

## **Victims of Domestic Abuse**

### **Immigration Service Delivery Guidelines**

Are you In Immediate Danger? Click [here](#).

If your abuser monitors your computer, **delete your browsing history**.

The purpose of this document is to set out how the Irish immigration system deals with cases of domestic abuse where the victim is a foreign national, currently in Ireland, and whose immigration status is derived from, or dependent on, that of the perpetrator of the abuse. It explains how a victim of domestic abuse can apply for independent immigration permission in his/her own right.

If required ISD will correspond with you through a domestic abuse support organisation in either hard copy or email. We do not have to write to you at your home address.

#### **What is Domestic Abuse?**

Domestic abuse can be defined as an incident or pattern of incidents of controlling, coercive, threatening, degrading and/or violent behaviour, including sexual abuse, in the majority of cases by a partner or ex-partner, but also by a family member or carer. This goes beyond actual physical abuse. It can also involve the following:

- destruction of property;
- isolation from friends, family and other potential sources of support;
- threats to others including children;
- stalking; and
- control over access to money, personal items, food, transportation and the telephone.

**Anyone can be a victim of domestic abuse, regardless of age, race, gender, sexual orientation, faith or class.**

No one should have to suffer domestic abuse and it is a matter that is taken seriously by the authorities.

Domestic abuse profoundly affects the physical, emotional, social and financial wellbeing of individuals and families. It is perpetrated against a person by that person's spouse, intimate partner, ex-partner, carer, other family members and/or another person at home. Domestic abuse can be a pattern of repeated abusive and controlling behaviours that occur within an intimate or family relationship and may even continue after the relationship has ended.

**Migrants may have additional vulnerability in this area, in that the person committing the abuse may say "if you report this you will be deported".**

**THIS IS NOT TRUE.**

Domestic abuse in the State should always be reported, you do not have to remain in an abusive relationship in order to stay in Ireland.

Confidential support and information is available to women on the Women's Aid National Freephone Helpline – 1800 341 900. The Helpline can access an interpreter in your language and can provide information on support services throughout Ireland. Information is also available online at [www.womensaid.ie](http://www.womensaid.ie)

Men's Aid provide a confidential helpline and support service for men: (01) 554 3811 – and information is available on-line at <https://www.mensaid.ie>

Full details of support services available in Ireland may be found at the website: "Still Here" <https://www.stillhere.ie/>

### **Independent Permission**

A person who is subjected to domestic abuse in the State may apply to the courts for an order under the Domestic Violence Act 2018. The Legal Aid Board [Domestic violence - LAB \(legalaiddboard.ie\)](http://legalaiddboard.ie) and domestic abuse support services will advise on whether a person is eligible to apply but immigration status is not considered in relation to such an application.

[Safety orders, protection orders and barring orders in Ireland \(citizensinformation.ie\)](http://citizensinformation.ie)

### **Eligibility Requirements**

In order to be eligible for this independent permission an applicant must:

- Be currently in the State
- Have current immigration permission in the State derived from or dependent on, the perpetrator of the abuse or have recently had such permission.
- Show evidence\* supporting the claim of domestic abuse (see below).

If possible, copies of the following documents should be provided:

- Passport/travel documents
- Irish Residence Permit IRP card (GNIB)

It is understood that these may not be available and if that is the case please indicate this in your application.

### **\*Evidence supporting the Claim**

To help Immigration Service Delivery fully consider an application for independent status under these guidelines, you should submit as much information as possible in support of the claim. The following are helpful supports to any application. It is not necessary to submit all of these documents, but you should submit as many as you have in your initial contact with Immigration Service Delivery.

- Protection Order, Safety Order or Barring Order from the Courts in the State
- Medical reports indicating injuries consistent with domestic abuse. Details of doctor and dates of consultation should be supplied
- Any Garda reports of incidents of domestic abuse

- Any letters from a State body (such as the Health Service Executive) indicating that it is dealing with your case as an issue of domestic abuse
- Any letters of support from a domestic abuse support organisation
- Any other evidence indicating that you are the victim of domestic abuse.

**This is a list of suggested documents. While it is not expected that everyone applying for independent permission will be in a position to supply all the documents listed it is important to supply as much information as possible, as early as possible, to allow the Immigration Service Delivery examine the application and make a decision quickly.**

### **Children**

You should include details of your minor children in your application if they currently reside with you in the State and they are not married or living an independent life. This means names, dates of birth, nationality and copy of identity documents, if available.

### **Making an Application**

Correspondence from Immigration Service Delivery can be sent to an address other than the home address if the applicant requests.

Applications for independent permission should be addressed to the area of Immigration Service Delivery who granted your current or most recent immigration permission in the State. If you have not received a permission letter from Immigration Service Delivery, your application should be made in writing to:

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

Or by email to: [DRPcustomerservice@justice.ie](mailto:DRPcustomerservice@justice.ie)

If contacting us by email please put Domestic Abuse in the subject line.

**Applicants should indicate the address they wish to receive correspondence. We will only use the address agreed by you, the applicant.**

The application should be in the form of a cover letter explaining the circumstances and include any of the documents listed above, including details of any dependent children living with you, and all relevant family circumstances, including information on whether you the applicant, or the perpetrator has left the family home.

There is no application fee. However, the normal registration fee may apply. This will depend on your individual circumstances.

**What happens when an application is made?**

When an application is received, an acknowledgment is issued to the address agreed by you, the applicant. If further information or evidence is required then Immigration Service Delivery will contact you. We can correspond with you through a domestic abuse support organisation nominated by you.

**Decisions**

Applications of this nature are subject to the discretion of the Minister of Justice. If the Minister is satisfied that you, the applicant, have been or are a victim of domestic abuse in the State, Immigration Service Delivery will issue an independent permission to remain in the State on Stamp 4 conditions. Stamp 4 conditions mean that you can take up employment in the State without the need for an employment permit.

If the application for independent permission is approved, Immigration Service Delivery will issue a decision letter. Full instructions on the next steps to take will be in the letter.

If the application for independent permission is refused, the reasons for the refusal will be set out clearly and any other options open to you will be explained.