

INFOSHEET

DOMESTIC VIOLENCE/ INDEPENDENT STATUS

Background

The Irish Naturalisation and Immigration Service (INIS) has clarified the process of immigration for those suffering domestic abuse on their website (www.inis.gov.ie). People in these circumstances may seek an immigration status that is independent of their relationship. This allows the individual to seek assistance and help with their situation without fear of removal from the State or of negative implications for their immigration status and that of any children that may be dependent on them.

INIS made clear that 'No one should have to suffer domestic violence' and it is a matter that is taken seriously by the authorities. Migrants who are victims to such abuse may feel very vulnerable in that the person committing domestic violence may threaten that "if you report this you will lose your immigration status". **This will never be the case.**

Domestic violence **should always be reported** and you do not have to remain in an abusive relationship in order to protect your entitlement to remain in Ireland'

Who can apply?

Under the Treaty on the Functioning of the European Union (TFEU), the European Court of Justice ruled that the State is also obliged to grant the parents of Irish citizen children permission to reside and work in Ireland. This decision may provide an alternative or additional ground for application by any dependent spouse who is also the parent of an Irish citizen child (Zambrano application). For further information on this, please see the link [here](#).

Dependent permissions to remain in the state, and "dependent" immigration statuses, are those permissions granted by the INIS to non-EEA nationals, on the basis of their marriage to, or relationship with someone else. Examples include:

- Spouses of work permit holders
- De-facto partners of Irish nationals (same-sex or opposite-sex couples)
- Spouses/civil partners of Irish nationals
- Family members of refugees who are here on Family Reunification

What is Domestic Violence?

Domestic violence refers to the use of physical/emotional force or the **threat** of physical force, including sexual violence, in close adult relationships. As well as physical violence, it can also involve emotional abuse, the 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.

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- Spouses of EEA nationals who have been granted residence in the State on the basis of Directive 2004/38EC

Dependent spouses and partners, like all legal residents of the state, are issued with a Certificate of Registration (otherwise known as a “GNIB card”), by the Garda National Immigration Bureau.

For more information on Immigration Permission Holder Stamps please click [here](#).

How to apply?

Applications must be made from inside the State. The person making the application should have some form of current immigration status as the dependent of an Irish national or of a foreign national who has received permission to live in Ireland. If their immigration status has lapsed, an application can still be made but as part of the application, it must be clearly stated as to why permission was not renewed.

Send Application to:
**General Immigration
Division**
**13/14 Burgh Quay,
Dublin 2.**
Website: www.inis.gov.ie

What documents need to be submitted?

The application should be made in writing, either through a solicitor or by the person concerned. The application must outline the details of the domestic violence suffered and make a request for an independent immigration status. Any relevant family circumstances, especially whether or not there are any children involved, should be disclosed. This also includes information on whether the applicant or the perpetrator has left the family home.

It is necessary to supply as much information as possible in support of your claim that you are a victim of domestic violence.

Such documents include (original documents required):

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

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- A letter from a State body (such as the Health Service Executive) indicating that it is dealing with your case as an issue of domestic violence
- A letter of support from a domestic violence support organisation.
- Any other evidence indicating that you are the victim of domestic violence. If there are children involved in the relationship, details of access and maintenance agreements (either formally agreed through the Family Court or informally arranged) should also be included.
- There is no application fee.

Immigration Categories for victims of domestic abuse

The immigration status granted is the same as that which was previously referred to as a 'dependent' (normally Stamp 3). However, this status is no longer dependent on the spouse or partner. In other words, the partner will have no say on whether or not the applicant is permitted to stay in Ireland. In the case of the emerging need to work, in order to support themselves or other family members who are also lawfully residing in the State, permission to work may be granted.

Perpetrators of Domestic Violence

One of the standard conditions of a foreign national's immigration permission is that the holder shall be of good character - engaging in domestic violence is regarded as breaching this condition. This could lead to revocation or non-renewal of the of the perpetrator's own immigration status.

Useful Contacts

- **Women's Aid National Freephone Helpline – 1800 341 900**
The Helpline can organise an interpreter in your language and can provide information on support services throughout Ireland: www.womensaid.ie
- **Amen Helpline– 046 902 3718** Information and support for men: www.amen.ie
- **Immigrant Council of Ireland Helpline - +353 1674 0200**
- **Cosc** : The National Office for the Prevention of Domestic, Sexual and Gender based Violence: <http://www.cosc.ie/en/COSC/Pages/WP08000009>

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- **Doras Luimní:** Mount St. Vincent, O'Connell Avenue, Limerick, Telephone: 061 310 328
Fax:061 609 960, www.dorasluimni.org: info@dorasluimni.org
- **Akidwa:** Unit 2 Killarney Court, Buckingham Street Dublin 1, Ireland
Tel: +353 -1-834-9851 Web:www.akidwa.ie, Email: info@akidwa.ie
- **Sonash Housing:** 14, Bachelors Walk, Dublin 1, Telephone: 01-8720068
Website:www.sonashousing.ie Email:info@sonashousing.ie
- **Longford Womens Link:** Willow House, Ardnacassa Avenue, Longford, Ireland.
Phone (local): 043 3341511, Email: info@longfordwomenslink.org,
Web: www.longfordwomenslink.org
- **Domestic Violence Advocacy Service** Helpline 071-9141515,.Web:
<http://www.domesticviolence.ie/>
- **General Immigration INIS** Irish Naturalisation and Immigration Service,
13/14 Burgh Quay, Dublin 2. Lo Call: 1890 551 500 (Please refer to INIS
Website:www.inis.gov.ie
- **Garda National Immigration Bureau** 13/14 Burgh Quay, Dublin 2, Tel: +353 1 666 9130
Email: gnib_dv@garda.ie, GNIB:<http://tinyurl.com/yjwabo7>

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