

**Report on the impact of the Habitual Residence  
Condition on women seeking protection and safety  
for themselves and their children from a domestic  
violence perpetrator.**

SAFE Ireland 2013

## **About SAFE Ireland**

SAFE Ireland is the national organisation representing frontline domestic violence services in Ireland. We have 39 members providing domestic violence support services across 26 counties<sup>1</sup>. Our aim is to centre-stage the needs and experiences of women and their children who are affected by domestic violence.

We lead research and disseminate good practice to our members, other professionals and statutory bodies. We collate the experience of our member services and give them and the survivors a voice, sharing the experiences and the enormity of domestic violence in our country, with our country. We work in collaboration with our members, government departments, state agencies and relevant stakeholders to progress our change agenda. We want society to take responsibility for the eradication of violence against women.

SAFE Ireland represents services which protect women and children. It is accepted at the United Nations and the European Union that domestic abuse and violence is gendered issue. Our organisation has developed years of expertise based on the experience of thousands of women and children who have been subjected to the tyranny of violence by an abusive partner who in the main have been men.

In 2011, SAFE Ireland recorded over 11,000 women and children sought support from a domestic violence support service in Ireland. In a national survey of women and children accessing domestic violence services in Ireland on one day in 2011, 770 women and children received support from a domestic violence service. 499 women and children were living in a refuge or supported housing. An alarming 10 women and their children could not be accommodated in the refuge because there was not enough room. A total of 17 women who were staying in a refuge did not satisfy the Habitual Residence Condition.

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<sup>1</sup> See map of Ireland showing our member services at Appendix 1

## **Executive Summary**

### **Research Background**

This research consultation was commissioned in order to collate and document the range of issues that were emerging from SAFE Ireland members relating to the Habitual Residence Condition (HRC). The consultation aimed to:

1. Document and analyse experiences from SI members on the impacts of the HRC in their work.
2. Record SI member experiences in relation to working with women without recourse to public funds (WRPF).
3. Collate information on the complex range of issues related to the HRC in order to broaden the knowledge base on the impacts of the HRC in the sphere of domestic violence services.
4. Gather, where possible and appropriate, a number of brief, individual case studies relating to these issues.
5. Develop recommendations on effective responses and work practices to these issues.

The research consultation collates the voices of SAFE Ireland members and describes their challenges in meeting the needs of some of the most vulnerable women and families in Ireland today. The report focuses on the experiences of women accessing SAFE Ireland (SI) members' services in 2012 and the staff supporting them. A purposeful research sample targeting the 18 refuge members of SI was initiated in May, 2012, later the invitation to participate in the consultation was extended to all SI members. Qualitative semi-structured phone interviews with refuge managers, or a designated refuge staff member, using an interview guide and prompts and/or probes for additional data were used. Phone interviews were determined the most appropriate given the geographic spread of the research subjects and also the time frame and budget for the research. Interviews were not recorded, but extensive notes were taken and quotes from respondents during the interviews were transcribed. In total 19 interviews (18 by phone, 1 in person) were conducted with SI members: 17 of which

provide refuge supports. Follow up by email and/or phone also took place after the interviews. Quotes from the interviewees appear in this Summary.

During the research additional issues impacting on the women whom refuges are supporting emerged: in particular the changes to Irish housing legislation in 2009 and subsequent local authority requirements for access to social housing. The complexity and the multiplicity of the issues that SAFE Ireland members are dealing with in order to best assist women and families presenting to them emerges strongly in this report.

### **Key findings from the Consultation**

The HRC places unacceptable barriers for women seeking protection and safety from an abusive and violent perpetrator with whom they have an intimate relationship. These barriers are leading to increased risk for these women and their children who are very vulnerable to further violence from the perpetrator who has exerted and continues to try to exert severe control and abuse over them.

These barriers persist across Ireland with evidence of great inconsistency of decision making from county to county and often from person to person.

SI members, and refuges in particular, are dealing with exceptionally challenging issues related to the HRC and changes in local housing policies. This is in addition to increased demand on their services, and a reduction in funding and staff shortages in many cases. In order to increase ways to maximise women's safety services are having to respond to the array of legal, migration, housing, funding, language issues etc. a woman presents with to their services, as well as addressing the impacts of domestic violence on the woman and her children.

"We are meeting women where other options have failed them."

Women often require welfare payments and housing supports as part of a range of responses to meet their needs as victims of domestic violence. Women may not meet the right to reside criteria though no fault of their own. Her partner may have refused to re-apply for her visa, may withhold information from her or may seize and hold her

travel and visa documents. All these actions can be considered abusive and often serve to further isolate a woman and to limit her options<sup>2</sup>. A woman may not meet the HRC requirements and therefore be excluded from accessing Child Benefit, One Parent Family Payment etc. This can lead to a situation where she is unable to apply for Rent Allowance. Situations where the HRC is being manipulated by abusers to retain control in a relationship emerged in this research consultation. A lack of English, family and support networks and familiarity with immigration and social welfare systems in Ireland is also being leveraged by abusers to further marginalise their victims.

“There is an escalated risk for women who do not have recourse to public funds, it is so profound if you have no options. Their partners and husbands also know this so they can act with greater impunity: there are no repercussions to them being so violent.”

As Ireland’s population has shifted and changed, particularly over the last decade, these transformations have been reflected in the profile of women seeking support from SAFE Ireland member services. In a 2011 SAFE Ireland study on women accessing domestic violence services in Ireland 19% of respondents identified their nationality as other than Irish. In the same report, 23% of research participants required support in relation to their immigration status<sup>3</sup>. The impression might be that it is overwhelmingly women from outside the European Economic Area that have difficulties with the HRC. However, through this research a picture emerges of Irish women who have lived abroad, who have moved within Ireland or who have no “paper trail” or documentation to substantiate the length of time they have worked, when they returned to Ireland and how long they have been in a county. All of these factors impact on their ability to access welfare payments and social housing and to meet the HRC criteria. Women who are European Union citizens may also experience challenges and difficulties in relation to the HRC. It is important to note that while a woman seeking support in relation to domestic violence may be from a country other than Ireland her partner or husband can be Irish. While the recent 2012 Irish Naturalisation and Immigration Service ‘Victims of

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<sup>2</sup> Women’s Health Council (2009) Translating Pain into Action: A Study of Gender-Based Violence and Minority Ethnic Women in Ireland. Dublin: Women’s Health Council.

<sup>3</sup> SAFE Ireland (2011) Lifelines to Safety: A National Study of Support Needs for Women Accessing Domestic Violence Services in Ireland. Athlone: SAFE Ireland.

Domestic Violence Immigration Guidelines' are to be welcomed as they give clarity to the situation some women being supported by domestic violence services find themselves in, much more is needed to address the multifaceted range of issues women are presenting with to SI services. This Consultation documented twenty five different categories of women in terms of legal status, residency status, etc. and who are without recourse to public funds presenting to SI member services seeking help.

This complexity of issues can be compounded when a women presents with her children who may have differing citizenships, visas, entitlements and language skills than their mother. Refuge staff are experts in the dynamics, manifestations and impacts of domestic violence on women and children and in supporting these women and families. However, they now need to be experts on the HRC, immigration status, appeals processes, intercultural communication, repatriation, asylum and above all finding and accessing often scarce resources to feed, clothe and support women that have no recourse to public funds. The pressure to source and secure funds for a woman begins with the initial contact by the service and her subsequent assessment in order to ensure funds will be available for her during her refuge stay

"We send them to Social Welfare; they are applying and then being refused. Then we go down the road of an appeal, this takes at least three months. Most of our time is spent doing this; benefits, stamps, issues for women then we look at the domestic violence and deal with the trauma..... It is non-stop..."

There are a number of extremely worrying trends emerging within and in conjunction with this research consultation concerning the effects of the HRC and housing legislation changes;

- Women are being forced to return to live in abusive relationships.
- Women and their children are being forced to remain in abusive relationships.
- Women are staying longer in refuges.

- As a result of longer stays, refuges are experiencing challenges in maintaining spaces to accommodate women presenting to them. Therefore, more women are being turned away from refuges due to a lack of bed spaces.<sup>4</sup>

Freedom of movement within Ireland, especially for safety reasons, while seeking shelter and housing is becoming increasingly compromised for women. For some refuges since April 2011, they can only accept women from the local county, this is difficult to accept for women who may have stayed in that refuge previously and this appears to have a significant impact on Traveller women. A lack of consistency, clarity, continuity and standardised procedures were articulated in relation to housing policies by interviewees.

“Main challenge because we are a crisis service we need to move the woman on after a period of time, if she wants to move on and she has no recourse to public funds it is so limited. There is no access to; Local Authority housing lists, homeless lists, no money, no Rent Allowance.”

The effects of economic crisis also need to be acknowledged to assist in contextualising this research consultation. Across Europe the impacts of the crisis is seriously affecting the lives of the most vulnerable households<sup>5</sup>. Domestic violence services may have had budget cuts, some Social Protection payments have decreased and overall employment opportunities are now more limited in Ireland. This places added demands and constraints on both service providers and the women seeking to move away from violent relationships and on from refuge accommodation.

As one refuge staff member articulated;

“They just go back to the violence. It is forcing women back in to a situation they shouldn’t be in. Somebody has to take responsibility for what is happening to children and women. The long term affects and trauma for children in particular and for the woman.”

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<sup>4</sup> SAFE Ireland (2011) In Just One Day: A National One Day Count of Women and Children Accessing SAFE Ireland Domestic Violence Services. Athlone: SAFE Ireland

<sup>5</sup> Bettio, F., Corsi, M., D’Ippoliti, C. et al (2012) The Impact of the Economic Crisis on the Situation of Women and Men and on Gender Equality Policies. Brussels: European Commission.

## **Conclusions**

The main finding of this research consultation points to a lack of recognition of the needs of women and families experiencing domestic violence while they attempt to meet the requirements of the HRC and in many cases try to establish eligibility for social housing. The HRC has construed such immense constraints for these women that SAFE Ireland members are stepping in and supporting women in terms of meeting basic needs when the State should be providing the resources to do this. This has very severe consequences for both the women and children in question and the domestic violence service providers.

## **Summary of Recommendations**

- Acknowledge and resolve the hardship that the intersection of meeting the HRC, social housing application criteria and in some situations verifying residency status, is causing for some women and children experiencing domestic violence.
- Allow for exemptions to the HRC where domestic violence has been identified. Reports from bona fide services including domestic violence support services should satisfy evidence of the domestic violence.
- Allow for exceptions to the current requirements for accessing social housing, or amend legislation, to enable uniform, suitable and timely responses to housing needs for victims of domestic violence where the obligation rests with the local authority to provide a range of appropriate and safe accommodation options.
- Respond to the undersupply of refuge provision in Ireland.
- Domestic violence service referrals are accepted as legitimate, genuine and reliable for statutory services including social welfare payments and housing needs assessments.
- SAFE Ireland provide dissemination routes and learning and sharing opportunities for its members in relation to the HRC and associated housing issues.

## **Main report on some of the impacts of the Habitual Residency Condition on women seeking protection for themselves and their children from a domestic violence perpetrator.**

### **Introduction**

This research consultation sets out to document and examine the effects of the Habitual Residence Condition on women experiencing domestic violence in Ireland. It collates the voices of SAFE Ireland members and their challenges in meeting the needs of some of the most vulnerable women and families in Ireland today. The report focuses on the experiences of women accessing SAFE Ireland members' services in 2012 and the staff supporting them. In the course of the research additional issues impacting on the women whom refuges are supporting emerged: in particular changes to Irish housing legislation in 2009 and subsequent local authority requirements for access to social housing. The complexity and the multiplicity of the issues that SAFE Ireland members are dealing with in order to best assist women and families presenting to them are outlined in this report.

### **What is the Habitual Residence Condition?**

The Habitual Residence Condition (HRC) is a restriction placed on certain social welfare payments and entitlements. It was introduced in response to the accession of ten new countries into the European Union in May 2004. Compliance with the HRC and being lawfully resident or present in Ireland are required prior to receiving social welfare payments. Establishing if an applicant is legally resident in Ireland is referred to as the 'Right to Reside' determination. Any person who does not have the right to reside in Ireland will not be considered as being habitually resident.<sup>6</sup> A person must be deemed habitually resident in Ireland at the time of making the application for the following:

- Blind Pension
- Carer's Allowance
- Child Benefit

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<sup>6</sup> FLAC (2010) Guide to the Habitual Residence Condition. Dublin: FLAC.

- Disability Allowance
- Domiciliary Care Allowance
- Guardian's Payment (Non Contributory)
- Jobseeker's Allowance
- One Parent Family Payment
- State Pension (Non Contributory)
- Supplementary Welfare Allowance (other than once off exceptional and urgent needs payments)
- Widow(er)'s Non Contributory Pension.

Currently there are five factors utilised that have been set down in judgements given by the European Court of Justice as relevant to determining whether a person is habitually resident. These five determining factors were articulated in Irish legislation in 2007 and are;

1. the length and continuity of residence in the State or in any other particular country;
2. the length and purpose of any absence from the State;
3. the nature and pattern of the person's employment;
4. the person's main centre of interest;
5. the future intentions of the person concerned.

In general when a person is found to be habitually resident for one benefit or allowance this should extend to accessing other potential welfare payments.<sup>7</sup>

### **Domestic Violence and Homelessness**

The links between domestic violence and homelessness have been observed and researched in many countries, including Ireland. The Housing Act of 1988 provides the first legal definition of homelessness in Ireland. Section 2 of the Housing Act states:

'A person shall be regarded by a housing authority as being homeless for the purposes of this Act if:

- a) there is no accommodation available which, in the opinion of the authority, he,

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<sup>7</sup> FLAC (2010) Guide to the Habitual Residence Condition. Dublin: FLAC.

together with any other person who normally resides with him or who might reasonably be expected to reside with him, can reasonably occupy or remain in occupation of, or

b) he is living in a hospital, county home, night shelter or other such institution, and is so living because he has no accommodation of the kind referred to in paragraph (a), and he is, in the opinion of the authority, unable to provide accommodation from his own resources.<sup>8</sup>

Addressing the risk of homelessness for some women and their children who experience domestic violence is a key component of increasing their safety both immediately and on a longer term ongoing basis. Recent research on women and homelessness in Ireland by Mayock and Sheridan has emphasised the links between being subjected to gender-based violence, both as a child and an adult, and homelessness<sup>9</sup>. This experience of violence was often directly or indirectly implicated with the study participants surveyed and their route to homelessness. The process of leaving a violent relationship was also a factor in vulnerability to homelessness. For migrant women in this research, economic and housing challenges were amplified when they moved into refuges seeking safety and support which made moving out of homelessness even more difficult.<sup>10</sup>

As Ireland's population has shifted and changed, particularly over the last decade, these transformations have been reflected in the profile of women seeking support from SAFE Ireland member services. In a 2011 SAFE Ireland study on women accessing domestic violence services in Ireland, 19% of respondents identified their nationality as other than Irish. In the same report, 23% of research participants required support in relation to their immigration status<sup>11</sup>. The impression might be that it is overwhelmingly women

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<sup>8</sup> Dublin Region Homeless Executive <http://www.homelessagency.ie>

<sup>9</sup> Mayock, P. and Sheridan, S. (2012) Women's 'Journeys' to Homelessness: Key Findings from a Biographical Study of Homeless Women in Ireland. Women and Homelessness in Ireland, Research Paper 1. Dublin: School of Social Work and Social Policy and Children's Research Centre, Trinity College Dublin.

<sup>10</sup> Mayock, P. and Sheridan, S. (2012) Women's 'Journeys' to Homelessness: Key Findings from a Biographical Study of Homeless Women in Ireland. Migrant Women and Homelessness in Ireland, Research Paper 2. Dublin: School of Social Work and Social Policy and Children's Research Centre, Trinity College Dublin.

<sup>11</sup> SAFE Ireland (2011) Lifelines to Safety: A National Study of Support Needs for Women Accessing Domestic Violence Services in Ireland. Athlone: SAFE Ireland.

from outside the European Economic Area that have difficulties with the HRC. However, through this research a picture emerges of Irish women who have lived abroad, who have moved within Ireland or who have no “paper trail” or documentation to substantiate the length of time they have worked, when they returned to Ireland and how long they have been in a county. All of these factors impact on their ability to access welfare payments and housing and to meet the HRC criteria. Women who are European Union citizens may also experience challenges and difficulties in relation to the HRC. It is also important to note that while a woman seeking support in relation to domestic violence may be from a country other than Ireland her partner or husband can be Irish.

### **Why is this issue so critical?**

The impact of the persistent abuse of power and control over women by their partners means that, in general, any attempt by a woman to break free from this violence needs to be responded with a core prioritisation of her safety and the safety of her children. When a coordinated statutory and community response to prioritise these safety needs is effective, the possibilities for women and their children to live free of this violence is substantially increased. When a systems response is fragmented it increases risk of the perpetration of serious violence and the only benefactor is the person responsible for the violence i.e. the perpetrator.

It is therefore critical that when a woman who is experiencing domestic violence seeks help, that the response to her needs is prioritised. Whether she is living in Ireland for a week or for forty years should not determine her access to the resources that will help her get free from the immediate risk of violence, which she has most likely endured for a long period of time.

Women often require welfare payments and housing supports as part of a range of responses to break free from a violent perpetrator. Women may not meet the right to reside criteria through no fault of their own. Her partner may have refused to re-apply for her visa, may withhold information from her or may seize and hold her travel and visa documents. All these actions can be considered abusive and often serve to further

isolate a woman and to limit her options<sup>12</sup>. A woman may not meet the HRC requirements and therefore be excluded from accessing Child Benefit, One Parent Family Payment etc. This can lead to a situation where she is unable to apply for Rent Allowance. Situations where the HRC is being manipulated by abusers to retain control in a relationship emerged in this research consultation. A lack of English, family and support networks and familiarity with immigration and social welfare systems in Ireland is also being leveraged by abusers to further marginalise their victims.

There are a number of extremely worrying trends emerging within and in conjunction with this research consultation concerning the effects of the HRC and housing legislation changes;

- Women are being forced to return to live in abusive relationships.
- Women and their children are being forced to remain in abusive relationships.
- Women are staying longer in refuges.
- As a result of longer stays, refuges are experiencing challenges in maintaining spaces to accommodate women presenting to them. Therefore, more women are being turned away from refuges due to a lack of bed spaces.<sup>13</sup>

Finally, the effects of economic crisis need to be acknowledged to assist in contextualising this research consultation. Across Europe the impacts of the crisis is seriously affecting the lives of the most vulnerable households<sup>14</sup>. Domestic violence services may have had budget cuts or restraints, some Social Protection payments have decreased and overall employment opportunities are now more limited in Ireland. This places added demands and constraints on the women seeking to move on from violent relationships and from refuge accommodation in which they are residing.

## Research Background

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<sup>12</sup> Women's Health Council (2009) Translating Pain into Action: A Study of Gender-Based Violence and Minority Ethnic Women in Ireland. Dublin: Women's Health Council.

<sup>13</sup> SAFE Ireland (2011) In Just One Day: A National One Day Count of Women and Children Accessing SAFE Ireland Domestic Violence Services. Athlone: SAFE Ireland

<sup>14</sup> Bettio, F., Corsi, M., D'Ippoliti, C. et al (2012) The Impact of the Economic Crisis on the Situation of Women and Men and on Gender Equality Policies. Brussels: European Commission.

This research consultation was commissioned in order to document the range of issues and concerns that were emerging from SAFE Ireland members relating to the HRC. This issue had been raised by SAFE Ireland to Government Ministers, Government Departments and other relevant agencies over the past three years however from ongoing contact with members it became increasingly clear that there were varying impacts of the HRC on women depending on where in the country they were applying for supports and their particular residency status. SAFE Ireland were also aware that the focus of other agencies<sup>15</sup> in lobbying for change relating to the HRC has mainly been on independent status to remain in Ireland for the spouses of Stamp 3 and Stamp 4 holders experiencing domestic violence and women who are trafficked into Ireland. This SAFE Ireland (SI) consultation planned to broaden the knowledge base on the impacts of the HRC, to gather information on the complex range of issues related to the HRC, the impact on women seeking help in relation to domestic violence and being without recourse to public funds and how this impacts on SI members.

### **Research Aim**

To consult with SAFE Ireland members on the effects of the Habitual Residency Condition on their work and the women they work with.

### **Research Objectives**

1. To document and analyse experiences from SI members on the impacts of the Habitual Residence Conditional (HRC) on their work.
2. To record SI member experiences in relation to working with women without recourse to public funds (WRPF).
3. To gather, where possible and appropriate, a number of brief, individual case studies relating to these issues.
4. To develop recommendations on effective responses and work practices to these issues from SI members.

These objectives were all with a view to accurately informing and influencing relevant government, regional and local policies and the SAFE Ireland work programme.

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<sup>15</sup> Consideration of existing publications and/or briefings has informed this thinking. See references for more information.

### **Research Methodology**

In advance of the consultation the researcher attended the Roundtable discussion on immigration rules for migrant women experiencing domestic violence in Dublin, March 2012 and reviewed available research and reports related to the topic. These are listed in the References section.

In terms of the time frame and logistics of the consultation a purposeful research sample targeting the 18 refuge members of SI was initiated in May, 2012. Qualitative semi-structured phone interviews with refuge managers, or a designated refuge staff member, using an interview guide and prompts/probes for additional data were used. Interviews were not recorded, but extensive notes were taken and quotes from respondents during the interviews were transcribed. Phone interviews were determined the most appropriate given the geographic spread of the research subjects and also the time frame and budget for the research. One refuge manager interview took place in person, in the refuge. Subjects were sent a copy of the research themes and questions (the Interview Guide) by email in advance of their phone interview. All respondents were assured of confidentiality and that the final report would not identify the manager, staff member or location of the respondent. Case studies were requested by the researcher during the interviews. A Case Study Template was emailed to all interview participants following on from their interview to act as a content guide and so that a level of comparative and standardised data could be included in each Case Study.

### **Data Collection**

Interviews with refuges in took place with 17 of the 20 refuges in Ireland and with 2 of the non accommodation DV support services. The interviews lasted between 33 to 81 minutes. Follow up phone and/or email contact with research subjects took place to collate Admission and Referral policies and to request case studies. All research participants were informed of the aims of the research, asked if they required any clarification on the consultation and asked if they consented to participate in the interview. All respondents were assured of confidentiality and that the report would not identify the manager or staff member or location of the respondent. Three pilot

interviews took place initially and as a result there was a minor change to the interview questionnaire, with the addition of one question.

The general rule on the sample size required for research interviews is that when the same themes, issues, concerns and topics are continually emerging from the interviewees, a sufficient sample size is considered to have been reached, and this occurred within the SI Research Consultation process. In general, SI members were willing to discuss the challenges they faced in their work as a result of the HRC and working with women WRPF. Many interviewees mentioned they were pleased that SI was consulting with them on this important issue.

“Really delighted that SI are taking this on board and to take it to the national level to show the experiences of refuges....Really good to hear this is happening as it is a huge challenge (*the HRC*)”

However, the time, work and staffing pressures were evident for many of the SI members and scheduling the interviews was difficult for some despite their perceived importance of the subject matter and the consultation.

## **Research Findings**

The main findings of the research are outlined below. It is not envisaged that this report will shed legal clarity on the issues but instead will describe and collate the experiences of SI members across Ireland in relation to the research objectives. Quotes taken from interviews to expand on findings appear in inverted commas, indented as separate paragraphs, explanations or elaborations provided by the researcher appear in parentheses and italics.

### ***What are the Strengths and Limitations of this Research Method?***

Using a qualitative and semi-structured approach has multiple strengths in terms of the quality and breadth of data gathered, the descriptions of scenarios and issues arising in the course of day-to-day work and the frustrations, challenges and positive outcomes that are articulated during the interviews. However, this data collection method cannot be fully representative of all of the cases, issues and complexities that refuges are

dealing with. It cannot capture the figures and numbers of women presenting nor can it begin to calculate the resource implications of this work. It does though raise numerous issues in terms of the extensive and complex nature of work and expertise required from refuge staff on a constant basis and can document good practices and recommendations on how to move forward and develop and support this work in an increasingly stretched sector.

### ***What are the Key Findings?***

The HRC places unacceptable barriers for women seeking protection and safety from an abusive and violent perpetrator with whom they have an intimate relationship. These barriers are leading to increased risk for these women and their children who are very vulnerable to further violence from the perpetrator who has exerted and continues to try to exert severe control and abuse over them.

These barriers persist across Ireland with evidence of great inconsistency of decision making from county to county and often from person to person.

SI members and refuges in particular are dealing with exceptionally challenging issues related to the HRC and changes in local housing policies. This is in addition to increased demand on their services, and a reduction in funding and staff shortages in many cases. In order to increase ways to maximise women's safety services are having to respond to the array of legal, migration, housing, funding, language issues etc. a woman presents with to their services, as well as the impacts of domestic violence on the woman and her children.

*"We are meeting women where other options have failed them."*

This complexity of issues can be compounded when a women presents with her children who may have differing citizenships, visas, entitlements and language skills than their mother. Refuge staff are experts in the dynamics, manifestations and impacts of domestic violence on women and children and in supporting these women and families. However, they now need to be experts on the HRC, immigration status, appeals processes, intercultural communication, repatriation, asylum and above all finding

resources to feed, clothe and support women that have no recourse to public funds. In summary;

“Staff need to be jack of all trades now.”

### ***Setting the Context***

In all the interviews staff elaborated how; immigration status, lack of English language skills, lack of entitlement to benefits and services and lack of knowledge of the law in Ireland are being leveraged by perpetrators as part of the violence women are experiencing. In some cases the perpetrators use this to threaten women with deportation, imprisonment, removal of their children by either Irish authorities or her partner to their country of origin and destitution. In other cases women are not made aware of their entitlements and benefits, or have had their travel and legal documents withheld or confiscated by their partner. One refuge was dealing with a woman whose husband had knowingly allowed her visa to expire and purposefully had not renewed it for her, therefore making her illegal in the country.

“She may feel isolated and trapped as a result of her status, being dependant on her abuser, or she may not be able to work. She may have language barriers and lack of knowledge and be experiencing social isolation. Her abuser may use these factors to isolate her and intimidate her.”

Women are also not allowed to learn English and become very isolated in Ireland, this makes accessing any domestic violence service more difficult. Many women may not be informed that the abuses that they are subjected to constitute crimes in Ireland. A woman’s lack of language skills and information may be manipulated by her partner. It is important to note that some of the partners and husbands discussed in the interviews as examples of cases are Irish.

“..it limits her options and her alternatives and men use it as a tool for controlling behaviour and threatening her because she is not legal here.”

Briefly; a woman's legal status, or lack thereof, in Ireland is exploited and utilised as a form of violence by her husband/partner or family, it often places her in a situation of extreme risk and danger.

"There is an escalated risk for women who do not have recourse to public funds, it is so profound if you have no options. Their partners and husbands also know this so they can act with greater impunity: there are no repercussions to them being so violent."

### ***Categories of Women Presenting to Services***

Interviewees were asked to list as many categories of women presenting to their services without recourse to public funds. The list below documents their responses; however women may fall into one or more categories. This list does not necessarily contain the correct legal terms for each category of woman described; instead it documents the categories articulated in all of the interviews. The list contains a mixture of women who are Irish, EU and non-EU citizens.

1. Student Visa.
2. Stamp 4.
3. Trafficked into Ireland.
4. Stamp 3.
5. Illegally entered Ireland.
6. Women from outside the county the service is based in.
7. Joint home owners.
8. Women who have not had their visas renewed by their partner/husband and therefore become undocumented.
9. Irish women who have been living outside of Ireland and who return to seek safety.
10. Referrals to the service from Northern Ireland or the UK.
11. Women seeking asylum in Ireland.
12. Women from EU recent accession states (Bulgaria, Romania)
13. Non Irish nationals who marry Irish men and who have children in Ireland.

14. Women who return to Ireland as a result of the Hague Convention regarding child custody issues.
15. Women who have worked illegally in Ireland and have no PRSI contribution record.
16. Women who cannot establish Ireland as their centre of interest.
17. Women who cannot document and prove the number of years they have been in Ireland.
18. Women who have no documentation on their person but are here legally, husband/ partner is withholding their documents.
19. Women who have moved and changed address but who have not notified Social Protection or the CWO quickly enough to maintain their payments.
20. Homeless women with no fixed address to claim payments.
21. Women who do not meet the 'two-year rule' for residency in the locality.
22. Women who overstay their holiday visa.
23. Tourist to Ireland.
24. Women who overstay their student visa.
25. Woman who is a foreign national and one of two wives.

The wide range of women presenting to SI member services mean that expertise is required on a huge variety of legal circumstances, visas and immigration statuses by staff. Establishing a legal right to reside in Ireland is also necessary before any decision can be made regarding a woman's habitual residence status. The principal categories of women presenting to SI members that were repeatedly reiterated in interviews are briefly outlined below. The EEA refers to members of the European Economic Area (EEA) which are the 27 countries of the European Union (EU), together with Iceland, Norway and Liechtenstein.

- **Stamp 3**

A Stamp 3 is granted to a Non-EEA visitor, or a Non-EEA retired person of independent means, but principally in the cases refugees are encountering a Non-EEA spouse/dependant of an Irish employment permit holder. A Stamp 3 holder is not permitted to work in Ireland and must not stay in Ireland past a specified date. Examination on an individual basis of all the circumstances relevant to the five HRC

criteria would take place for a Stamp 3 holder applying for Social Protection Allowances or Benefits.

- **Stamp 4**

A Stamp 4 is granted to; Spouses and civil partners of Irish nationals; family members of EEA citizens; Convention and Programme refugees; parents of Irish citizen child granted leave to remain on that basis. A stamp 4 holder is permitted to work but only permitted to remain in Ireland until a specific date. As above the five HRC criteria will be examined, and a review of entitlements following expiry of the Immigration Stamp or any significant change in circumstances for example, regular or extended absence from Ireland will take place.

The spouse or partner and/or children in either of the Stamp 3 and 4 categories will normally hold the same habitual residence status as that of the sponsor of the Stamp (usually her husband or partner in cases presenting to refugees). These family members should be treated as habitually resident by HRC deciding officers, as long as they and the original Stamp sponsor retain permission to be in Ireland legally in addition to satisfying the five HRC criteria.

- **Women Seeking Asylum**

Irish legislation states that a person at any stage of the asylum process may not be regarded as habitually resident. However, they may be entitled to some welfare payment or payments usually in the form of an Exceptional or Urgent Needs Payment.

- **The European Court of Justice Judgment in the Zambrano Case.**

In Ireland, this ruling delivered on 8th March, 2011 refers to the non-EEA national parents of Irish born citizen minor children. It may entitle the parent to their legal status, in accordance with the principles of the Zambrano Judgment, to facilitate full access to employment (i.e. from a Stamp 3 to a Stamp 4). As this is a relatively new ruling, some interviewees requested further information on it and how would impact on women in contact with their services.

- **The Hague Convention**

The Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction is a multilateral treaty, which aims to protect children from abduction across international boundaries. It also sets out procedures to bring about the child's (or children's) prompt return. The Convention was signed on behalf of Ireland on 23 May 1990 and by the provisions of the Child Abduction and Enforcement of Custody Orders Act 1991 was given the force of law in the State. It was mentioned in a couple of interviews as begin problematic when a woman has left Ireland with her child to escape violence but is forced to return due to the Hague Convention. She may not be entitled to any public funds and could be living in a refuge. This complex situation was outlined by two refuges;

"...but their children are born here so he can force her back here for visitation rights. Depends on so many things, the Hague convention...."

"Have a case study; a woman returned to Ireland as her ex-partner had invoked the Hague Convention to get her here, she wasn't entitled to housing or medical card or HRC based benefits while in Ireland. She got refused everywhere for supports but provided documents to the Judge, dealt with at district court level. ....Judge recognised that he (*ex-partner*) could not support her neither was Ireland supporting her either. Gave her leave to return to..."

The importance of a woman having a record of her own "paper trail" in Ireland was often emphasised by interview respondents. Women need to be able to prove how long they have been in Ireland, which county they have been living in and produce documentation of their tax and/or PRSI payments. A lack of this "paper trail" can leave a woman without recourse to public funds and unable to validate her entitlements to benefits and payments.

### ***Housing Policy Impacts***

Interviewees were asked to outline the impacts of the Housing (Misc) Act 2009 on their work in addition to changes in local policies and procedures in relation to housing and homelessness. Services outlined the difficulties they are facing working in an

environment where payments such as Rent Allowance have been decreased, deposits are harder to get from Community Welfare Officers (CWOs), and overall payments from the Department of Social Protection have been reduced. This leaves less discretionary income to pay rent and deposits for women. Many of the women services are working with find it very hard to get references for landlords, which can result in difficulties leaving the refuge setting. Their husband may have been on the lease for their previous house or flat and they will have no reference in their own name to utilise. Discrimination was also an issue raised, as some landlords may be reluctant to rent to Traveller women, which has the effect of reducing housing options for them. Traveller women appear to be particularly affected by the requirement to have local connections in the area and to have six months residency in the county in order to access housing. In some counties the requirement to be resident or renting in the county for six months prior to receiving Rent Allowance is very problematic for the services. Women end up remaining in the refuge for six months to be able to access Rent Allowance in the county, but this causes capacity issues in terms of bed spaces.

“The big one is you have to be resident here or renting here for six months before you can get Rent Allowance.”

Some counties require that a woman is actively pursuing a legal separation before she is entitled to receive Rent Allowance. This is problematic as waiting lists for Legal Aid can delay her in seeking a separation plus it may not be an immediate legal decision she is prepared to make. It can force her down a route that she has not fully considered yet or may not even want to consider. A woman presenting to a refuge from outside the county where the refuge is located is exceptionally problematic as they may not be able to establish a centre of interest in the new county and apply for Rent Allowance. Local Authorities appear to have become much more tied into establishing a centre of interest in the county to access housing services, this has real impacts on women fleeing violence and seeking safety in another (possibly neighbouring) county. Relocation of a woman from one county to another for safety reasons, i.e. from one refuge to another, is also very difficult for the same reasons.

“Main challenge because we are a crisis service we need to move the woman on after a period of time, if she wants to move on and she has no recourse to public funds it is so limited. There is no access to; Local Authority housing lists, homeless lists, no money, no Rent Allowance.”

One service described that if a woman has surrendered her tenancy with a county council (sometimes in order to flee violence) she will have to wait for a year before being accepted on another housing list. One refuge was told by a local authority that a woman needed to get a barring order, return to her home and if the barring order did not work (i.e. if she experienced violence) then they would consider her case for housing need. These practices and requirements are placing women in increased danger when they are seeking help and safety from violence.

In some areas if a woman owns a house or farm with her partner/husband she is not entitled to council housing. However, in other counties or local authorities she can apply for a temporary housing number and can access Rent Allowance. There are inconsistencies in the procedures across Ireland, which are causing serious problems for women and children seeking safety and refuge from violence. A woman may be required to sell the joint property first before applying for supports, but it is more difficult to sell houses in the current economic climate and this tends to mean that she returns to her abuser

“Families who are asset rich on paper but have no cash are now a problem. We can advocate but the CWO may not pay them Rent Allowance as they still have an asset.”

One service reported positive changes in their county regarding homeless services, with good quality social housing stock available for women. However, in other areas respondents stated there may be very little housing stock available, it may be in poor condition and where it is located may have a lot of anti-social behaviour. A lack of transitional housing and homeless hostels in some regions is also challenging for women to move on. New regional and county structures and procedures in relation to homelessness require extra time devoted to meetings, paper work and travelling to

meetings by refuge management. This results in less time on-site managing or working in the refuge.

Above all, a lack of consistency, clarity, continuity and standardised procedures were articulated in relation to housing policies by interviewees.

“It is all built on personal relationships that we have built with the Community Welfare Officer; it is based on personal contact. It is not based on good practice and policies.”

Freedom of movement within Ireland, especially for safety reasons, while seeking shelter and housing is becoming increasingly compromised for women. For some refuges since April 2011 they can only accept women from the local county, this is difficult to accept for women who may have stayed in the refuge previously and this appears to have a significant impact on Traveller women.

### ***Financial Crisis Impacts***

Interview subjects located their work on the HRC as taking place in a context of increasing cutbacks, staff reductions, budget constraints and increased efforts for fundraising by the SI members. More effort is required for negotiation and advocacy in order to access funds and Social Protection payments for women in their services. For the women they are supporting work and employment prospects are diminished with increasing rates of national unemployment across Ireland. Child care costs can be a disincentive to taking up any offers of work for women. This has the overall impact of women finding it harder to leave the refuge environment and financially support their move on. Some interviewees felt that longer stays in refuges by women can be attributed to the impact of the recession in Ireland.

### ***Staff Issues and impacts***

All of the interviewees outlined the challenges their colleagues and staff are experiencing in working with women without recourse to public funds. Sourcing the funds to feed, clothe and support a woman and her children is generally the primary challenge. The pressure to source and secure funds for a woman begins with the initial contact by the

service and her subsequent assessment in order to ensure funds will be available for her during her refuge stay. As one refuge stated;

“I now have to focus (*support*) a lot on her income, more so than before. I have to be sure that we can access it (*funds, payments*) for her here. There is a lot of focus on funds now, then when women come in and they get a payment but it is a once off emergency payment. What happens after that? It is becoming more and more difficult.”

Frustrations for staff can also arise when trying to refer a woman to other services as they can be limited and constrained by the HRC too. The possibility of moving a woman on from the refuge setting to other housing services may be extremely limited. Interviewees recounted how this often re-routes the woman back to her violent partner.

“She thinks ‘If I stay with him I can feed the children and myself and have a roof over my head’.....She is forced back to him.”

A sense of isolation in this work was also raised as other services refuges are trying to refer a woman to, may not engage with her due to her status. Staff feeling powerless to help women was another commonly articulated issue, despite the fact that the domestic violence sector is based around empowering women. This creates a strain on the trusting, supportive relationships staff are trying to build with the women that they work with.

“It is around funding, you feel frustrated and helpless trying to get help for her, but there isn’t help for her.”

Language and communication issues were also discussed in the interviews. Some SI members have translation services provided through Social Workers, local migrant services, local HSE services or through networks of women who have previously used the service. Many others do not and the costs of hiring interpreting services are very problematic for the refuges, but seen as essential in terms of fully comprehending a woman’s situation and circumstances. The cost of translating documents related to cases

was also a concern articulated. Many services utilise Google translate in either an emergency or on an ongoing basis. Understanding the cultural background for a much broader range of women presenting to services can be a challenge sometimes;

“Understanding the culture this woman is coming from, her belief systems can be a huge barrier to leaving her husband.”

Staff time in relation to supporting women WRPf is a huge issue, especially as many services seem to have had cuts in their staffing levels.

“We send them to Social Welfare; they are applying and then being refused. Then we go down the road of an appeal, this takes at least three months. Most of our time is spent doing this; benefits, stamps, issues for women then we look at the domestic violence and deal with the trauma..... It is non-stop...”

The time needed to prepare documents, make referrals, attend appeals processes and advocate on behalf of a woman, especially when there are additional language issues places huge demands on services. Staff need to be familiar with HRC requirements to support someone through an appeals process in order to effectively advocate on their behalf. This means staying up to date and being intimately familiar with the HRC, often staff are frustrated that they seem to know the HRC better than the Social Protection staff they are dealing with.

“The staff need to have a lot of knowledge now. Need to know your stuff.”

Staying motivated in the work is also a challenge for managers and their staff. When options appear exceptionally limited for women presenting with very traumatic, complex situations it can be a burden for staff.

“Hard to know that there are no options for women, hard to keep motivated...”

A sense of helplessness for the staff emerged in some of the interviews;

“It is a lot of work for a negative outcome. Every worker here knows the HRC and does their best and then it is out of our hands.”

Staff supports, supervision and good team work all are utilised to counteract these pressures and stresses but it is evident from the interviews that is difficult to stay positive, hopeful and optimistic when faced continually with these issues when advocating with women.

### ***Service Issues and Impacts***

The overwhelming issues for domestic violence services surveyed around the HRC and working with women without recourse to public funds are the pressure on finances and pressure on refuge capacity and bed spaces. Appeals processed on behalf of a woman for Social Protection payments or Rent Allowance can take up to a year, causing extreme capacity issues in refuges. This has numerous implications. For the women they are staying much longer in a refuge, basically they are being housed within a crisis service. Some staff felt this can lead to a potential overdependence on the refuge supports available and it becomes even harder for women to eventually leave. Outreach services and transitional housing options become even more vital for these type of cases. Other women presenting to refuges may not be able to stay the night(s) as there are no bed spaces available for them and their children due to the refuge being full on a continuous basis. In 2011, SAFE Ireland members who provide refuges were unable to accommodate women and their children on over 2,500 occasions.

“Long term stays are a challenge, it is not a normal environment for people to live in.”

The pressures on refuge services to curtail spending has resulted in certain policies begin adopted by a small minority of refuges to manage costs;

“Two to three years ago we came to a decision we put it in (*Refuge Admissions Policy*) that we would accept women for a two week crisis

respite period if they have no recourse to public funds. We offer them two weeks that is all we could commit to at that point.”

These restrictions can be from stays of only three days to one week, or what was most commonly articulated a two week respite period, this is usually depending on the refuge funder’s requirements. Some services then try to cram as much work as possible with the woman into this respite period, including multiple referrals and agency visits. This can be very busy for staff and possibly overwhelming for women, especially if they are recovering from physical injuries.

“We have had to look at how we approach working with a lot of these women as we will offer accommodation to these women without questions. But this will be two weeks respite with emotional support, advocacy. We will approach the CWO and do Social Welfare applications but probably they won’t happen or get to access anything. Two weeks offered to the women from outside the county....”

Other services feel that the safety and reprieve offered to the woman is the best they can do due to a lack of previous success in advocating for similar cases;

“Where we accommodate a woman we would have to make it clear on admission we are limited in how we can help them. We can offer crisis accommodation and food but advocating for them is impossible. We don’t get anywhere, our options are limited.”

Staff are advocating for women accessing their service and trying to progress payments and solutions rapidly for these women. It requires intense advocacy and can be met with a level of incredulity from other services;

“You need to describe the level of abuse a woman is receiving, you need to prove that she is really at risk, you have to prove it and put every case to the Social Welfare.”

Onward referral is more and more problematic for refuges, especially in terms of finding homeless services or housing solutions as a woman's payments may be tied to residing in the refuge;

"Previously we could refer to another homeless hostel if they had no safety needs relating to the DV (*domestic violence*). This is no longer the case that has gone from us. If they are receiving Supplementary Welfare Allowance payments they have to stay here to keep their payment."

These challenges of working with increasing complex cases with seemingly less options and less resources and ever escalating demands on bed spaces are difficult to sustain for women and their children, SI members, their boards of management and funders.

### **Emerging Issues**

There appear to be major discrepancies as to who receives Social Protection and Rent Allowance payments between local areas, counties and regions. There appears to be considerable confusion about the 'Two-year rule' which refers to the HRC legislation indicating that a person is not likely to be habitually resident unless they have lived in Ireland (or the Common Travel Area) for a continuous period of two years. However, this has been refuted by the European Court of Justice and instead all five of the HRC factors must be considered in any case and the 'Two-year rule' is not relevant as a deciding factor. Establishing a main centre of interest rapidly for a woman, if possible, is a challenge. These complexities may mean that women are not engaged with at all by the services refuges are trying to refer her to.

"I do think that the HRC is an easy out in a lot of situations in relation to DV (*domestic violence*) cases. It is like saying 'you don't count, I can't support you' which is very wrong."

Navigating and supporting a woman through the complex maze of multiple systems in order to access payments, determine her 'right to reside' in Ireland, and counteract a lack of engagement and/or disbelief by other services is very difficult. This is added to racism which can be covert or overt. In particular women from Northern Ireland and the

UK can find it very difficult to accept that they cannot access homeless services in the Republic of Ireland for a range of reasons.

There are some positive changes noted, for example in the Non-Irish Nationals Homeless Persons Unit there appears to be a new approach. The first CWO a woman has had contact with must substantiate why they did not give her a payment(s) initially to the staff in this Unit: therefore the onus is now on the initial CWO to justify a lack of financial supports. This has resulted in eventual payments for some women referred to the Unit, but by means of a drawn out process. The frustrations of trying constantly to advocate for women with a variety of legal constraints in the form of the HRC was articulated in interviews.

“All the support workers feel completely helpless and paralysed as usually there are only some options that we can offer a woman WRPf. We really have nothing to offer her only access to courts and the Gardaí. It is a huge challenge, we will risk assess every woman and talk to everybody and we do appeals and make calls. It is a lot more work ...., but it shouldn't be so difficult. There has to be some system put in place.”

### ***Where Do the Women Go?***

Interviewees stated that there may come a point when their service can no longer support a woman. Second stage housing is the preferred option but it may not be possible depending on the woman's circumstances. Usually at this point they have exhausted all possibilities in terms of; Legal Aid, CWOs, Welfare Appeals, local migrant organisations, charities such as SVP, FLAC, a local GNIB Gardaí and have had contact if needed with the Irish Naturalisation and Immigration Service (INIS). At this stage funding and supports maybe be obtained through the International Organization for Migration (IOM) office, or a woman's embassy if she is not an Irish citizen, to repatriate her to her country of origin. While some women elect for this option, others would have been leaving difficult situations in their country of origin and may not wish to return. Other women may leave the refuge setting and stay with friends and look for “unofficial work”, which can include cleaning, child care, prostitution etc.

Women are also referred to the HSE Non-Irish Nationals Homeless Unit in the Homeless Persons Unit Office, Dublin. This service provides information on and assessment for entitlements for homeless Non-Irish Nationals whose homelessness occurs in the Dublin region. Outside the Dublin region, it is the responsibility of the Local Authority. Irish women may be referred to local homelessness services or local homeless person units (HPUs). However there were some concerns as to what a woman would access through these Units.

“Need to be stronger working relationships between refuges and homeless person units (HPUs). If we have a woman who has to leave we could send her to HPU with confidence she would have somewhere to stay. That is not the case now.”

Women may be referred to Direct Provision accommodation, if they need to apply for refugee status in their own right after leaving their partner. Or they may have entered the country illegally and need to start their asylum seeking process. There are other cases where Direct Provision may seem like the only accommodation option for a woman. It is important to note that one service has supported a woman who left Direct Provision accommodation, as she was experiencing violence in the hostel. They had managed to negotiate that she could be moved to another Direct Provision location, but this was not easy to arrange. However, the Direct Provision setting can be a dangerous place for women;

“A lot of women in this situation (*living in Direct Provision*) are targeted by other people to live with them. They “go private” (*move out of the Direct Provision hostel*) and they are then used as slaves in private houses. They are very vulnerable.”

One of the main challenges for SI members is if they have managed to negotiate a Supplementary Welfare Allowance payment for a woman it will cease if she leaves the refuge. This causes move on problems for the woman and capacity issues for the refuge. The lack of onward referral processes can be frustrating for the women but is exceptionally time consuming for the staff. Most interviewees agreed that invariably

women return to their abusers as they see no other options for themselves. As one refuge staff member articulated;

“They just go back to the violence. It is forcing women back in to a situation they shouldn’t be in. Somebody has to take responsibility for what is happening to children and women. The long term affects and trauma for children in particular and for the woman.”

Poverty, destitution and homelessness are very real issues facing women in refuge services in Ireland today.

### ***Training and Information Needs Identified***

Keeping current, up to date and aware of issues related to or impacting on the HRC was something that all services were actively doing. This was seen as part of overall staff professional development. Although all services had skilled up in relation to the issues presenting to them, some areas were identified for further information supports or training. In particular, a timely dissemination of changes in laws, regulations, welfare entitlements, and policies from statutory services to the domestic violence sector would be helpful and greatly appreciated. Training and information when housing or immigration or Social Protection policies change or are amended would also be very useful for the services. A central information point or a website on the HRC with related information in a range of languages was suggested as a helpful tool for staff and women alike. Information was requested on;

- Clarity on the Zambrano ruling, and its impacts on women presenting to services.
- A guide to the various visa and immigration Stamps.
- Welfare entitlements in relation to different Stamps.
- Working with different cultures.
- Homelessness training on supports, services, referral routes etc.

Linking in with other agencies that can provide supports on information and share experiences and learnings was utilised by many of the services interviewed. Useful trainings and information resources were also mentioned by interviewees, in particular;

- Training by housing/HRC experts/academics in relation to legal issues on the HRC and housing issues.
- FLAC Guide to the HRC.
- Immigrant Council of Ireland (ICI) training on Stamps.
- Support and information from AkiDwA on working with multi-cultural women.
- Training and information from local migrant support services.

An openness to learning more and as a result being as prepared as possible for the complexities of the work was stated;

“Always good to have ongoing refresher training, on the implications of HRC for women.”

Local training being provided, where possible, was appreciated and helpful in terms of reducing travel costs for staff as staff training budgets are increasingly constrained.

### ***Good Working Relationships***

SI members have put time and effort into developing good working relationships, mainly at a local level that assist the women they are encountering. What appears very helpful is contact with a local CWO who understands the dynamics of domestic violence and who has worked with the refuge over a number of years and developed a mutually trusting working relationship. Having a local GNIB Garda was also helpful for members. Some refuges have developed links with local charities who provide particular products or supports for the women in the refuge or who run fundraising events for the refuge, which is appreciated when women have no funds themselves. Some refuges have contacted embassies and have linked with them very successfully in terms of supporting women from countries that have a diplomatic presence in Ireland. Local migrant or integration services (almost all NGOs or charities) are also helpful in terms of navigating

the legal supports for the visas/Stamps a woman may need. They may also provide multi-lingual services which can be crucial in supporting and working with a woman with limited English language skills.

SI members referred to a number of agencies or charities that they continually link in with for supports and referrals for women, including but not limited to;

- AIM Family Law information services
- Anti-Human Trafficking Unit (AHTU), Department of Justice and Equality
- Community Mothers groups
- Embassies
- Housing Officers
- Immigrant Council of Ireland
- International Organization for Migration
- Local Accommodation Support Worker
- Other Domestic Violence Services
- Peer support for language and cultural issues
- Respond Housing Association
- Ruhama
- Saint Vincent De Paul (SVP)
- Social Work Teams
- Sophia Housing Association.

Good working relationships were the key to successful outcomes with women, although this was not seen as a truly sustainable way of working by some interviewees.

“For us it is successful because of the relationships we have built up, but that is not a good way forward. When a policy is in place there is a strict structure, it sets the boundaries. You are not dependent on a person for a decision. You are not dependent on their mood.”

## **Concerns**

Of particular concern were the impacts related to children articulated by interviewees. Issues of very long stays in the refuge environment, repatriation with their mother to another country and a lack of ongoing supports for children who were coming from very traumatic situations were raised.

“Huge impacts with families, all children know is their life in Ireland. Repatriation is a result of these policies, but for the children this is their home in Ireland. The impact of repatriation is huge. Ongoing work with families is happening regarding their domestic violence experiences if they stay here and engage with the service. But if children don’t get a chance to engage with services available..... this could have very negative future impacts.”

The extent of good working relationships between SI members and other services (both voluntary and statutory) is commendable. It is a testament to the professionalism and dedication they have towards progressing and advocating for optimal outcomes for the women they are working with. But this is being done in a climate of staff redundancies, redeployments and potential rapid changes. An overreliance on these links and good relationships may not be possible in the future.

“What I do find it is very important is to build good relationships with services to support the women and this has helped us a lot. It is about networking, but it should not be dependant on that as that is very fragile especially when you are dealing with people who are so much at risk.”

### ***Good Practices and What Works***

SI members have become exceptionally adept in finding ways of working and achieving good outcomes for women within very challenging contexts. The importance of using outreach, support groups, peer networks, etc to support women was mentioned. Also working very quickly to attain the most positive supporting structures around a woman in order to progress her case was mentioned;

Continually advocating for women and utilising appeals processes is another strategic tactic used by SI members;

“Just keep using the appeal process, we appealed again and again. I would recommend this to anybody (*keep appealing*). Document everything..”

Questioning decisions made in regard to HRC while advocating for a woman.

“If they don’t have HRC there is no access, they won’t be accepted. Immediate response is no, it is about advocating. Why are you saying no? Why are you refusing her? You can get through and get a good response.”

The absolutely imperative nature of having a house or refuge or shared medical card was stated in a number of interviews. This was by no means a standard practice and the refuges that do have house medical cards were very concerned that they would not be renewed in the future. Although some women in refuges may have an NHS card from the UK or Northern Ireland or be in possession of a European Health Insurance Card (EHIC) the house medical card is crucial in getting urgent medical care for a woman and her children who may have no other recourse to public funds without creating a financial burden on the refuge.

### ***Remaining Challenges and Sustainability of Current Practices***

Reconciling staff time spent on appeals, advocacy and complex cases presenting to refuges, in an environment of decreasing funds that women can access (if at all) and services working at full capacity is exceptionally difficult. Longer stays associated with the HRC are a huge issue for SI refuge members.

“We may be full, bed space is an issue. It is more difficult to move people on because of HRC now. Before a stay would have been a month now some women are with us for a year or more.”

Additional issues related to child protection, or a woman being pregnant may mean she is in the refuge for much longer time periods. Applying for a Safety Order is a possibility

for all women, but it can be very hard to persuade a woman to do so as she may be experiencing pressure from her family in her country of origin not to progress the legal route in Ireland in relation to her partner. Some services stated that when a woman is awaiting a court date (this could be for many different issues) there is a better case for her receiving payments from Social Protection, but she will probably be in the refuge for a much longer time period.

Trying to contact INIS staff with very limited helpline hours and no one named contact person to link in with to assess how a woman's cases are progressing is challenging. Some of the requirements from the GNIB services are seen as very challenging for SI members;

"The cost of renewing a GNIB card is €100 if they have no recourse to public funds how can they pay. No idea how women can pay for it! They need an up to date GNIB card for Social Welfare payments but a vicious circle if they can't renew their card due to cost."

However despite these challenges and frustrations interviewees stated that there is an obligation to support these women as a matter of moral duty;

"We cannot say as a society we do not care."

Responding to these women as is currently happening does not appear to be sustainable in the long term for SI members. A new fully coordinated and joined up way of working is needed, one that is fully cognisant and aware of the manifestations of domestic violence and supports required;

"There has to be a special case for domestic violence, and for services to help the woman to move on and to develop an inter-agency plan for her."

### **Areas for Change Identified by the Interviewees**

Research subjects were very articulate and excited to share recommendations on all the issues discussed in their interviews with the researcher. Their recommendations related

to both local and national policies and in some cases international supports. Initial recommendations related to the assessment of women presenting to SI members being seen as a professional, serious and legitimate assessment that should be taken sincerely by the other services that SI members are referring women to;

“It needs to be changed to a bona fide assessment of a woman in relation to her needs and domestic violence from our agency which should then be accepted by Social Protection. It is a lot of work we are trying to make progress but it is getting harder and harder.”

More coordination between statutory services and medical care in relation to domestic violence was also highlighted as an area requiring improvement in Ireland.

“That is why more coordination, more understanding, more information in the legal and housing and Social Welfare and medical settings is needed, these are the main areas.”

This improved coordination could also extend to international police forces;

“Need for better communication between police forces abroad, work with Europol between police jurisdictions.”

The proposal of having a named contact staff member in local Social Protection offices or relevant HSE settings, who would be specially trained on the HRC, housing policies and legislation and domestic violence was recommend as a cost effective and positive solution by many interviewees. This designated, specially trained staff member could be located within the Legal Aid structures or any other work/agency context where referrals from SI members happen. This would also ensure effective referrals from agencies and social welfare services to SI members;

“We would recommend there is a trained and dedicated person in Social Welfare and Homeless Persons Centre office to assess any woman experiencing domestic violence. Rather than them getting an automatic no

at the start of their assessment, all their issues and circumstances would be taken into account. They can assess her fully and take the domestic violence into account, there are good people in Homeless Persons Centre but the women sometimes don't get chance to explain their case. It depends on who they meet and where they go. Some women will just get told no in the HPC (*Homeless Persons Centre*) or SW (*Social Welfare*) office and we never even get to meet them."

A central information point, probably online as a website, with multi-lingual information on the HRC to support SI members was also articulated. Possibly this could be developed through Citizens Information Centre structures or FLAC or the Legal Aid Board websites.

"I would like to see a central Information and Knowledge Point. A website on which information on HRC and all the languages would be on it. Could get a designated persons, maybe three in the whole country within Legal Aid and they are experts on this (*working with women WRPF & HRC issues*) and this is their priority too."

Addressing the acute financial situation and lack of funds for many women was another area of recommendations by interviewees. One interview outlined the possibility of leveraging and utilising a woman's husband's income for support.

"If a woman comes as a dependent there has to be something done about that, if her husband is earning €80,000 if she has no means to money at all. Their pay should be stopped, woman should get some sort of money and independent access to the law."

A form of standard payment, or time limited payment in order to commence working with a woman without spending most of the time seeking funds for her was also suggested.

“If a woman is experiencing domestic violence she should be given a chance, some sort of payment for short periods of maybe six months and that would allow us to support her. If she had something small (*financial payment*), it gives her a place here and gives us a chance to help her too.”

“What we would like to see is that CWOs are given a very clear remit to accept women at risk of domestic violence, and to give them a payment for a clear time frame for this process until she has recourse to work or gets an ongoing payment.”

The critical role of embedding responses to domestic violence across all statutory sectors and services through the use of policies was stated.

“It is so important that all the agencies should have a domestic violence policy at all the different levels; housing, Social Welfare, domestic violence services that they are all aware and have a policy.”

Finally the apparently arbitrary nature of how the HRC is applied across Ireland was noted;

“What is wrong is a lack of policy and lack of everyone doing the same thing. It is dependant on what county you are in. There is lack of consistency and it depends on what county you are in and even within in each county who you get.”

SI members had many suggestions and recommendations that were well thought out, cost effective and problem solving in relation to working with women without recourse to public funds. Harnessing and implementing these recommendations remains the potential challenge. The recent 2012 INIS “Victims of Domestic Violence Immigration Guidelines” are to be welcomed as they give clarity to the situation some women being supported by domestic violence services find themselves in. The INIS Guidelines should assist in future advocacy work with these particular cases involving immigration status issues.

## **Conclusions**

The main finding of this research consultation points to a lack of recognition of the needs of women and families experiencing domestic violence while they attempt to meet the requirements of the HRC and in many cases try to establish eligibility for local housing. The HRC has construed such immense constraints for these women that SAFE Ireland members are stepping in and supporting women in terms of meeting basic needs when the state should be providing the resources to do this. This has very severe consequences for both the service providers and for the women and children in question. Unfortunately in many cases the DV services are inhibited in their work to support the safety and practical needs of women and their children because of the impact of the HRC.

An analysis of existing legislation should be conducted to consider the potential for an exemption for victims of domestic violence from the need to satisfy the HRC.

Applying the HRC has explicit resource costs to Social Protection agents, such as CWOs, to domestic violence services in addition to charities that provide emergency funds to assist women living in refuges. The appeals process also has cost implications. Appeals on behalf of a woman for Social Protection payments or Rent Allowance can take up to a year, causing capacity issues in refuges and as a result additional cost implications. It is recommended that the Department of Public Expenditure conduct a cost benefit analysis of applying the HRC within various state departments and bodies. This analysis would provide information on the day to day costs of assessing cases and appeals in relation to the HRC and the possible savings (or not) that this results in. It would provide a genuinely useful starting point to determine the benefits of overall reform of HRC and would begin to place a cost on the intentional and unintentional impacts of the HRC on extremely vulnerable members of Irish society. Input from SAFE Ireland members and other relevant NGOs and services could also form part of this analysis.

Exemptions and amendments to the current requirements for accessing social housing are necessary for victims of domestic violence. Adapting the statutory definition of homelessness to include victims of domestic violence could recognise the urgent and difficult situations many women find themselves in when seeking safety from violence, or threats of violence. Changes in access to move-on supports in recent years are

having a detrimental impact on women and children who are often forced back into an abusive relationship, into unsafe and unsuitable homeless hostels or into homelessness. Interpretations of the 2009 housing regulations appear to vary across the country according to this consultation, leaving both services and women in very difficult situations when trying to avoid destitution. In some counties the requirement to be resident or renting in the county for six months prior to receiving Rent Allowance is very problematic for women. A woman should be accepted as needing safe accommodation, supports and potentially social housing if she is at risk of homelessness related to domestic violence regardless of where she had been living or the quantity of local connections she can demonstrate.

Domestic violence services are consistently reporting the difficulties experienced by women and children and the challenges for domestic violence services working in an environment where payments such as Rent Allowance have been decreased, deposits are harder to get from Community Welfare Officers, and overall payments from the Department of Social Protection have been reduced. Many refuges articulated that due to the changes in housing policies and the need for compliance with the HRC they are becoming a housing service not a crisis service for women and families as women have less and less options in terms of future move-on housing. However, remarkably referrals from domestic violence services may not be accepted by Social Protection staff or agencies in relation to housing needs. These referrals must be prioritised and acted upon by local authorities so that women should not have to endure excessively long waiting periods or repeatedly undergo additional priority need assessments in relation to their seeking social housing. If a woman has a home or property with her partner but cannot stay in it due to violence, or the threat of violence, this must be acknowledged when she applies for social housing. Overall a standardised, nationwide approach by local authorities to domestic violence related to risk of homelessness and housing need is required, where the range and urgency of needs of victims of domestic violence are addressed and responded to as a priority.

As a part of working with women and children to address their safety needs and the impacts of domestic violence, SAFE Ireland members have to navigate and respond to an array of legal, migration, housing, funding and language issues a woman may

present with to domestic violence services. This support process can take many months and require intensive advocacy from the service provider. It can also result in much longer stays in refuges for women and children. This combined with the under supply of family units in refuges in Ireland (currently there are 141 family units with a further four family units remaining unopened in Kildare since January 2012) means that many women presenting to refuges are turned away as bed capacity is already reached. Ireland currently meets one third of the minimum standard for refuge provision as set out by the Council of Europe<sup>16</sup> and this shortage in provision is further exacerbated by longer stays in refuges as a direct result of the HRC and local housing policy changes.

Women who have no other feasible housing options may move in with family or friends (this is usually an option for Irish women), return to their abuser (common in this research consultation), ask for assistance to be returned to their country of origin if they are not from Ireland or turn to illegal employment, including prostitution, to get enough money to pay for food and rent. This lack of supports and options is routing women into destitution and homelessness and requires urgent action.

For SAFE Ireland as an organisation, ensuring ongoing dissemination of existing relevant and any new resources and information related to the HRC to all members is needed. A workshop or forum for members to share information, good practices and helpful contacts is also recommended. SAFE Ireland could organise and provide a reflective practice and awareness training for their members focussing on the HRC and housing issues.

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<sup>16</sup> Kelly, L. (2008) Combating violence against women: minimum standards for support services. Strasbourg: Council of Europe.

## **Abbreviations**

CWO: Community Welfare Officer

FLAC: Free Legal Advice Centres

GNIB: Garda National Immigration Bureau

HRC: Habitual Residence Condition

HSE: Health Service Executive

INIS: Irish Naturalisation and Immigration Service

NGOs: Non-Governmental Organisations

PRSI: Pay Related Social Insurance

SI: SAFE Ireland

SVP: Society of Saint Vincent De Paul

WRPF: Without recourse to public funds.

## **Appendices**

- I. Refugee Interview Guide**
- II. Refugee Interview Questionnaire**
- III. Service Interview Guide**
- IV. Service Interview Questionnaire**
- V. Case Study Template**

## **References**

AkiDwA, Immigrant Council of Ireland, Women's Aid (2006) Seminar Report: Addressing the Needs of Black and Minority Ethnic Women Experiencing Male Violence. Dublin: AkiDwA, ICI, Women's Aid.

Bettio, F., Corsi, M., D'Ippoliti, C. et al (2012) The Impact of the Economic Crisis on the Situation of Women and Men and on Gender Equality Policies. Brussels: European Commission.

Domestic Violence Coalition (2012) Briefing Document. Dublin: Domestic Violence Coalition.

FLAC (2010) Guide to the Habitual Residence Condition. Dublin: FLAC.

FLAC (2011) Guide to Making a Social Welfare Appeal. Dublin: FLAC

Immigrant Council of Ireland (2012) Factsheet 10: Independent Immigration status for non-EEA nationals experiencing domestic violence. Dublin: ICI.

Irish Naturalisation and Immigration Service (2012) Victims of Domestic Violence Immigration Guidelines. Dublin: INIS.

Kelly, L. (2008) Combating violence against women: minimum standards for support services. Strasbourg: Council of Europe.

Mayock, P. and Sheridan, S. (2012) Women's 'Journeys' to Homelessness: Key Findings from a Biographical Study of Homeless Women in Ireland. Women and Homelessness in Ireland, Research Paper 1. Dublin: School of Social Work and Social Policy and Children's Research Centre, Trinity College Dublin.

Mayock, P. and Sheridan, S. (2012) Women's 'Journeys' to Homelessness: Key Findings from a Biographical Study of Homeless Women in Ireland. Migrant Women and Homelessness in Ireland, Research Paper 2. Dublin: School of Social Work and Social Policy and Children's Research Centre, Trinity College Dublin.

O'Connor, M. (2006) Housing Policy and Practice for Women Experiencing Domestic Violence. Dublin: Sonas Housing

O'Connor, M. and Pillinger, J. (2011) A Safe Space: Dun Laoghaire Rathdown refuge- A feasibility study. Dublin: Sonas Housing Association.

Pavee Point (2011) Position Paper: Impact of the Habitual Residence Condition (HRC) on Travellers and Roma. Dublin: Pavee Point.

SAFE Ireland (2009) Outcome Evaluation of Domestic Violence Support and Information Services in Ireland – A Pilot Study. Athlone: SAFE Ireland.

SAFE Ireland (2009) Safety and Change: A national study of support needs and outcomes for women accessing refuge provision in Ireland. Athlone: SAFE Ireland.

SAFE Ireland (2011) In Just One Day: A National One Day Count of Women and Children Accessing SAFE Ireland Domestic Violence Services. Athlone: SAFE Ireland (and previous years).

SAFE Ireland (2011) Lifelines to Safety: A National Study of Support Needs for Women Accessing Domestic Violence Services in Ireland. Athlone: SAFE Ireland.

Safe Ireland (2012) Briefing for LISC Members. Access to housing/homelessness and domestic violence the impact of the Housing Misc. Act 2009 and related statutory instruments. Unpublished.

Women's Health Council (2009) Translating Pain into Action: A Study of Gender-Based Violence and Minority Ethnic Women in Ireland. Dublin: Women's Health Council.

**Websites accessed:**

Citizens Information Board <http://www.citizensinformation.ie/en/>

Dublin Region Homeless Executive <http://www.homelessagency.ie>

Irish Naturalisation and Immigration Service <http://www.inis.gov.ie/>

