

## Welcome Pack for Immigrants in Clare

# Policing and legal issues



Compiled by Clare Immigrant Support Centre



## In Ireland we call police Gardaí

### The Garda Síochána is the Irish national police force

The Garda Síochána is responsible for carrying out all policing duties in the Irish State. This includes:

- all criminal investigations;
- enforcing road traffic law;
- maintaining public order;
- immigration control;
- enforcing drug laws; and
- providing the state security service.

The Garda Síochána seeks to uphold and protect the human rights of all individuals within the state. It is a human rights compliant police service. 'Garda Síochána' is in the Irish language and means 'Guardians of the Peace'. Generally the 'Garda' means the force as represented by local police. One member of the force is called 'a Garda'; two or more are called 'Gardaí'.

### How to contact the Garda

If you are a victim or have witnessed a crime you should contact the Garda. In and emergency phone 999 or 112. In less urgent situations you should contact your

local Garda Station. The phone number for Ennis Garda Station is: (065) 684 8100. See other Clare Garda Station phone numbers on the back page.

### Victims

If you are a victim of crime, the Garda will respond quickly to your call. You must fill out a victim report form which you should complete and bring with you to the Garda Station. These forms are available on [www.garda.ie](http://www.garda.ie) or [www.citizensinformation.ie](http://www.citizensinformation.ie)

The Garda must give your case equal priority with other cases, whatever your gender, race, religion, ethnic origin, sexual orientation, age, economic circumstances or membership of any minority group.

The Garda will explain the investigation process to you and make sure to keep you informed about the progress of the investigation, including whether or not a suspect is charged or cautioned. They will also tell you about the support services available to victims of crime.

If the Garda have charged a suspect, they will tell you:

- whether the accused is out on bail or in custody;
- when the court hearing is taking place; and
- if you are needed as a witness.

### Victim support

There is a Crime Victims' Helpline which you can contact at:

- (01) 479 0592
- LoCall 1850 211 407
- <http://www.crimevictimshelpline.ie/>
- email, [info@crimevictimshelpline.ie](mailto:info@crimevictimshelpline.ie)

## Key areas of policing in Ireland

### Ethnic Liaison Officers

There are 400 Garda Ethnic Liaison Officers nationwide. Their role is to:

- liaise with ethnic representatives of ethnic minority groups and 'hard to reach groups';
- monitor racist attacks;
- inform ethnic minorities about Garda services; and
- develop initiatives at local community level to facilitate and encourage integration.

### Racism is illegal

It is an offence to incite hatred against anyone in the state or elsewhere because of their:

- race;
- colour;
- nationality;
- religion; or
- ethnic group.

If someone racially abuses you, you should report it to your local Garda Station. They will ask you to make a statement about the incident. You should ask for the name of the Garda you meet so you can keep in touch with the progress of the investigation.

### Dangerous driving

The Garda Traffic Watch hotline allows you to report incidents of dangerous driving to the Garda so that they can intercept the drivers, caution them and bring them through the courts process. You can contact the Garda Traffic Watch hotline at 1890 205 805.

### Community policing

Neighbourhood Watch is a crime prevention programme aimed at getting local communities in Ireland actively involved in observing and reporting suspicious activities. Contact your local Garda Station and ask to speak with your divisional officer about Neighbourhood Watch in your area.

In most districts there are community Gardaí who work in a particular geographic area. You can contact them through your local Garda station.

### Can I join the police force?

If you are interested in becoming a member of the Garda Síochána you must apply online to become a trainee Garda. To do this:

- register with [www.publicjobs.ie](http://www.publicjobs.ie);
- click on my job alerts, select security/emergency services; and
- click on 'Garda'.

You will be notified when a recruitment campaign is beginning and be invited to apply online.

### Who can apply?

If you wish to apply to become a Garda, you must:

- be aged 18-35;
- be a national of an EU state; or
- be a national of a European Economic Area or the Swiss Confederation; or
- be a refugee; and
- have lived in the state for five years.

### How do we handle domestic violence?

Domestic violence is a crime. This includes physical harm, mental cruelty and sexual abuse. Members of the Garda can give you advice about getting a protection or 'barring order' (when someone is ordered to keep away from you and your home) from the district court to prevent further abuse.

Information about your local district court is available at [www.courts.ie](http://www.courts.ie) or phone (01) 888 6000.

While you are waiting for the court to hear your application, the court can give you immediate protection called a 'protection order'. In extreme cases the court can grant an interim (temporary) barring order, ordering the violent person to leave the home.

If you get a barring order or 'safety order' from the court, bring a copy of it to your local Garda Station. In other cases the judge may order the Garda 'to serve' the order on the respondent (physically hand the order to the person who must obey it). A safety order can last up to three years and a barring order up to five years.

If you are concerned about violence in your home, contact your local Garda Station. They are trained to deal with these situations and can offer advice.

You can also contact Clare Haven Services. It is a voluntary organisation set up in 1993 to provide support, information and refuge accommodation to women

**Clare Haven Services – confidential help if you experience domestic violence, (065) 682 2435**

and their children who are being abused in their own homes. You can phone them at their confidential number: (065) 682 2435.

You can also get help from your local Citizens Information Centre (see back page); or one of the Rape Crisis Centres – Galway 1850 355355/091 589495 or Limerick 1800 311511.

The Dublin Rape Crisis Centre phonenumber operates 24 hours a day at 1800 77 8888.

#### At what age can I marry?

You must be at least 16 years old before you marry in Ireland. You must give notice that you intend to marry to the local clergy or Registry Office.

If you are over 18 years old, you must give three months notice before the date you plan to marry.

If you are aged 16-18 years old, you must give six months notice before the date you plan to marry.

In Ireland, it is illegal to be married to two people. This crime is called bigamy

#### Sexual crime

Generally, the age at which someone is regarded as being legally competent to consent to a sexual act in this jurisdiction is 17 years of age.

Anyone who engages or attempts to engage in a sexual act with another person who has not reached the age of consent is guilty of an offence, unless they are married to each other.

In Ireland, rape within marriage is a crime and will be punished.

## The Garda and immigration

The Garda Síochána enforces immigration laws in places such as ports and airports. The Garda National Immigration Bureau carries out deportations, border control and investigations relating to illegal immigration and human trafficking.

EU nationals are entitled to come to Ireland to take up employment or self-employment. They do not need an employment permit. Nationals of Bulgaria and Romania who come to Ireland must have an employment permit for a continuous period of 12 months. After that, they do not need an employment permit to work in Ireland.

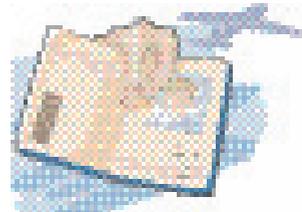
Nationals from the other countries of the European Economic Area (EEA), that is, Norway, Iceland and Liechtenstein, and Switzerland do not need employment permits to work in Ireland.

Citizens of many countries outside the European Economic Area (EEA) need an entry visa to enter the Republic of Ireland. If you need an entry visa, when you are entering the country you must report to an immigration officer. Non-EEA nationals must register with the local immigration officer following arrival in Ireland.

An immigration officer will examine your documents when you arrive in Ireland. They may ask you to show you have enough funds to support yourself for the length of your stay. You must satisfy the immigra-

### Power to search

A Garda may, in certain clearly defined circumstances, search you on the street or at a Garda station. The Garda must explain on what legal basis they are searching you. Always carry an identity document with you.



tion officer that you have a genuine reason for your presence in Ireland. You must also report any changes to the length of your stay or status to immigration officers.

### GNIB card

Following registration with immigration officers, you will be given an 'Immigration certificate of Registration'. It is also called a 'GNIB' card and shows your immigration status in the country. To renew your GNIB card, make an appointment with your local immigration officer at the Garda Station.

The Refugee Applications Commissioner provides asylum seekers with temporary residence certificates.

# THE COURTS

## How do the courts work?

There are two different types of court cases in Ireland:

- civil action; and
- criminal prosecution.

Civil actions are usually individuals taking on other individuals or organisations. The state generally takes no part in this. Civil cases are usually used when, for example, seeking compensation or to recover money owed.

Criminal prosecutions are prosecuted by the state, for things that are illegal. The aim is to punish those found guilty, usually by issuing a jail sentence. Criminal prosecutions are prosecuted by the state in a court of law.

### Four main types of court

There are four main courts in Ireland.

#### The District Court:

This has jurisdiction over minor civil and criminal matters. You can appeal the outcome of a case heard in the District Court to the Circuit Court

#### The Circuit Court

You can appeal the outcome of a case heard in the District Court to the Circuit Court. The Circuit Court has jurisdiction in more serious civil and criminal matters. You can appeal the outcome of a case heard in the Circuit Court to the High Court.

#### The High Court

This has jurisdiction over civil and criminal matters; the most serious offences such

as murder are dealt with here.

#### The Supreme Court

This is the final court of appeal.

### Who is in the courtroom?

- The Judge: in charge of the courtroom
- The lawyers (solicitors and barristers): the barristers present the case. There are barristers for the prosecution ('counsel for the prosecution'); and barristers for the defence ('counsel for the defence'). Your solicitor will work with a barrister to present the case.
- The registrar and court clerk: they help the judge with administration.
- The jury: Members of the public who hear the evidence and decide whether the accused is guilty or innocent.
- Members of the public: Anyone can watch any court case, unless it is 'in camera' (not open to the public).

### Other courts

The other courts are:

- the Children's Court;
- the Special Criminal Court;
- the Central Criminal Court;
- the Court of Criminal Appeal; and
- the Courts Martial Appeal Court.



# What if I can't afford a lawyer?

## Free legal aid

If Gardaí arrest someone, they will tell them why they are doing so. They will only use force to arrest someone if it is necessary. Gardaí bring anyone they arrest to a Garda Station. If the person arrested has poor English, the Garda will provide an interpreter. Anyone arrested has the right to a solicitor.

If a Garda has obtained a warrant against someone, they may enter the premises where they expect the person to be. If entry is refused, the officer may break open the outer and inner doors to get in.

Once a Garda charges and cautions someone, they must then transfer them to a district court, where the judge will order that they are either released on bail or remanded in custody (held in captivity).

In Ireland, if you cannot afford legal representation, the state will pay for your representation.

This means that you engage the Legal Aid Board to act on your behalf in the proceedings. They will draft court documents, give advice and send correspondence on your behalf.

**Free Legal Advice Clinics are available by appointment at Ennis (065-684 1221) and Shannon Citizens Information Centres (061-364 704)**

## Refugee legal service

Asylum seekers can access a dedicated legal service called the Refugee Legal Service (RLS). The RLS will represent and guide you in your application to be recognised as a refugee. There is a small registration fee to engage their services.

- Galway Law Centre, 9 Francis Street, Galway. Phone: (091) 561 650.
- In Limerick, for an appointment with the RLS contact Doras at (061) 315 965.

Solicitors are usually your first point of contact when involved in court proceedings. They may represent you in court, but will usually instruct a barrister to represent you in higher courts.

In order to qualify for legal aid you must pass a means test – that means your income will be assessed. You will have to make a minimum contribution. The means test is conducted in the law centre at Unit 6A, Merchant's Square, Ennis, Co Clare, phone (065) 682 1929; [www.legalaidboard.ie](http://www.legalaidboard.ie)

Criminal legal aid, unlike civil legal aid, is completely free. Someone receives criminal legal aid when they have a constitutional right to legal representation but do not have the money to pay for it.

# Useful contacts

Organisation	Phone number	Website
Victim support	LoCall 1850 211 407	<a href="http://www.crimevictimshelpline.ie">www.crimevictimshelpline.ie</a>
Women's Aid	LoCall 1800 341 900	<a href="http://www.womesnaid.ie">www.womesnaid.ie</a>
Clare Haven Services – for confidential help if you are being abused	(065) 682 2435	<a href="http://www.clarehaven.ie">www.clarehaven.ie</a>
Information about becoming a Garda		<a href="http://www.publicjobs.ie">www.publicjobs.ie</a>
To renew your GNIB (Immigration Certificate of Registration), contact Ennis Garda station	(065) 684 8100.	
Legal aid: the Law Centre Ennis	(065) 682 1929	<a href="http://www.legalaidboard.ie">www.legalaidboard.ie</a>
Clare Free Legal Advice Clinics	(065) 684 1221 (061) 364 704	<a href="http://www.flac.ie">www.flac.ie</a>

## Clare Garda Síochána

The Clare Division Garda Headquarters is in Ennis. Ennistymon is a Garda District within the Clare Division.

Clare Division Headquarters Divisional Officer, Chief Superintendent Kevin Donohoe	(065) 684 8116
Ennis Garda Station	(065) 684 8100
Ennistymon Garda District Headquarters District Officer, Superintendent Gabriel O'Gara:	(065) 707 2187
Ennistymon Garda Station	(065) 7072180