

## **Submission to the Department of Housing, Planning and Local Government: Proposals to modernise the Electoral Registration Process**

### **Preventing barriers to participation**

#### **1. About Nasc**

Nasc, the Migrant and Refugee Rights Centre, is a non-governmental organisation working for an integrated society based on the principles of human rights, social justice and equality. Nasc (which is the Irish word for link) works to link migrants to their rights through protecting human rights, promoting integration and campaigning for change. Nasc's legal team assist some 1,300 immigrants annually in navigating Ireland's protection, immigration and naturalisation systems. Our policy and campaigning work is directly informed by our day-to-day experiences working with migrants, refugees, asylum seekers and ethnic minorities living in Ireland. Our submission emanates from our experience providing legal assistance and support, and from our advocacy work to promote migrant political participation in Ireland.

#### **2. Introduction:**

Nasc welcomes the opportunity to make a submission to the Department of Housing, Planning and Local Development on this important issue and we welcome the Government's commitment to modernising the Electoral Registration Process. This submission is based on our experiences working with migrants and ethnic minority communities through our legal clinics, outreach and advocacy services. Nasc has also held worked extensively locally, national and internationally to promote migrant political participation.

Nasc, as an NGO working to advance human rights, believes that the subject of regulation of elections and political activity must ensure that any regulations in this area (statutory or otherwise) should advance and respect human rights standards. Making voter registration easier and having a secure, comprehensive and accurate register are essential to improve and increase democratic participation. In the process of modernising the Electoral Registration Process due consideration should be given to removing and preventing barriers to participation of groups that that already underrepresented in the electoral register, such as migrants, refugees, asylum seekers and ethnic minorities living in Ireland

The national *Migrant Integration Strategy – A Blueprint for the Future*, contains two actions specifically focused on elections and voting:

Action 58: "Migrants will be encouraged to participate in local and national politics to the extent that these areas are legally open to them."

Action 59: "Migrants will be supported and encouraged to register to vote and to exercise their franchise."

### 3. Comments and recommendations

- a. **Complexity and practical barriers to registration.** In our experience, the fact that there exist different types of forms to register or update a voter's information often leads to confusion and can act a barrier to effective registration in itself. In our experience some members of the migrant community are often reluctant, due to experiences in their country of origin, to attend their local Garda station, which is required for some of the current voter registration forms.

We therefore welcome the proposal to reduce the number of forms to one, to remove the requirement to visit a Garda Station and introduce online Registration. Additionally, we would submit that that procedures should be put in place to ensure that the register can be easily updated as personal circumstances and insecure housing can result in certain groups moving addresses more often than others, including migrants, students, young professionals and those in precarious accommodation (couch surfers, persons living in Direct Provision, family hubs, hotels, hostels, etc.). At times individuals may be affected by more than one of these circumstances.

By making the process to register to vote clearer and simpler, and introducing online registration modalities, there should be an increased number of migrants registering to vote.

Our recommendations:

- Streamline the voter registration process, reducing the number of forms to one and removing the requirement to visit Garda Stations.
  - Make it easier for individuals to update their voter registration details, having registration on a rolling basis and with shorter cut-off periods for including names to the register.
  - Introduce secure and data protection compliant online registration processes but also have paper-based options to prevent the exclusion of individuals with low IT literacy.
  - Ensure that the forms and materials to promote voter registration are in Plain English, and have sample forms and materials in languages other than English and Irish.
- b. **Lack of awareness on the right to vote.** One of the most recurring issues in our work to promote migrant political participation is the lack of awareness on the right to vote by members of migrant communities. In line with actions outlined in the Migrant Integration Strategy, we would welcome local authorities being given scope and resources to proactively register individuals from groups that are underrepresented in the voting register, particularly those that live in congregated or institutional

settings such as refuges, family hubs and other types of homeless accommodation, direct provision centres, etc. We would also welcome more proactive engagement from national and local actors to promote voter registration at large events such as citizenship ceremonies, [parades, festivals, etc.].

#### Our recommendations

- Provide scope and resources to local authorities to proactively register individuals from groups that are underrepresented in local and national politics, including those living in congregated settings.
  - Develop an engagement strategy with national and local actors to regularly promote voter registration at large events.
- c. **Verification of identity.** We note that the Department has stated that “[t]o enable these reforms in full would require improved identity verification such as requiring provision of Personal Public Service Numbers (PPSNs).”<sup>1</sup> We understand that identity verification is important to the registration process, however the documentary requirements set for identity verification must be balanced with the realities and barriers that some people face when trying to access identity documents. Having overly strict identity requirements may exclude marginalised sectors of the population, including a proportion of the migrant population like those in the protection system and other non-EEA nationals.

For example, persons in the protection system (asylum seekers) may not have identity documents in the first place and may only have the Temporary Residence Certificates issued by the International Protection Office (IPO) as their only form of identification. It should be noted that the causes of displacement, such as fleeing due to conflict or persecution, can greatly impact access to identity documents to those that are in the protection system. In the cases of persons that do hold identity documents from their country of origin, they are required to submit them to the IPO in support of their application for protection. Refugee status determination procedure is often a lengthy process and flexibility is required in the verification of the identity for asylum seekers to ensure that they can exercise their right to participate in the democratic process and register and vote in local elections while they are awaiting the outcome of their application for Protection.

Immigrants of some countries also face barriers in obtaining passports from their countries of origin, recurring scenarios include:

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<sup>1</sup> Department of Housing, Planning and Local Government, *Public Consultation on proposals to modernise the Electoral Registration Process* available at <https://www.housing.gov.ie/public-consultation-proposals-modernise-electoral-registration-process>

- Persons who do not have an embassy located in Ireland and need to travel to obtain a passport but cannot travel without a passport or travel document.
- Nationals of countries that have had endured protracted conflicts and have not had stable governments in decades.
- Persons who, while they were refused refugee status or subsidiary protection in Ireland, still face persecution or retaliation from State actors including, but not exclusively, denial of passports and national documentation.

Many of the individuals above have lived in Ireland for many years and already face barriers to accessing other services and benefits because of their inability to obtain national passports such as obtaining a Public Services Card, applying for a driving licence or applying for citizenship.

We understand that the proposed reforms include the requirement of improved identity verification, and a proposed example is requiring the provision of Personal Public Service Numbers (PPSNs). While the requirement of PPSNs in itself is unlikely to be a barrier as most residents in the State require one to interact with relevant State agencies, we would strongly advise against any proposal to require the Public Services Cards (PSC) as the sole form of identification to the exclusion of other possible forms of identification. Furthermore, we would like to note that concerns have been raised in relation to the legal basis of the PSC.<sup>2</sup> As mentioned above, a significant number of immigrants are unable to access passports and, in general, this can and does result in this cohort of individuals being unable to obtain a PSC as the Department of Employment Affairs and Social Protection generally requires that Non-EU citizens provide evidence of their identity in the form of a current passport or 1951 Travel Documents.

Our recommendation

- Introduce a more a flexible approach to verify identify. A good model here is the ‘100 point check’ personal identification system introduced by An Garda Síochána for the purposes of Garda Vetting<sup>3</sup>, where a combination of identity documents is used to verify identity.
- d. **Issues with data sharing, privacy and vulnerable groups.** We would also like to raise our concerns over the commercial use of the register and highlight the importance protecting the data and privacy of all individuals, in particular those that are most vulnerable. Currently, an individual has to opt out of being included in the edited register, which can be shared for other purposes such as direct marketing use by a commercial or other organisations.<sup>4</sup> Nasc also supports individuals who are experiencing or have experienced domestic violence and abuse, the majority of whom are women. The issue of privacy is a concern for everyone, but in particular for those that are fleeing violence. We are also concerned with the possibility of further ‘data sharing in the future’ as stated in the proposal. Having unclear data sharing policies or having the possibility of further data sharing in the future could deter individuals from registering in the first place.

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<sup>2</sup> See Irish Council for Civil Liberties, *The Public Services Card: What’s the big deal* available at <https://www.iccl.ie/privacy/public-services-card/>

<sup>3</sup> See National Vetting Bureau, FAQs, *Verification of Identity* available at: <https://vetting.garda.ie/Help/FAQ>

<sup>4</sup> See e.g. RFA 1 Form, available at: [https://www.checktheregister.ie/appforms/RFA1\\_English\\_form.pdf](https://www.checktheregister.ie/appforms/RFA1_English_form.pdf)

#### Our recommendations

- Ensure that appropriate safeguards are in place to protect the privacy of individuals, in particular those that are experiencing or fleeing violence.
- Prioritise the safety and security of personal data and remove the commercial use of the register.
- Put in place clear limits to data sharing with other government agencies from the outset.
- Require the explicit consent of voters on the register for the use of their information for purposes other than registration to vote.

For further information or clarification of any of the above, please do not hesitate to contact Majo Rivas, Legal Officer, Nasc, the Migrant and Refugee Rights Centre – email: [majo@nascireland.org](mailto:majo@nascireland.org) or ring (021) 427 3594.