

22 See the detailed analysis of the position in [Asylum Information Database Ireland Country Report 2019](#)

23 <https://www.kildarestreet.com/wrans/?id=2021-04-28a.1822>

### Trafficking in human beings

The [Criminal Law \(Human Trafficking\) Act 2008](#) introduced the crime of human trafficking into Irish criminal law for the first time. The legislation provides for penalties of up to life imprisonment and, at the discretion of the court, an unlimited fine for trafficking of persons for the purposes of sexual or labour exploitation or for the removal of a person's organs. To give effect to the EU Trafficking Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, the Act was amended to expand the definition of forced labour by including forced begging, to include forced criminal activities in the forms of exploitation and to add an aggravating factors in cases, where the crime is committed by a public official during his/her duties.

The [Child Trafficking and Pornography Act 1998](#)<sup>24</sup>, which already contained provisions for trafficking of children for the purposes of sexual exploitation, was amended by the aforementioned 2008 Act to define a child as a person under the age of 18 and by raising the maximum penalty on conviction to life imprisonment.

The [Criminal Law \(Sexual Offences\) Act 2017](#)<sup>25</sup> updates laws combatting the sexual exploitation and sexual abuse of children, including new offences relating to child sexual grooming and new and strengthened offences to tackle digital child abuse material. The Act also criminalises the purchase of sexual services and introduces new provisions regarding the giving of evidence by victims in sexual offence trials.

The [Criminal Justice \(Victims of Crime\) Act 2017](#)<sup>26</sup> gives effect to the EU Victims Directive. The Act provides support to victims in criminal proceedings by placing them at the centre of the criminal justice process. Under the Act, certain rights are guaranteed to victims throughout a criminal justice investigation and later through various criminal justice processes.

24 <http://www.irishstatutebook.ie/eli/1998/act/22/enacted/en/html>

25 [Criminal Law \(Sexual Offences\) Act 2017](#).

26 <http://www.irishstatutebook.ie/eli/2017/act/28/enacted/en/html>

The Act ensures that victims receive information, support and protection and are treated in a respectful and professional manner. Victims of human trafficking are given particular consideration.

It is worth noting that the rights of victims of trafficking, with the exception of any rights as witnesses in court proceedings, are not provided for by domestic legislation. Instead, under the National Referral Mechanism (NRM) details the available services and the [Administrative Immigration Arrangements \(AIAs\) for the Protection of Victims of Human Trafficking 2011](#)<sup>27</sup>, an administrative policy document, covers the issuing of 'recovery and reflection' permission and temporary residence permission to non-EEA migrant victims of human trafficking that are cooperating with a human trafficking criminal investigation. These administrative arrangements do not apply to victims of trafficking who have applied for or been granted international protection.

## Trends and statistics

In Ireland the official state website<sup>28</sup> on trafficking in human beings publishes annual reports with statistics. These statistics, however, do not contain any information about victims who are successful applicants for international protection. The data mainly presents how many people have been referred to the National Referral Mechanism, including some data on how many sought international protection. Information about the outcome of such claims is not available. Therefore, no meaningful conclusions could be extracted for the situation with Beneficiaries in international protection (BIPs) affected by human trafficking from these official sources.

The most recent available statistical data shows that trafficking of women and girls for the

<sup>27</sup> <http://www.inis.gov.ie/en/INIS/Administrative%20Immigration%20Arrangements%20for%20the%20Protection%20of%20Victims%20of%20Human%20Trafficking%20-%20March%202011.pdf/Files/Administrative%20Immigration%20Arrangements%20for%20the%20Protection%20of%20Victims%20of%20Human%20Trafficking%20-%20March%202011.pdf>

<sup>28</sup> Blue-blind-fold website, official statistics: [www.blueblindfold.gov.ie](http://www.blueblindfold.gov.ie)

purposes of sexual exploitation is the prevalent form of human trafficking in Ireland.<sup>29</sup> Data supplied by the Irish government to the United States State Department Trafficking in Persons Report 2021<sup>30</sup> shows that, in 2020, 38 victims of human trafficking were formally identified by authorities. Of the 38 cases identified, 26 were exploited in the sex industry. The overall predominance of trafficking for the purposes of sexual exploitation is followed by trafficking for the purposes of labour exploitation, which is followed by trafficking for the purposes of forced criminal activities and other forms of trafficking. Trafficking for the purposes of labour exploitation mostly concerns individual businesses, where a number of victims are identified at once, e.g. 16 in 2018 in the fishing industry, while in some years a very small number of victims are discovered due to a lack of a prominent exploitative business, e.g. in 2019 – 3 suspected victims. However, trafficking for the purposes of sexual exploitation represents a steady stream of identified victims. In Irish statistics, women are primarily trafficked for the purposes of sexual exploitation, while men are primarily trafficked for labour exploitation. These trends mirror the situation in other EU Member States, as outlined in the Eurostat Data on Trafficking in Human Beings in the period 2017 - 2018<sup>31</sup>.

In the past, information was made available regarding how many suspected victims of trafficking had pending applications for international protection. For example, data from the Department of Justice showed that in 2015, 12 out of the 78 victims had pending applications for asylum, and respectively, 16 out of 95 victims in 2016 and 17 out of 47 victims in 2017. Unfortunately, there is no information concerning victims of trafficking who might have successfully obtained international protection.

It should be noted that, overall, in recent years the number of victims of trafficking in Ireland formally identified has decreased years on year. This is likely due to deficiencies in the identification process overall, rather than an indication of less cases existing in Ireland.

<sup>29</sup> [Department of Justice, Trafficking in Human Beings in Ireland. Annual Report 2019](#)

<sup>30</sup> <https://www.state.gov/reports/2021-trafficking-in-persons-report/ireland/>

<sup>31</sup> [https://ec.europa.eu/anti-trafficking/sites/default/files/study\\_on\\_data\\_collection\\_on\\_trafficking\\_in\\_human\\_beings\\_in\\_the\\_eu.pdf](https://ec.europa.eu/anti-trafficking/sites/default/files/study_on_data_collection_on_trafficking_in_human_beings_in_the_eu.pdf)

## Identification of victims of trafficking in the integration process

It should be noted that, apart from the immediate needs catered for through the NRM, AIA's and the rights associated with being a beneficiary of international protection (such as basic accommodation in direct provision centres, access to a medical card, eligibility for state housing and access to the labour market), there are no other specific integration pathways or designated projects which cater for the integration needs of VoTs in general, including those who are beneficiaries of international protection. The 2016 National Action Plan to Prevent and Combat Trafficking in Ireland<sup>32</sup> makes no mention of the integration needs of VoTs. The omission of this crucial area has been criticised by national agencies such as the Immigrant Council of Ireland, who have advocated that integration is a vital area which must be included in the renewal of this strategy, expected in 2022.

In general, the basic rights bestowed upon victims of human trafficking varies depending on whether they are formally or informally recognised by the State.

**Internationally, formal identification** occurs when a competent authority recognises the person as a victim of human trafficking crime. This may depend on establishing 'reasonable grounds' under the national legal framework. Formal identification is the key element in the victim's protection as it may result in access to services that may not be provided otherwise. According to Article 10.1 of the Council of Europe Convention on Action against Trafficking in Human Beings *"each Party shall provide its competent authorities with persons who are trained and qualified in preventing and combating trafficking in human beings, in identifying and helping victims, including children, and shall ensure that the different authorities collaborate with each other as well as with relevant support organisations, so that victims can be identified in a procedure duly taking into account the special situation of women and child*

<sup>32</sup> [http://www.justice.ie/en/JELR/2nd\\_National\\_Action\\_Plan\\_to\\_Prevent\\_and\\_Combat\\_Human\\_Trafficking\\_in\\_Ireland.pdf/Files/2nd\\_National\\_Action\\_Plan\\_to\\_Prevent\\_and\\_Combat\\_Human\\_Trafficking\\_in\\_Ireland.pdf](http://www.justice.ie/en/JELR/2nd_National_Action_Plan_to_Prevent_and_Combat_Human_Trafficking_in_Ireland.pdf/Files/2nd_National_Action_Plan_to_Prevent_and_Combat_Human_Trafficking_in_Ireland.pdf)

*victims and, in appropriate cases, issued with residence permits under the conditions provided for in Article 14 of the present Convention".* In [Ireland](#), a formal identified victim of trafficking is most commonly referred to by the authorities as a 'suspected' victim who is entered into the National Referral Mechanism (NRM) and who may then avail of a range of measures/services depending on their individual circumstances.

**Informal identification or detection** occurs when any practitioner identifies a person as a victim of human trafficking without this being confirmed by the relevant competent authorities. This is usually the result of the practitioner having corroborated evidence around an initial suspicion. Self-identification can also occur when the victim recognises himself/herself to be a victim of human trafficking, but this detection also remains informal. In [Ireland](#), an informally identified victim of human trafficking is most commonly referred to as a 'potential' victim. Potential victims do not have access to the measures/services that are provided for under the NRM.

Applicants for or beneficiaries of international protection are not excluded from the NRM per se, but are excluded from the Administrative Immigration Arrangements associated with victim identification, and as such do not benefit from the rights and entitlements which flow from such access. Furthermore, it must be stated that, while the NRM and AIA's are of benefit to those who qualify to access them, the level of rights which they bestow are best described as temporary and basic in that they are renewable, short-term permissions which do not cater for long-term residency status in the country or long-term integration and empowerment of the individual.

Overall, there is no proper, long-term assessment made regarding the integration needs of a beneficiary of international protection who has experienced human trafficking. Civil society initiatives such as those undertaken by the Immigrant Council of Ireland are beginning the process of defining these long-term integration needs. However, such initiatives are under-resourced and not mainstreamed into statutory provision of support.

## Coordination between the National Referral Mechanisms and the international protection system

Neither the process of identification for a victim of trafficking, nor the process of referral through the National Referral Mechanism have been placed on a statutory footing in Ireland. As such, the application in practice of identification and referral is guided by the administrative instruments described earlier, and the overall discretion of the Minister for Justice. Access to the NRM is contingent upon a victim self-presenting to Gardaí (Irish police) and/or being referred by the authorities or a third party to the Human Trafficking Investigation and Coordination Unit of An Garda Síochána<sup>33</sup>. Access to the NRM and supports provided thereunder are exclusively dependent on cooperation by a victim of trafficking with a criminal investigation.

The AIAs provide for the issuing of a sixty day recovery and reflection period, a six month renewable temporary residence permission on condition of cooperation with authorities in an ongoing investigation, voluntary repatriation and/or changes of status to longer-term immigration status, after certain conditions have been met. Suspected victims of trafficking who have not applied for international protection are issued with a temporary residence permit, which enables them to access social protections and benefit payments, employment and limited education/training.

As stated above, in Ireland, a distinction is made between how victims of trafficking are responded to, depending on whether or not they have made an application for international protection. While applicants for international protection are not excluded from the National Referral Mechanism (NRM) per se, they are excluded from the AIA's and access to temporary residence permission, which effectively exclude victims of trafficking that apply for international protection from accessing the social protections and other benefits envisaged

<sup>33</sup> <https://www.garda.ie/en/about-us/organised-serious-crime/garda-national-protective-services-bureau-gnpsb-/human-trafficking/>

for victims of such crime. Furthermore, when an applicant for international protection has been granted such status, it is impossible to assess whether they continue to be supported through the NRM as data on this area is unavailable.

Consequently, several points of relevance can be noted:

- Firstly, applicants for international protection are not formally identified by way of the issuing of a temporary residence permission under the AIAs, as is the case with other victims of trafficking referred through the NRM.
- Secondly, the establishment of 'conclusive evidence of trafficking' does not lead to protection applicants gaining access to specialised accommodation in mainstream services or access to study or work, while the application for international protection is pending (other than restricted labour market access as provided for all international protection applicants who are still waiting for a decision on their application after a period of six months).
- For asylum-seeking victims of trafficking, only the outcome of the international protection application determines their progress to independent living and integration, and not the victim identification process or any other assessment of the special needs they may have.
- Data on the continued interaction of a successful applicant for international protection who has experienced human trafficking and the NRM is lacking, thus making an analysis of their long-term support needs and experience of recovery impossible.

Despite the introduction of a 'single application procedure', the international protection application process remains lengthy, often involving a wait of at least twelve months for the initial interview to be conducted and, potentially, a number of years for a final recommendation or decision to be issued. Therefore the integration process for such victims is significantly delayed in this time, increasing the risk of re-trafficking and prolonged trauma and stress.

## Access to social rights and benefits

Should an application for international protection be successful, EU and national law provides a framework for EU Member States', including Ireland, policies and practices to assess the initial asylum claim and the subsequent integration of beneficiaries of international protection. Special needs and vulnerability have been also addressed in this system, including victims of human trafficking.

In [Ireland](#), the International Protection Act 2015 provides the following integration measures for successful beneficiaries of international protection:

- The **right to reside** for a specified period of not less than three years. Family members also have permission to reside in Ireland for a specified period of not less than one year and, in case of renewal, of not less than two years.
- The **right to travel** in/out of the state and to access to **travel documents** for refugees and their family members. This also applies to subsidiary protection holders who are unable to obtain national passports.
- Access **to education and training** (including SUSI<sup>34</sup> student supports), **employment**, including self-employment.
- Access to **medical care and social welfare**, including housing supports.
- **Family reunification** rights are also provided for in respect of certain qualifying family members. Applications must be made within 12 months of the BIP receiving status.

34 <https://susie.ie/>

## Access to family reunification:

The eligibility of successful BIPs to family reunification is only provided in respect of limited categories of family members and applications must be submitted within twelve months of a grant of protection status. If the sponsor is an adult, they are entitled to apply for reunification with their spouses /civil partners and their unmarried minor children. If the sponsor was an unaccompanied minor at the time of the application for international protection, they are permitted to apply for their parents and their parents' unmarried minor children. Discretionary visa applications may also be made for non-qualifying family members.<sup>35</sup>

Upon arrival, family members generally enjoy the same rights as the BIP, although a residence permit is issued for a shorter period of time. The legislation does not provide for the rights and entitlements of family members to remain in the State in the event of future changes arising from, for example, relationship breakdown, the death or departure of the BIP from the state. Such matters are dealt with on a discretionary basis by the Minister for Justice. No concessions or advanced procedure exists for victims of human trafficking who are beneficiaries of international protection, nor is there in existence any civil legal aid to assist with family reunification applications for any beneficiary of international protection. Civil society organisations such as the Immigrant Council of Ireland provide information and legal support in this area to a limited extent, dependant on capacity,

In practice, the application of a 12 month time limit on the submission of family reunification applications for BIPs has been found by applicants and support agencies such as the Immigrant Council of Ireland to be onerous and problematic. This arises particularly in instances where the family members may be difficult to locate, may have insufficient documentation or the ability to acquire it, or where the applicant in Ireland is recovering from significant stress and trauma and may not have the capacity to undertake a rigorous and bureaucratic application process to be joined by them.

35 [INIS Policy Document on Non-EEA Family Reunification](#)

### Access to Legal support:

*International protection applicants:* There are a number of avenues through which asylum-seeking victims of trafficking can receive legal support and advice in Ireland. All asylum seekers are entitled to assistance in relation to their international protection claim from the independent statutory body, the Legal Aid Board (LAB)<sup>36</sup>. This service can be sought prior to the asylum interview as applicants should be provided with general information and advice on the completion of the questionnaire. The full levels of service available to asylum applicants are described in the Legal Aid Board's Best Practice Guidelines<sup>37</sup>.

Additionally, applicants for international protection can also receive information and, in some cases, legal advice on the asylum process from civil society organisations such as the law centres of the Immigrant Council of Ireland (where the person may be a VoT) and the Irish Refugee Council<sup>38</sup>.

*Victims of Human Trafficking:* Upon referral by An Garda Síochána, victims of trafficking can obtain legal information from a specialist solicitor in the Legal Aid Board regarding the rights of victims of trafficking in Ireland. The Legal Aid Board however does not provide full legal representation in cases of this nature. The Immigrant Council of Ireland provides legal support and advice to BIP victims of trafficking with regard to residence permissions, family reunification and citizenship, and, in some cases, can provide comprehensive legal representation. Immigration-related information may also be sought from NGOs active in the area, including the Migrant Rights Centre Ireland<sup>39</sup>, Nasc<sup>40</sup> and Doras<sup>41</sup>.

36 <https://www.legalaidboard.ie/en/>

37 <https://www.legalaidboard.ie/en/lawyers-and-experts/legal-professionals-in-civil-cases/international-protection/best-practice-guidelines/>

38 <https://www.irishrefugeecouncil.ie/>

39 [www.mrci.ie](http://www.mrci.ie)

40 <https://nascireland.org/>

41 [www.doras.org](http://www.doras.org)

*Additional legal needs:* BIPs and their family members in Ireland may wish to apply for Irish citizenship by naturalisation. Applications may be made to the Department of Justice. Free legal assistance may be available through the Immigrant Council of Ireland and Irish Refugee Council. Information and assistance may also be provided by other migrant support organisations or through the nationwide network of Citizens Information Centres<sup>42</sup>.

Victims of trafficking, including those granted protection status, may wish to return to their country of origin. The International Organization for Migration (IOM) runs an Assisted Voluntary Return Program for individuals who wish to return to their home country. IOM can provide victims with a number of additional supports to help them reintegrate into their home country, including post-arrival reception arrangements, information and referral to local partners if necessary and short and/or medium-term reintegration assistance, such as support in setting up a business, vocational training, formal education, medical assistance and other forms of assistance.

### Compensation

The avenues for compensation in Ireland are:

- Court Order under Section 6 of the Criminal Justice Act 1993;
- Civil Action to claim damages;
- State bodies dealing specifically with work-related rights and entitlements;
- The Employment Permits Act 2014 supports unlawfully-employed victims of trafficking for forced labour to seek their employment rights;
- Out of pocket expenses can be recovered through the Criminal Injuries Compensation Scheme.

42 <https://www.citizensinformation.ie/en/>

While these measures exist in theory, in practice it is the experience of the Immigrant Council that victims of trafficking for sexual exploitation do not currently have viable avenues to compensation in the majority of cases. Compared to victims of trafficking for forced labour, who in seeking compensation may avail of legal remedies stemming from the employment rights infrastructure of the state, victims of trafficking for sexual exploitation, as well as other non-labour based forms of exploitation, are significantly disadvantaged.

Overall, specialised legal support for victims of trafficking who are beneficiaries of international protection has largely been developed and exists within civil society organisations such as the Immigrant Council of Ireland, apart from the limited role played by the Legal Aid Board in information and signposting for VoTs. The lack of mainstream specialised and well-resourced legal support for this cohort of migrants in Ireland in terms of their immediate legal needs, access to family unity, and other legal issues, remains a considerable deficiency and undermines that individuals prospects of integration and recovery.

### Access to safe housing

Current government policy in Ireland dictates international protection applicants in Ireland are provided with housing through state-funded communal living accommodation centres (known as direct provision centres). Accommodation in direct provision centres is not mandatory, but with most international protection seekers lacking the means to explore or afford other options, the vast majority of those seeking protection reside within the system. As has been described by research and analysis at a national and international level (by the Immigrant Council of Ireland<sup>43</sup>, the Council of Europe Committee of Experts on Trafficking in Human Beings (GRETA)<sup>44</sup> and the U.S. Department of State annual Trafficking

<sup>43</sup> <https://www.immigrantcouncil.ie/sites/default/files/2020-05/2020SubmissionfortheIndependentGrouponDirect-ProvisionHousingTraffickedWomen.pdf>

<sup>44</sup> <https://www.coe.int/en/web/anti-human-trafficking/-/publication-of-greta-s-second-report-on-ireland>

in Persons Report<sup>45</sup>) the accommodation of both international protection-seeking victims of human trafficking and all other formally or informally-recognised victims of human trafficking in the setting of shared room, mixed-gender accommodation centres is a wholly inappropriate setting for trafficked women and severely limits their capacity for recovery. Staff within direct provision centres are most often not in receipt of specialised training as regards the gender and support needs of victims of trafficking, delaying the recovery of that person beyond the receipt of international protection.

Upon conclusion of the asylum process, and where a victim receives protection status, they will need to seek accommodation outside the allocated IPAS (International Protection Accommodation Service) accommodation centre. Similarly, if a victim chooses to withdraw from the protection process and be granted a residence permit under the Administrative Immigration Arrangements, they may need to seek accommodation outside the IPAS centre. With the current significant level of overall housing shortages in Ireland, both in terms of private rented accommodation and social housing, the transition from direct provision centres to private accommodation is extremely difficult and costly. Many landlords in the private sector do not accept social welfare payments for renting properties, and waiting lists for social housing can frequently run into months and years before housing can be offered. In the instance where a victim of trafficking who is a beneficiary of international protection is seeking to leave the accommodation centre but has not as of yet obtained employment, they are likely to face many barriers and obstacles in doing so. Indeed, even in the instance where an international protection beneficiary has secured employment, the overall lack of housing options experienced by many may mean extended months of living within the IPAS system until such point as alternative accommodation is found. This impasse hinders their recovery, their independence and ability to be integrated and self-sufficient. Overall, the risk of destitution and re-trafficking in this circumstance is high. Additionally, the added cost to the state of continued accommodation of an international protection beneficiary in a direct provision centre is significant.

<sup>45</sup> <https://www.state.gov/reports/2020-trafficking-in-persons-report/ireland/>

If the applicant has been referred through the NRM, their Health Service Executive (HSE) care worker and the Asylum Seekers and New Communities Unit can assist with finding accommodation outside the IPAS accommodation centre. BIPs are eligible to seek [housing assistance](#) through the local authority. However, overall a severely limited provision of housing supply and the lack of sufficient dedicated accommodation transition support for beneficiaries of international protection and/or victims of trafficking remains a problematic area. Some civil society housing support organisations offer limited support.

In 2020 and 2022, commitments were made by the Irish government to the opening of a pilot accommodation setting specifically designed for female victims of trafficking who have endured sexual exploitation. This proposed pilot has not progressed as of time of writing. It is the position of the Immigrant Council that such a model must be progressed with priority, and further expanded upon to include greater capacity, including providing housing for those who have attained international protection status but are facing challenges in transitioning to mainstream public or private housing.

### Medical and psychological assistance

Victims of human trafficking who are clients of the Immigrant Council of Ireland frequently exhibit severe trauma, PTSD, distrust of authorities and men, and other severe psychological impacts of their experience. Recovery from their ordeal often takes years, exacerbated by lack of access to specialised support and counselling. Psychological support and counselling provided by the State is an area in which much development and investment is needed, with waiting times for applicants often running into months and years. Clients of the Immigrant Council have stated that support of this nature is needed at the very beginning and not after the person has well-recognised and established needs. Apart from the obvious and important benefits to the individual's recovery, were proper counselling and psychological support services made available free of charge to VoTs and/or beneficiaries of international protection at early stages in their recovery, the likelihood of that person having

increased capacity to address their circumstances, interact with immigration authorities and co-operate with a police investigation into the circumstances of trafficking would be much increased. This would serve to ultimately assist the State by reducing the amount of time that individual remains in a position of having high support needs and effective dependency on state resources.

Aside from state-provided care and the limitations which exist in accessing it, various NGOs such as Ruhama and the Dublin Rape Crisis Centre provided support, dependant on their organisational capacity.

Owing to the trauma connected with trafficking, victims often have complex medical needs, including the need for mental health and psychological support. In particular, trafficking that involves sexual exploitation results in significant harm that involves, but is not limited to, “severe, brutal and long-term, gender-specific physical, gynaecological and mental health harms, risks to life and traumas...”

Asylum-seeking and BIP victims of trafficking in Ireland have a right to a medical card. They can seek medical assistance, mental health and psychological support using this card. If the victim is entered into the NRM, they can receive assistance through their [HSE Anti-Human Trafficking Services](#) care worker.

### Empowerment of trafficked international protection beneficiaries

Empowerment is understood within the framework of enabling economic independence and includes but is not limited to these indicative themes and indicators: employment opportunities; education and professional training (job orientation training and access to entrepreneurship, business plans, access to resources); resource mobilisation and funding schemes (start-ups, small business); access to technology / digital skills; mentoring; care services; welfare and social benefits; housing and transportation services; direct or indirect financial services.

A successful beneficiary of international protection is granted a residency permission under 'Stamp 4'<sup>46</sup> conditions, giving them the same rights to access employment and self-employment as nationals of the state.

Overall however, there are no formal specific targeted state programmes regarding access to the labour market for victims of human trafficking (including VoTs who are beneficiaries of international protection) which provide tailored individual integration programmes designed to map out their existing qualifications, career objectives and to support access to education programmes designed to recognise existing qualifications, etc.

Apprenticeship, training and education courses are made available by the Department of Education and Skills' SOLAS<sup>47</sup> network. Those who are pending a decision regarding their international protection claim have permission to enter employment 6 months after their initial application and on condition that their application has not received its first instance refusal. However, state mechanisms such as SOLAS do not provide support in this instance, with the gap in support being provide by mostly civil society projects such as those of the Irish Refugee Council, EPIC, Doras, Recruit Refugees and the Open Doors Initiative.

Racism and discrimination have been documented as issues for many ethnic minority job seekers in Ireland. The Economic and Social Research Institute (ESRI) has documented how black people of non-Irish origin are five times more likely to experience discrimination in accessing employment, and more than two and a half times more likely to experience discrimination in the workplace.<sup>48</sup>

Regarding overall policies to encourage hiring of third country nationals in the public sector,

<sup>46</sup> <https://www.irishimmigration.ie/registering-your-immigration-permission/information-on-registering/immigration-permission-stamps/#stamp-categories>

<sup>47</sup> <https://www.solas.ie/>

<sup>48</sup> <https://www.esri.ie/news/black-non-irish-five-times-more-likely-to-experience-discrimination-seeking-work-in-ireland-more-than-twice-as-likely-to-experience-workplace-discrimination>

the Irish Human Rights and Equality Act 2014<sup>49</sup>, Section 42 introduced a 'Public Sector Duty'. All public bodies in Ireland have a responsibility to promote equality, prevent discrimination and protect the human rights of their employees, customers, service users and everyone affected by their policies and plans. The Irish Human Rights and Equality Commission has a mandate to give guidance to, and encourage, public bodies in developing policies and good practice in relation to human rights and equality. Where the Commission considers that there is evidence of a failure by a public body to perform its functions in line with the Public Sector Equality and Human Rights Duty it may invite a public body to carry out a review, or to prepare and implement an action plan related to the performance of its functions, or both. Private and public sector employers increasingly have diversity and inclusion policies, including, for example, the Public Appointment Service with responsibility for recruiting across the civil service, including health, child protection and police services, and state boards. The Irish police force has a Diversity and Integration Strategy 2019-2021<sup>50</sup> and an associated campaign, in six languages, to promote recruitment amongst ethnic minorities, access to employment in the police force is limited to Irish citizens, EEA and Swiss nationals, those with refugee status or subsidiary protection, and those who meet a residency threshold in the state.

Additional barriers exist in the empowerment of those seeking international protection who are victims of trafficking in the issues of attaining driving licences and bank accounts. To date, no international protection applicant has been permitted to attain a driving licence due to a prohibition in this area from the Department of Transport. While a recognised refugee can go on to attain a driving licence, the inability to do so in the months and years spent awaiting a decision in relation to their protection case can hinder the individual's ability to become integrated, self-sufficient and to access employment. Furthermore, up to 2021, those seeking international protection were prohibited by Irish banks from opening a bank

<sup>49</sup> <http://www.irishstatutebook.ie/eli/2014/act/25/enacted/en/html>

<sup>50</sup> <https://www.garda.ie/en/about-us/our-departments/office-of-corporate-communications/news-media/news-archive/an-garda-siochana-diversity-and-integration-strategy-2019-2021.html>

account, which limited their ability to attain any financial autonomy or, in the case of international protection applicants who are in employment, to be paid into a bank account as is the preference of most employers. This issue has progressed somewhat in 2021 with one bank, Bank of Ireland, now accepting applications to open bank accounts from international protection applicants<sup>51</sup>.

Prior to obtaining employment, BIPs who wish to study enjoy access to a wide range of further training and education supports, including SUSI. Access to free English classes may be available through IPAS reception centres or other voluntary programmes, such as those carried out by Failte Isteach<sup>52</sup>.

Education courses, including English language classes, are available only on a part-time basis through the Back to Education Initiative, which is organised by the Vocational Education Committee. The Qualifications and Quality Assurance (Education and Training) (Amendment) Act 2019<sup>53</sup> established the National Framework of Qualifications and is maintained by the National Qualification Authority of Ireland. However, individuals may have to deal directly with the relevant regulatory body for specific professions. While this formal structure does exist, there are in practice many issues regarding foreign qualification and experience recognition for non-EEA nationals. This can also effectively hinder access to the labour market for victims of human trafficking who obtained qualifications or experience in their country of origin prior to arrival in Ireland.

51 <https://www.bankofireland.com/about-bank-of-ireland/press-releases/2021/bank-of-ireland-makes-it-easier-for-asylum-seekers-to-open-bank-accounts/>

52 <https://www.thirdageireland.ie/failte-isteach>

53 <http://www.irishstatutebook.ie/eli/2019/act/32/enacted/en/html>

## Impact of the COVID-19 crisis

In Ireland, the impact of the COVID-19 pandemic led to recurring national lockdowns commencing in March 2020, with restrictions gradually easing up to October 2021. In this scenario, many of the statutory and civil society agencies which support victims of trafficking directed staff to work remotely, as per the public health guidelines. This impacted in a number of ways:

1. Registration offices of the Garda National Immigration Bureau in Dublin, and through networked Garda stations throughout the country, were unavailable to issue initial certificates of registration to third country nationals, or to renew permissions already existing when the expiry of that status occurred. The Irish Department of Justice issued direction that blanket renewals of all status were in effect. This was communicated through the website of the Department of Justice and associated social media channels. Individual letters to impacted individuals were not issued, which caused difficulty for many clients of the Immigrant Council and other civil society support organisations in areas such as attaining or retaining employment, attaining or retaining social welfare payments, or accessing housing and education.

2. Associated with this, with the staff of government departments working remotely and unable to access some information relating to applicants, severe delays were experienced in several areas such as the processing of international protection applications, the issuing of immigration permissions, family reunification, and applications for Irish citizenship.

3. Due to the public health guidelines regarding the need for 'non-essential' workers and the resultant closure of the public offices of many civil society organisations, the level of support available to migrant communities, including victims of trafficking, was disrupted and diminished. Civil society organisations, such as the Immigrant Council of Ireland, moved their client support online. Interviews and client appointments were conducted through on-

line platforms such as Zoom and Skype, and telephone helpline services had to be adapted to allow for their delivery from staff homes. This required adjustment of some practices and investment in new information technology support.

**4.** Many support organisations, such as the Immigrant Council of Ireland, have anecdotally reported a decrease in the number of victims of trafficking referred to their services for support in this period. The reasons for this perceived reduction are difficult to ascertain, but it is likely that the reduced capacity and accessibility of relevant statutory and non-statutory support agencies which support victims of trafficking was a contributing factor. An additional probable contributing factor exists in the effective shutdown of immigration into Ireland during this time, with visa services and flights into Ireland experiencing periods of suspension lasting for several months.

**5.** As regards beneficiaries of international protection, including those who have experienced human trafficking, the experience of COVID-19 was particularly challenging due to the communal living arrangements of state-provided accommodation in 'direct provision' centres. Several centres experienced outbreaks of infection with COVID-19 and were effectively placed on lockdown with inhabitants unable to leave the centre. The communal living arrangements for those with children were of an extreme problematic nature with parents and children living effectively in the same room with limited options for leaving the premises. As, in 2020 in particular, schools were also closed with classes moved online, residents of direct provision centres were very much impacted with the poor conditions for children to learn and study, coupled with widespread lack of access to laptops and other information technology supports for children to carry out their schooling. Additionally, the ability of an individual to confidentially discuss their case with their case worker or legal representative in an environment of extremely limited privacy in direct provision centres and the absence for many of adequate IT access hindered their ability to access legal and other supports.

**6.** Access to childcare or childminding services for either victims of trafficking residing in direct provision centres or those who have received international protection and were residing elsewhere has always been an area of considerable limitation, made exponentially worse by the COVID-19 pandemic. Coupled with the widespread closure of schools, the inability of parents to study and seek or retain employment during this period was severely curtailed, limiting once more their prospects of recovery, integration and self-sufficiency.

**7.** In terms of the sex industry in Ireland throughout the COVID-19 pandemic, research<sup>54</sup> carried out by the Sexual Exploitation Research Programme of University College Dublin showed that, while most of society was in lockdown, exploitation within the sex industry continued unabated. This research showed that when the pandemic hit the numbers of women advertised in online forums initially declined, but within a number of months returned to pre-pandemic levels. As also evidenced by the research, pimps and facilitators provided alternative means for women to be accessed, promoting online tools such as webcams, smartphone and other online means for interaction and exploitation.

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54 [https://www.ucd.ie/geary/static/serp/SERP\\_Exploitation\\_As\\_Usual.pdf](https://www.ucd.ie/geary/static/serp/SERP_Exploitation_As_Usual.pdf)

## National recommendations

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As outlined in the previous sections, while some basic rights are provided for by national policy and legislation, a multitude of factors inhibit the integration of victims of human trafficking who are beneficiaries of international protection. These include:

- Differing rights afforded to the individual based on whether they are a formally-identified victim of trafficking referred through the National Referral Mechanism or if they are a victim of trafficking who has made an application for, or attained, international protection.
- Their psychological and counselling needs and limitations on accessing appropriate and timely support.
- The condition of their housing support – most notably the policy of shared accommodation centres for housing of both international protection applicants and victims of human trafficking prior to their being accepted as a recipient of international protection, and a lack of adequate housing options following that determination.
- Lack of appropriate training in the support and care of victims of trafficking and gender-based violence in accommodation centres.
- Limited access to childcare supports for mothers with dependent children.
- Rights to family reunification with dependant family members outside the jurisdiction.
- Inability to attain an Irish driving licence or open a bank account for international protection applicants, including those who are victims of trafficking.
- Access to appropriate and timely legal advice and representation.
- Educational limitations such as restriction on access to training, education support grants and inability to pay high level fees.

- Racism and discrimination experienced in various settings, from accessing housing to employment opportunities.

The barriers described above essentially serve to disempower a victim of trafficking who is a BIP and severely inhibit their overall recovery and reintegration into society. There is thus considerable need for a wide array of measures to be implemented which better form a structure of short, medium and long-term supports built around the needs of victims of trafficking, with the appropriate allocation of resources (both to state and non-state actors) and overall coordination by the state.

Recommendations:

Echoing the common recommendations of the TRIPs project, the Immigrant Council of Ireland will set out below both the common and country-specific overall recommendations meeting from this project.

- **Improve the identification of trafficked international protection beneficiaries thanks to a fostered multi-stakeholder cooperation.** In [Ireland](#), this can be achieved in part by the continuation and enhancement of the current stakeholder engagement forum and its subgroups, chaired by the Department of Justice and involving stakeholders from statutory agencies, civil society and national and international experts in the area of anti-human trafficking.
- **Introduce a National Referral Mechanism or enhance the existing National Referral Mechanism to ensure appropriate identification and protection of all victims of human trafficking.** In [Ireland](#), onus must be placed on the full admission of international protection-seeking victims of trafficking into the NRM, with associated full access provided to all aspects of the NRM, including the Administrative Immigration Arrangements. Overall reform of the NRM and victim identification procedures, as has been progressed in part to date by the Department of Justice, should be completed within a set timeframe and with priority importance.

- **Reinforce and expand training and capacity building of practitioners.** In 2021 in [Ireland](#), funding has been provided by the Department of Justice for dedicated training on human trafficking and the indicators of such to be provided by civil society within public and private institutions. This training budget line should be made available on an annual basis, with overall coordination of national and local level training fostered through quarterly meetings of agencies providing training hosted by the Department of Justice.

- **Ensure the monitoring of trafficked international protection beneficiaries' integration.** In [Ireland](#), the expected revision and renewal of the National Action Plan to Prevent and Combat Human Trafficking in Ireland in 2022 must be utilised as the opportunity to include state commitments to clear, measurable and well-resourced integration pathways for victims of human trafficking, both those who have come through the international protection system and others. This plan should include specific requirements for all relevant government departments in areas of employment, health, education, housing and other issues to reformed and dedicated pathways and programmes formulated to enhance and support the integration of victims of trafficking. In addition, a link must thus be made between the National Action Plan to Prevent and Combat Human Trafficking in Ireland and the next iteration of the Migrant Integration Strategy, also expected in 2022, and the overall national strategies and approaches concerning gender-based violence.

- **Develop tailor-made integration to ensure a continuum of information sharing and care.** As above, in [Ireland](#), multi-stakeholder engagement and collaboration between statutory and non-statutory agencies is crucial for the development of a national framework to monitor, enhance and support the development of integration pathways for VoTs.

- **Elaborate a clear, transparent and needs-based national integration system including a trained adviser in charge of access to service providers.** In [Ireland](#), such

a role can be envisioned and provided for within the above mentioned NAP, with resources allocated in statutory and non-statutory agencies for provide individualised support to VoTs.

- **Ensure access to specialised shelters and develop durable and appropriate housing.** In [Ireland](#), progress must be made on the proposed designated shelter accommodation for female VoTs currently residing within the direct provision system, with access provided additionally to VoTs who are both applicants for and recipients of international protection. Following the pilot phase, capacity can be added to this model to scale to the overall needs of VoTs identified through the NRM or otherwise.
- **Guarantee support for family unity, especially for trafficked women with children.** In [Ireland](#), this competency and capacity in civil society organisations to provide legal information, advice and support to trafficking victims, including those who are beneficiaries of international protection, should be enhanced. In addition, the information, advice and legal aid available from independent statutory bodies, such as the Legal Aid Board, should be expanded upon to include issues such as family reunification for VoTs referred to their services. This expansion ideally would entail support being provided beyond information and signposting, and entail advice and legal representation where needed.
- **Empowering trafficked international protection beneficiaries through education and employment based on their special needs.** In [Ireland](#), specific provision must be invested in and mapped out whereby a victim of trafficking, including those in the international protection system or who have been awarded refugee status, can be supported in the employment and training needs. This can be carried out by collaborative approaches between civil society, statutory bodies, local authorities and community groups. Additional focus should be placed on the issues of student supports and third level fees for both VoTs in general and VoTs who have come through the protection process. As mentioned earlier, the integration needs of VoTs should

be mapped out in the NAP, including pathways to employment and education, with evaluation of the success of such programmes built into any framework devised. Incorporated into this point, review of the childcare and parental supports available to VoTs and VoTs in the asylum process is essential to ensure that parents (particularly single parents) have support to pursue employment and education.

- **Following the TRACKS project's recommendations, consider the impact of the asylum process on integration perspectives, in particular for victims of human trafficking.** In [Ireland](#), overall, there is a considerable track record of proposed reforms to the asylum process which are of relevance who pass through it. The Government White Paper on Ending Direct Provision, the Report of the Advisory Group on the Provision of Support including Accommodation to Persons in the International Protection Process, the previous European Commission project TRACKS. The findings of the TRIPS project reiterate and develop many of the issues identified in all, and raises the significant issue of integration as a key indicator by which to measure the success of national efforts in participating countries to support victims of trafficking who are beneficiaries of international protection.

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