

Submission by  
the Simon Communities of Ireland  
to the  
Taskforce on Active Citizenship

September 2006

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**1. Introduction**

The Simon Communities of Ireland is the Federation of Simon Communities in Cork, Dublin, Dundalk, Galway, the Midlands, the Mid West, the South East and the North West. We have been working with people who are homeless since 1969. Simon work with approximately 2,000 people per year. Collectively we have 300 staff and 800 volunteers, of whom approximately 40 volunteer in a full time capacity.

Our mission is to work with people who experience homelessness and housing exclusion in Ireland by:

- Assisting people at risk of becoming homeless
- Campaigning for legislative and policy changes and resources that will deliver on a right to housing and responsive services for people who have no homes
- Providing quality care, accommodation, projects and services which support people and enables them to acquire and sustain an appropriate home of their own

Simon, in partnership with local authorities, the Health Services Executive and other voluntary service providers deliver a wide range of essential services to people who are homeless throughout Ireland. These services include street outreach, emergency accommodation, transitional and supported housing, innovative detox and employment projects and settlement services.

Our Strategic Plan 2006- 2009 emphasises our increased commitment to: providing person centred services and service user participation across all aspects of our work; measuring the outcomes of our interventions with a view to on going improvements; and striving to deliver our services through a framework of human rights.

## 2. Parameters Of Submission

Simon welcome the establishment of the Task Force on Active Citizenship and have engaged in the consultation process to date by submitting a response to the on-line questionnaire and meeting with members of the research project team.

Our submission covers two key areas:

Our concerns in relation to the status of full time and part time volunteers

Our concerns in relation to the full enjoyment of 'citizenship' by people who are homeless

Simon do have a concern that the concept of active citizenship could be inappropriately used to distinguish between Irish citizens and those living in Ireland who are not Irish citizens in policy formation and the provision of services.

In the National Anti Poverty Strategy 2002, the Government acknowledged the full range of human rights and stated their commitment to meeting them through measurable access to quality public services. While we have welcomed this commitment, we are concerned at the way in which this was articulated ie

*Citizenship* rights encompass not only the core civil and political rights and obligations but also social, economic and cultural rights and obligations that underpin equality of opportunity and policies on access to education, employment, health, housing and social services.

Duty bearers, such as states, cannot limit universal human rights to apply only to a specific group of people. While we do not believe this was the intention of Government in this instance, we must urge caution in the use of the term 'citizen' that it does not get misused as an opportunity to further exclude marginalized people.

## 3. Simon Volunteers

Safeguarding the rights of others is the most noble and beautiful end of a human being.  
Kahlil Gibran

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## Non Irish Full Time Volunteers

As an organization we have a rich history of hosting Full Time volunteers. In the past the majority of our Full Time volunteers were young Irish people. However we now host volunteers who come from countries outside of Ireland with many young Europeans joining our communities. In the last two years we have seen an increase in the involvement of volunteers from countries outside the EU. This can be explained by a number of factors including globalisation, cheaper travel and the fact that we use a web cam to interview applicants, giving opportunity to people who otherwise could not afford to travel here for the purpose of an interview.

Since 2004 we have hosted Full Time Volunteers from the following non-EU countries: China, Hong Kong, Nigeria, Zambia, Thailand, Colombia, Brazil, USA, Canada, Australia, Turkey, India and the Ukraine.

Current Immigration Policy as it applies to our volunteers is:

EU and EEA citizens do not require a residence permit for stays in Ireland of three months or less. After that time a residence permit is required. Registration takes place at the Alien Registration Office, if in Dublin, or at the Local Garda Superintendent's Office elsewhere. UK nationals do not need any residence permit to enter or stay in the Republic of Ireland.

Non-EEA nationals entering Ireland must obtain a visa for stays longer than three months. They must also obtain a work permit, including in cases where they enter for the purposes of non-remunerated voluntary activity. The Department of Enterprise, Trade and Employment have advised us that where non- EU citizens have been engaged to carry out activities for reputable charities and voluntary organisations such as Simon, and who will not be paid the national minimum wage, they do *not* require work permits. However, our recent experience is that non-EU volunteers are being advised on entry at Dublin Airport that they need work permits and cannot stay in the country unless a permit is obtained. This has led to a number of very distressing cases, we reference two in the Appendix.

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All non-EU applicants apply for entry visas<sup>1</sup> with the relevant embassy before travelling to Ireland. If a visa is granted the volunteer will enter Ireland with a D entry visa. However this *visa is not specific to volunteering and simply gives the individual entry to the country and not a right to volunteer for any specific period of time.* [Therefore the volunteer will then need to register with the Local Garda Superintendent's Office in the community that they have been placed and apply for a residency card which will allow them to stay for the duration of their volunteering (which can be from 6-12 months). There is now a charge of €100 per applicant.]

It is untenable for this confusion over the status of non-EU volunteers to persist, and legislation is needed in order to provide a watertight solution. In the interim we would recommend that:

1. One government Department to take responsibility for volunteering, including Full Time International Volunteers.
2. Government Department to issue a generic document stating clearly
  - ✚ the visa entry requirements for Full Time Volunteers
  - ✚ the role of the host organisation in the visa application process
  - ✚ work permits are not required for voluntary positions
  - ✚ no registration charge if the applicant is a volunteer
3. The introduction of a specific visa for volunteering

We can not realistically invite applicants to come from many parts of the world while we are unsure if they will be allowed into the country once they arrive or if the information we supply them with will militate against their application for a visa.

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<sup>1</sup> Simon issue all non EU volunteers with a Letter of Invitation clearly stating Purpose of the position; The terms and conditions of the position; The length of stay; The address of the volunteer accommodation; Details of training supervision and support; Details of pocket money.

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## **Irish people who volunteer Full Time**

Each year Irish people choose to volunteer full time with Simon. This is a life changing experience for people and often leads to a change or amelioration in professional work. However, as with the position of non Irish volunteers, there is a lack of clarity over the status of these voluntary workers.

1. If unemployed it is our understanding that the individual will risk losing their benefits. We have not been able to get a definitive policy position on this and there do not appear to be any guidelines.
2. While volunteering they are no longer considered available for work so they are not on the register and therefore when they finish their volunteering they must register again and will have lost credits for the period they volunteered. Again this interpretation changes depending on who we speak with, and there do not appear to be guidelines.

This ambiguity in policy should be rectified immediately. It discourages Irish people from engaging in full time voluntary activity, and is also a drain on the resources of NGOs like Simon in terms of offering advice to potential volunteers.

## **Part Time Volunteers**

We have not experienced difficulties in attracting part-time volunteers indeed our communities generally have more people applying to volunteer than they can involve.

Part time volunteers work in a variety of roles, usually giving a minimum commitment of 5 hours time to Simon each week. With over 750 volunteers throughout the country providing vital services such as soups runs, fundraising, governance duties and working in the community to befriend and support people currently or formerly homeless our part time volunteers are a critical element of our work.

The training and support we deliver to volunteers is all funded by public donations, and in the main this is delivered by staff whose primary role is the delivery of front line services.

## **4. The 'active citizenship' of people who are homeless**

How can one argue that the right to vote is more important than the right to a roof over one's head? Equally, without the right to vote - and all that that entails in terms of democratic choice- how will people ever secure the policies, which will provide roofs over their heads?

## **Introduction**

We take as our starting point the Task Force's definition of Active Citizenship -

...the active exercise of social rights and shared responsibilities associated with belonging to a community or society; the concept is broader than just a formal or legal definition and encompasses social, economic and cultural rights and obligations

It is worth noting at the outset that homelessness is not inevitable. We believe that homelessness in Ireland can be ended. By an end to homelessness we mean no one will have to sleep rough because of a lack of appropriate services, no one will have to live in emergency accommodation for longer than is an emergency, and no one will become homeless due to a lack of services or inadequate housing provision<sup>2</sup>.

Homelessness is the more extreme form of social exclusion and isolation in Ireland. The very experience of being homeless, whether it is the extremities of rough sleeping or the institutionalisation of living in emergency accommodation can result in violations to people social, economic, cultural, civil and political rights on a daily basis.

## **Simon's work**

A central tenant of the work of Simon is provide 'community' for people, both in our services and by linking people to the geographic community they settle in when they get permanent housing. There is a wealth of contribution made by the people who use our services to the community they are in. Art, poetry, music, drama, horticulture, and craftwork all have a strong and vibrant history in Simon.

We are committed to putting the people who use our services at the centre of our organisation and putting systems in place which give people a real say in how the organisation is run at all levels. This is a further contribution to creating 'active citizenship within Simon'. We are striving to deliver our services within a framework of human rights,

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<sup>2</sup> A target of ending rough sleeping by 2004 was set by Government in 'Building an Inclusive Society', 2002 and of ending long term stay in emergency accommodation by 2010 in 'Towards 2016'.

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and have committed ourselves to empowering the people who use our services to claim their human rights both within Simon and in Irish society.

### **Government Policy and Action**

Government through the National Anti Poverty Strategy and subsequent National Action Plans against Poverty and Social Exclusion have acknowledged that rights encompass social and economic rights including policies on access to education, employment, health, housing and social services. The Government has pledged to make explicit people's entitlements to these services and to ensure equality of access to quality services through robust standard setting and monitoring. We are not aware of any progress in relation to this commitment since it was first made in 2002.

Service delivery to people who are homeless - be it statutory or voluntary<sup>3</sup> - in the main exists in a chasm of rights. Housing and health services are usually those most urgently needed by people who are homeless. In practice there exists no guarantee of access to a service, or any appeal or redress mechanism if a service is denied; there are no mechanisms to measure the quality of services someone may receive.

Many of the people who are currently homeless are in this situation because of a failure of public services to adequately meet their needs in the past. Many have experienced various forms of institutionalisation over the lives. Others have experienced family breakdown or mental ill health, and there have been insufficient responses to ensure that the person does not become homeless. Many people when they first 'present' as homeless have little other than a housing need, which with appropriate support, could be address immediately.

Once someone is classified as 'homeless' the traditional response is some form of emergency accommodation (usually funded entirely or in part by the state), which invariably becomes long stay accommodation. Some but not all emergency accommodation include support services. For some, accessing a 'homeless' service may increase access to specific health and housing services. For others, the classification of 'homeless' effectively means that they are in no man's land, with statutory agencies unwilling to take responsibility and voluntary agencies often unable to meet the person's specific needs.

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<sup>3</sup> There are approximately 57 voluntary organisations delivering services to people who are homeless in Ireland. The majority of these services receive statutory funding. While all rely on charitable donations to maintain there services, all are in effect an integral element of 'public' services.



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Since the introduction of Homelessness An Integrated Strategy in May 2000, the quality of cross agency working between statutory and voluntary organisations has increased substantially. There have been noteworthy improvements in the diversity and quality of service delivery in many parts of the country. The recent independent review of the Governments homeless strategies recommended that all agents must focus their efforts away from the 'management' of homelessness through the provision of shelter, to the ending of homelessness through long term housing provision, person centred planning, and standard setting.<sup>4</sup>

### **Recommendations**

Simon hope to see action from Government to deliver on the full spectrum of human rights for people who are homeless as originally committed in the National Anti Poverty Strategy. We believe change must happen at a constitutional, legislative and practice level. Among the most important actions to shift towards the full and active 'citizenship' of people who are homeless are:

1. A revision of current housing legislation to include:

- A comprehensive and objective definition of homelessness
- The right to a housing needs assessment<sup>5</sup> from a qualified individual within the Local Authority
- The right to an assessment of additional need by qualified service providers where necessary
- The right to an advocacy and appeals process for that assessment
- The delivery of care/ support plans post assessment
- The right to housing for those who cannot meet their housing needs from their own resources
- The standardisation of housing priority and allocation systems throughout the country to ensure allocations comply with the Equality Acts 2000 -2004 and the ECHR Act 2002.
- A statutory duty to meet the housing needs of people who are homeless

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<sup>4</sup> Review of the Homelessness Strategies, Fitzpatrick Consultants, January 2006

<sup>5</sup> See Appendix I

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2. The enactment of Rights-based mental health legislation giving full effect to Ireland's international human rights obligations.
  3. The development of a rights based approach to mental health provision for people who are homeless or at risk of homelessness, integral to this approach should be a holistic assessment mechanism, an appeals mechanism, timeframes for the delivery of services and choice and quality in service providers.
  4. A re-orientation of the delivery of public services towards meeting the needs of to allow people suffering social exclusion to fully access their rights<sup>6</sup>.
  5. The introduction of minimum standards regulations for voluntary organisations in the provision of services to people who are homeless.<sup>7</sup>
  6. Definitive clarity on the right of those who do not comply with the Habitual Residency Condition to access supplementary welfare, emergency accommodation and health services should be given immediately.

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<sup>6</sup> The work undertaken by Mary Daly of Queens University Belfast on behalf of the Irish Government provides as useful framework for this. She notes the barriers to access to rights that must be overcome, in summary:

1. Specification of right, adequacy of legal & other provisions
2. Adequacy of monitoring and enforcement
3. Resources
4. Management and Procedural issues
5. Psychological and Socio cultural obstacles
6. Attention to vulnerable groups and regions

<sup>7</sup> There are approximately fifty-seven (57) voluntary agencies in Ireland delivering a total of approximately one hundred and forty seven (147) different projects to people who are homeless. There exist no national enforceable standards for service delivery, despite the fact that all services receive some level of statutory funding and that they are providing services to often extremely vulnerable people.

## Appendix I

### Case A

#### *Volunteer told she needed a work permit*

Tuesday 29<sup>th</sup> May 2006 a volunteer arrived from China in order to volunteer in our Community in Dundalk. She came in with a “D” entry visa which is the required visa. Yet, Immigration Garda refused her entry for more than one week as she did not have a work permit.

According to the Immigration Garda the Department of Enterprise Trade and Employment had told them that this was the case. However on checking this with ET&E and the Department of Justice and Foreign Affairs, I was assured that we did not need a work permit and that the volunteer just needed a “D” entry visa and then to register with the Garda in Dundalk to get her residency permit.

However none of the above departments would give me this information in writing. I was told by Justice and Foreign Affairs that it was a matter for ET&E. But ET&E took 6 days before they would agree to put their position in writing. In the mean time we had a volunteer who had a stamp on her passport saying she had to leave the country within 7 days. I was unable to find any particular department or individual who would take responsibility for issuing either information or advice.

The letter that we did receive from the work permit section of ET&E is specific to the particular volunteer. They would not issue a generic letter that could be used as a general covering letter for all volunteers coming into Ireland.

### Case B

#### *Volunteer Refused entry visa*

We issued a standard letter of invitation to an applicant from Mumbai India. As always this letter outlined all the necessary information including that the volunteer would be issued with a medical card.

However the visa was not approved because according to the embassy the volunteer would be a burden on the Irish State by virtue of the fact that she would be issued with a medical card and there was no evidence that she would return to India when she had completed her volunteering.

This situation was resolved when we spoke to the Department of Foreign Affairs explaining that we include this information to show that the volunteer will be taken care of in the event of any medical difficulties and that if necessary we would accompany her to the airport on her return home. However the visa was delayed by four weeks and caused great distress for the applicant who had already purchased her return ticket.

Simon are opposed to anyone exploiting the volunteer facility for ulterior purposes. The arrangements we have in place enable us to say with confidence that no one, to our knowledge, has behaved other than in accordance their obligations.

ENDS

