

# **Coalition Against the Deportation of Irish Children**

**Evaluation of CADIC Achievements 2006-2007**

**Final Report – October 2008**

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# 1 Introduction

## 1.1 Purpose of Evaluation

The Coalition Against the Deportation of Irish Children or CADIC was formed in July 2003. CADIC operated in three distinct phases – activity before funding was sourced, activity relating to the first grant provided by Atlantic Philanthropies and activity relating to the second Atlantic Philanthropies grant. A prior evaluation<sup>1</sup> was completed regarding the period from July 2003 to December 2005, and this evaluation refers to the third phase of CADIC’s work. It focuses on the period from January 2006 to the end of 2007 when the main coalition work ceased, and since CADIC’s legal work continues until December 2008, where possible, the evaluation also reflects progress made in this strand of activity during 2008.

The aim of this evaluation is to assess the degree to which CADIC achieved its objectives for the period from January 2006, and to understand which of its activities were most influential in realising outcomes. This summative evaluation report presents analysis of what worked well and why, and the lessons learned from the CADIC experience. The report is set out as follows:

- Section 2 – a summary of the policy issue CADIC was established to address and the initial steps taken to establish the coalition;
- Section 3 – an assessment of CADIC’s achievements including a review of activity, outputs and outcomes achieved, and analysis of which activities were most effective;
- Section 4 – a review of CADIC’s operations as a coalition and key learning points about coalition working; and
- Section 5 – conclusions on the lessons learned from CADIC’s experiences and its legacy.

## 1.2 Methodology

Two key activities were required to develop this evaluation:

- **Desk Research** – we reviewed a range of written materials on CADIC including evaluation reports, progress reports to Atlantic (as key funder of the project), information produced for the families CADIC supported and its member groups, submission to Government and records of various meetings; and
- **Consultation** – we consulted with a range of coalition members individually and during a focus group, and with several external stakeholders including the Atlantic Philanthropies and the Department for Justice, Equality and Law Reform (consultees are listed in Table 1.1).

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<sup>1</sup> Dr Pauline Conroy and Dr Anthony Finn, August 2006

The paper was produced in parallel with a case study on coalition working prepared for Atlantic Philanthropies and the activities above informed both reports. Elements of the case study report have been incorporated into this evaluation report.

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Table 1.1

**Evaluation Consultees**

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Brian Kearney-Grieve (Atlantic Philanthropies)
Denise Charlton (Immigrant Council of Ireland)
Gertrude Cotter (NASC)
Hilkka Becker (Immigrant Council of Ireland)
Jimmy Pierce (DJELR)
Joan Roddy (Refugee and Migrant Project, Columbus Centre, Maynooth)
Judy Irwin (Refugee Information Service, Galway)
Kerry O’Leary (former CADIC Co-ordinator)
Maria Corbett (Children’s Rights Alliance)
Maura Hynes (DJELR)
Ruth Ni Fhionnain (Immigrant Council of Ireland)
Thérèse Ruane (Mayo Intercultural Action)
Yemi Ojo (Integration of African Children in Ireland)

## 2 Background

This section provides a summary of the policy situation CADIC aimed to address and the reasons for adopting a coalition approach.

### 2.1 Policy Summary

CADIC was formed in July 2003 by a group of NGOs with a focus on children, immigration and human rights issues. Their objective was to prevent the de-facto removal of Irish citizen children from the country as a result of the deportation of their non-Irish parents. This situation had arisen following a series of legislative and policy changes affecting the residency rights of migrant parents of Irish-born children (IBC). The key changes and CADIC's response are described below and illustrated in the timeline in Figure 1.

The 1998 Good Friday Agreement between Ireland and the United Kingdom resulted in changes to the Irish constitution that formalised the long-standing basis for Irish citizenship, namely that anyone born on the island of Ireland automatically had the right to Irish citizenship. This practice had existed in Ireland since 1921 and mirrored that of 45 other countries around the world, including USA where the children of the large number of Irish immigrants are all entitled to American citizenship<sup>2</sup>.

In 1990, in the case of a Nigerian man and his Moroccan wife (*Fajjonu vs Minister for Justice Equality and Law Reform*, [1990] 2 IR 151), the Supreme Court ruled that their Irish-born children were entitled to the care, company and parentage of their parents in Ireland. This judgement supported the common practice whereby, foreign national parents were normally granted permission to live and work in Ireland on the basis of their parentage of an Irish citizen. A further Supreme Court ruling in January 2003 on two test cases (*Lobe & Osayande vs Minister for Justice Equality and Law Reform*, [2003] IESC 3, referred to as 'the L & O case') marked a departure from this policy. The Supreme Court found that the parents of an Irish born child did not have any automatic residency rights in Ireland and recommended that each case should be assessed individually taking account of the best needs of the child concerned. The judgement upheld the Minister for Justice's argument in this case that the priority was to protect the integrity of the asylum and immigration system.

Thereafter, Government announced that no further applications for residency would be accepted on the basis of parentage of an IBC, and DJELR issued letters to applicants in the system at 19<sup>th</sup> February 2003 informing them that their cases would be considered on an individual basis and in the context of deportation procedures. This applied to 11,493 cases, 10,497 of which had no other legal basis upon which to remain in Ireland.

Threatened with an uncertain future and the prospect of deportation, a large number of these IBC families began to seek support and information from migrant organisations across Ireland. Salome Mbugua, the Director of the African women's support group AkiDwA, called for an integrated approach across the range of service providers and other concerned groups. In July 2003, these organisations came together as the Coalition Against the Deportation of Irish Children or CADIC. The coalition began to work jointly

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<sup>2</sup> Irish Council for Civil Liberties, publicity leaflet to support 'No' vote in 2004 Citizenship Referendum

to support the needs of IBC families and represent their interests to Government. By late 2003 up to 700 notices of intent to deport (referred to as ‘Section 3 letters’) had been issued to parents of Irish citizen children and by late 2004, 37 parents had been deported<sup>3</sup>.

A referendum was held in June 2004 on an amendment to the constitution that would change the rights to citizenship of children born in Ireland. The proposed amendment was that under a new Article 9:

*“a person born in the island of Ireland, which includes its islands and seas, who does not have, at the time of his or her birth, at least one parent who is an Irish citizen or entitled to be an Irish citizen is not entitled to Irish citizenship or nationality, unless otherwise provided for by law”.*<sup>4</sup>

In its proposals for the referendum, the State argued that people from outside the EU were entering Ireland in the late stages of pregnancy so as to take advantage of the citizenship rights previously afforded to Irish born children (and their parents)<sup>5</sup> and that constitutional change was required to ‘protect’ Ireland. CADIC and its individual member organisations campaigned against the proposed constitutional change on the basis that it was a disproportionate response to the stated problem and would effectively result in discrimination between children born in Ireland depending on the nationality of their parents. In the referendum a 79 per cent majority passed the proposed amendment and the constitutional change was enacted through the Irish Citizenship Act which took effect in January 2005.

Throughout the referendum CADIC continued to provide support to families of Irish born children, issued briefings to politicians and submissions to Government and took forward strategic legal casework. After almost two years of uncertainty for IBC families since the L&O judgement, the DJELR announced a new administrative scheme through which non-Irish parents of children born in Ireland before January 2005 could apply for residency. The IBC/05 Irish Born Child 2005 scheme operated between 15<sup>th</sup> January and 31<sup>st</sup> March 2005. IBC status granted two years’ residency to successful applicants providing they continued to reside in Ireland with their Irish citizen child and made efforts to become economically viable through employment, education or training. A total of 16,993 parents were granted leave to remain in Ireland under the IBC/05 scheme and 1,224 were refused. Most of those granted IBC status would be required to renew their residence permit in 2007.

CADIC’s role in encouraging the introduction of a scheme to regularise IBC families and in supporting the successful operation of the scheme is detailed in the previous CADIC evaluation by Conroy and Finn (August 2006). It concluded that during this phase CADIC had achieved its key objective of securing a procedure whereby all families of Irish children can apply for residency through a fair, transparent, human rights compliant system that places the best interest of the child as the paramount factor in the decision making process. Key informants to the evaluation cited the IBC/05 scheme as evidence of the achievement of this objective. In respect of its other main objectives, the Conroy and Finn evaluation concluded that CADIC had supported the rights of many children whose parents might not otherwise have been in a position to avail of the IBC/05 scheme

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<sup>3</sup> Coakley and Healy (2007) Looking Forward, Looking Back: Experiences of Irish Citizen Child Families. Integrating Ireland, commissioned by the CADIC Coalition

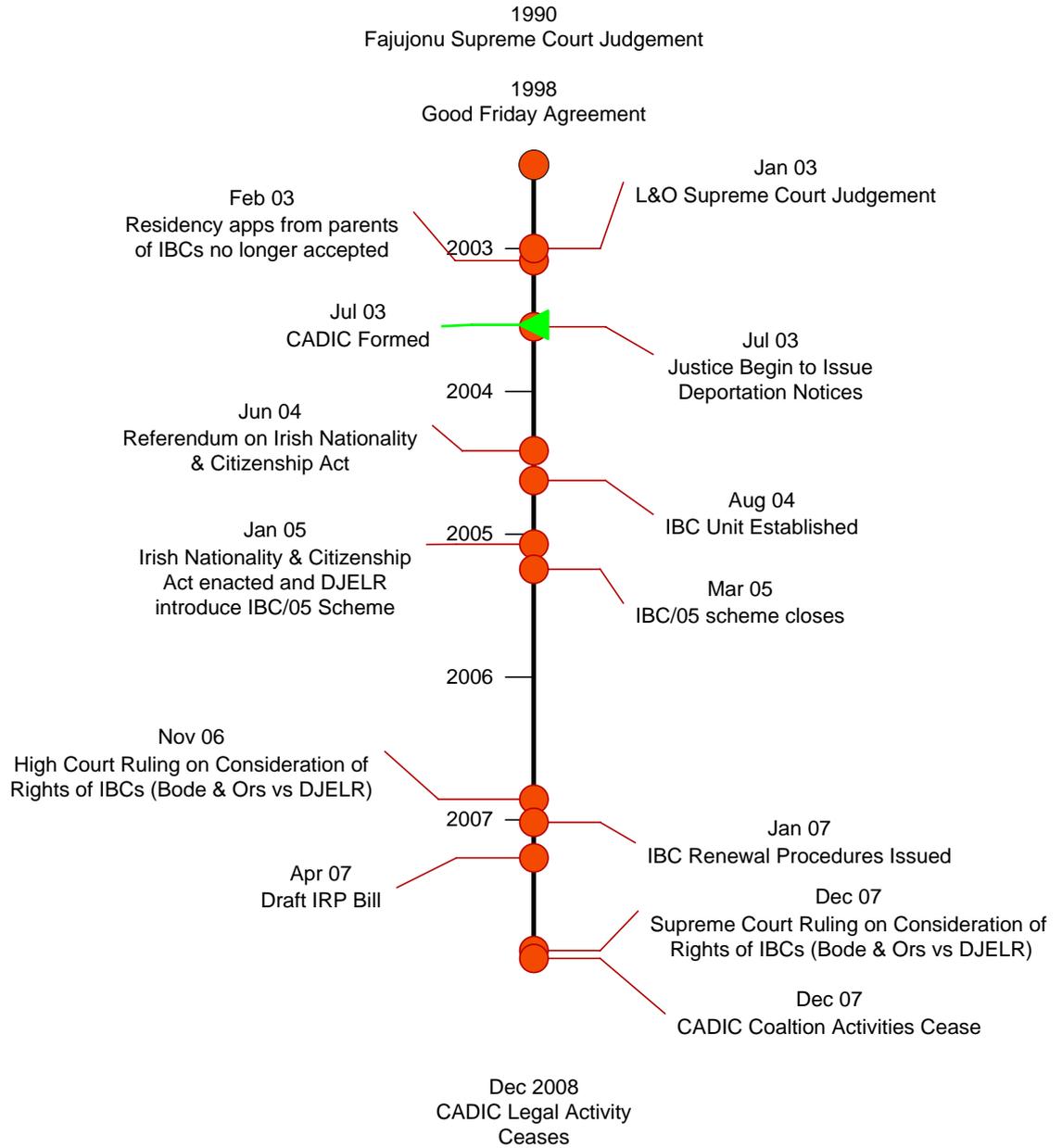
<sup>4</sup> Certain exceptions applied including the children of UK nationals or legal residents.

<sup>5</sup> As quoted in Coakley and Healy (2007)

and successfully highlighted the human rights issues pertaining to these families. It had not at that time resolved the issue of Irish citizen children whose residency was outside the limits of the scheme or secured a policy change in relation to free legal advice for the families wishing to avail of the scheme. However, it had provided extensive free legal advice and pursued strategic legal cases.

This evaluation focuses on the impact of CADIC's activity since the last evaluation was completed.

Figure 2.1  
**CADIC Timeline**



## 2.2 Why did CADIC Form a Coalition?

Analysis of CADIC documents and discussions with members highlighted three key factors that prompted the establishment of a coalition to address the issues being faced by IBC families.

### *The Nature of the Issue*

Government's announcement that parentage of an Irish citizen child would no longer provide a basis for residency and its communication to over 11,000 people that their cases would now be considered in the context of deportation, rapidly created a very threatening situation for a large number of people. For those receiving notices of intention to deport the time allowed to make representations for leave to remain in the country was only 15 days. So the urgency of the issue demanded rapid mobilisation of resources to support the families concerned. This galvanised the CADIC members into joint action. As well as being a significant humanitarian issue, the policy change was also seen as extremely important from the point of view of protecting the human and constitutional rights of people in Ireland. There was a shared sense of injustice among NGOs, academics and other concerned individuals who felt the issue warranted a unified response from civil society.

### *The Capacity, Skills and National Presence Needed to Address the Issue*

Given the large number of people involved and their location across Ireland, the volume and distribution of demand for support was more than some organisations could meet individually. NGOs providing support services to immigrant populations were operating with limited capacity and even non-service providing NGOs were being approached in large numbers for assistance. Also, while some of the IBC families had existing relationships with support groups others did not, and families did not always fall neatly into the remit of one or other of the member groups. This suggested the need for a coordinated national approach that would manage the demand for support across organisations with variable capacity and reach out to IBC families not yet engaged with support services in various parts of the country.

There was also a need to draw upon a range of skills and expertise that would not be readily available from any one organisation. In order to provide an effective response to the issue, expertise and resources needed to be pooled from across organisations in relation to:

- Access to the affected populations in different parts of Ireland;
- Strategic legal expertise;
- Policy advocacy and communication skills;
- Immigrant support services; and
- Understanding of the human rights of children and immigrants in Ireland.

### *The Need for a Strong, Unified Campaign*

CADIC member organisations recognised the benefit that a combined approach could have on the quality of the advocacy campaign. Working together across the relevant sectors would enable the member organisations to engage with Government, the media and the general public with a unified voice, delivering a powerful, coherent message. As a national coalition representing a wide range of human rights, immigration and children's rights interests, members anticipated their message would be truly representative of the populations affected and therefore have a high degree of legitimacy and authority. This would also build confidence within the beneficiary community. Looking to the future, members also felt that a coalition approach to this issue could build alliances for future work and leave a legacy in terms of information and research, and outreach mechanisms.

The combination of the demands that the IBC issue presented and the desire of NGOs and individuals to respond in the most effective way possible drove the establishment of the CADIC coalition.

## 3 What was Achieved?

This section details CADIC's objectives then sets out an assessment of its success in meeting them, beginning with a review of activity and outputs, then presenting an analysis of the outcomes achieved. Finally, the section considers which of the coalition's activities were most effective in realising its objectives.

### 3.1 CADIC Objectives

Throughout its operation, CADIC's core mission remained constant:

*“to secure the right of all Irish citizen children to reside in Ireland with their family members and to ensure that the constitutional and human rights of all Irish citizen children and their family members are fully protected and respected in accordance with the fundamental principles of equality and non-discrimination”.*

CADIC's original aims (as set out in its proposal for Atlantic funding in October 2004) were:

- “To halt the deportation of Irish Children; and
- To regularise their residency rights in Ireland.”

These aims were the basis of the initial strategy submitted in a funding proposal to Atlantic Philanthropies for 2005 and 2006. The strategy had three strands of activity – legal, communications and children's rights. The IBC/05 scheme was introduced just after this funding package had been agreed and it addressed many of the objectives originally set out by CADIC and created a new demand for services to support applications. The coalition redesigned its strategy in response to the policy change and chose to focus, in the short term, on its communications work thereby providing a response to the need for immediate information provision, advice and outreach to families on the new scheme. Following the scheme's closure, CADIC pursued activities under the other two themes, i.e. its legal strategy and a children's rights audit. This involved monitoring the outcomes of IBC/05 applications and supporting cases where residency or family reunification had been refused or where deportation proceedings had been initiated. Two members of staff had been appointed at the end of 2005 to support this activity to the end of 2006 i.e. the CADIC Solicitor and Programme Co-ordinator.

CADIC agreed a second grant with Atlantic Philanthropies for 2007 and 2008. During this phase of activity, there was a greater focus on policy implementation than on policy formulation as the IBC/05 scheme had put a framework in place through which many families cases could be addressed. The main objectives during this period were to support IBC families through the residency renewal process, to continue providing legal support and undertaking casework (particularly to those refused under IBC/05 and in family reunification cases) and to continue policy and research work in relation to the children's audit, refusals and renewals, and reunification. In addition, following the publication in late 2006 of the draft Immigration, Residency and Protection Bill, CADIC also engaged in policy work around the bill during this period. Atlantic funding provided for the role of Programme Co-ordinator until the end of 2007 and the Solicitor post is

funded until the end of 2008. A Legal Assistant was also appointed in late 2006 and this post is funded until the end of 2008.

For the purposes of this evaluation, CADIC refined its logic model to succinctly capture its planned activities and outputs, and the outcomes it aimed to achieve from 2006 onwards. This provides a clear framework against which its performance can be assessed from 2006 onwards. The revised logic model is set out in Figure 3.1 overleaf.

**Figure 3.1 - CADIC Logic Model**

Activities	Outputs	ST Outcomes	MT Outcomes	LT Outcomes*
<p><b>POLICY</b>                      Research &amp; monitoring of Government policy &amp; practice                      Research &amp; analysis of stakeholder and current policy landscape; identify opportunities for input                      Preparation &amp; submission/publication of policy position papers and advice                      Assisting in development of NGO sectoral submissions and reports for Government</p>	<p>Submissions to &amp; advisory consultations with Government and other relevant statutory agencies and monitoring bodies</p> <p>Publication of research reports &amp; contributions to research reports                      Contribution to NGO sectoral submissions and reports for Govt</p>	<p>DJELR constructively engaged</p>	<p><b>1 Outstanding IBC Issues</b>                      Government agrees to deal with all outstanding &amp; future residency applications from parents of pre-1/1/05 IBCs under the same conditions as IBC05</p>	
<p><b>INFO &amp; COMMS</b>                      Provide info to members and IBC parents                      Provide support line and application assistance                      Two way process/engagement with stakeholders to identify key issues to progress with IBC Unit and others                      Meetings with IBC Unit</p>	<p>Info fact sheets produced (number of editions and circulation of each)</p> <p>Helpline calls received and referrals made to legal team                      Applications assisted                      Meetings with IBC Unit</p>	<p>Judicial system engaged</p>	<p><b>2 IBC 05 Renewal Process</b>                      (a) a fair system prioritising best interests of child                      (b) accessible &amp; transparent                      (c) reasonable turnaround time                      (d) refusal only in justifiable circumstances</p>	<p>Fair and consistent system in place for assessment of future IBC parental residency applications, based on the foundation set by IBC 05 and the work of CADIC.</p>
<p><b>LEGAL SUPPORT TO PARENTS</b>                      Legal advice                      Case work</p>	<p>Legal advice to individuals                      Cases handled overall                      Legal representations                      Court proceedings issued, leading to residence permits and family reunifications being granted</p>	<p>Stakeholders engaged and support obtained</p>	<p><b>3 IBC Family Re-unification Request Process</b>                      (a) a fair system prioritising best interests of child (at least equivalent to migrant worker/Stamp 4 holder rights/treatment)                      (b) accessible &amp; transparent                      (c) reasonable turnaround time                      (d) refusal only in justifiable circumstances</p>	
<p><b>STRATEGIC LEGAL SUPPORT</b>                      Provision of advice, information and training to CADIC member organisations and other stakeholders                      Drawing up legal submissions to Government                      Developing and implementing litigation strategy</p>	<p>Training sessions provided                      Organisations advised                      Legal submissions made to Govt                      Strategic litigation meetings held</p> <p>Strategic cases embarked upon</p> <p>Favourable decisions received/premises upheld</p>	<p>Political support obtained</p> <p>Improved applications for parents engaged</p>		

## 3.2 Review of Activities and Outputs

The following provides a summary of the type and volume of activity undertaken by the coalition to inform the assessment of outcomes achieved.

### 3.2.1 Policy

CADIC's policy work involved co-ordinated working across the immigration and children's sectors to identify policy issues impacting on IBC families and create opportunities to address them. Policy actions included:

- producing research reports highlighting the concerns of IBC families and setting out proposed means for Government to respond;
- preparing written submissions to Government and other stakeholders, and following these up with direct engagement; and
- contributing to broader initiatives with the immigration and children's sectors by participating in meetings and making contributions to research and other reports.

During the period under review, CADIC published two research reports that aimed to promote the human rights of Irish citizen children (including those whose parents had been refused leave to remain under the IBC/05 scheme) and highlight the experiences of IBC families living in Ireland.

'All Our Children'<sup>6</sup> was a report on the rights of Irish citizen children whose parents had been refused leave to remain in Ireland under IBC/05 or whose families are not complete in Ireland due to the absence of a close family member. It set out a model for assessing the potential impact on the rights of Irish citizen children if they are deported along with their parents, remain in Ireland without their parents under the care of the State, or if they are denied the company of a family member living elsewhere. The report highlighted Government's legal responsibility, under national and international human rights legislation, to protect Irish children, and urged DJELR to adopt the impact assessment model on a consistent basis in reaching decisions on outstanding IBC/05 cases, potential deportation cases and family reunification cases. The research was compiled by Carmel Corrigan on behalf of the Children's Rights Alliance (CRA, commissioned by CADIC), with input from an advisory panel of leading experts in children's rights. The report was issued in April 2006 and subsequent discussions were held on it with the Minister for Children, the Ombudsman for Children's Office and other Government Departments and politicians. The model has been taken up by practitioners and used in casework, but has not to date been adopted by Government in its decision making and administrative processes on residency for IBC families. The Minister for Children agreed to try to progress the assessment model with DJELR and the Health Service Executive for administrative decision making processes affecting Irish citizen children. Consultation with the IBC Unit for this evaluation indicated that it considers that the Section 3 process and the Supreme Court judgement on the Bode and Ors case (which listed a series of factors that ought to be considered in assessing potential deportation cases) provide an appropriate framework for the consideration of children's rights. Further to the meeting

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<sup>6</sup> Children's Rights Alliance (April 2006) All Our Children: Child Impact Assessment for Irish Children of Migrant Parents. Children's Rights Alliance (Commissioned by the CADIC Coalition)

with the Ombudsman for Children's Office on the child impact assessment model, CADIC was given the opportunity to feed into the Ombudsman's strategic planning. This included input by CADIC into its strategic plan research conducted in January 2007.

'Looking forward Looking Back' was a significant research project funded by CADIC and undertaken by University College Cork<sup>7</sup>. Through in-depth and non-directive conversations with 38 individuals who had successfully obtained leave to remain through IBC/05, the research explored the experiences of immigrant families seeking to integrate in Ireland. It reported the value placed on IBC status by the research participants as it provides a degree of permanency and security. However, participants identified a range of challenges to their successful integration in Ireland. Chief among these was the formal statutory declaration that applicants to IBC/05 were required to sign which refused any future right to seek family reunification and the apparent lack of consistency in decisions about family reunification. Aside from the distress of continued separation from close family members, participants explained how this situation restricts their capacity to become 'economically viable' – a requirement of IBC/05 status – due to childcare difficulties. IBC parents who are separated geographically from partners are effectively lone parents, but without recourse to the supports the state normally provides for those raising children alone. The research report also highlighted IBC families' concerns about their future status, in particular the lack of certainty at that point in time about the process for renewal of IBC status in 2007 and the unease about what status they might have beyond 2010. The report reflected CADIC's objectives, challenging Government to address these issues by providing better information on rights and services pertinent to immigrants, addressing delays in the processing of long-term residency applications, and introducing a fair, transparent and consistent policy in relation to family reunification. A launch event was held to publicise the research in November 2007 which was attended by DJELR representatives, politicians, CADIC member organisations and members of the IBC families affected by the issues it raised.

In June 2006, a paper was produced by CADIC on issues relating to economic viability for IBC parents. The coalition was concerned that applicants seeking to renew their IBC/05 status in 2007 who had not been able to enter employment or take steps to enable them to become economically active (e.g. training or education) due to childcare commitments might not receive favourable outcomes. The economic viability paper set out the barriers that IBC parents face in becoming economically viable in an attempt to shape the criteria for renewal that were at that point still under development by DJELR. The paper was also submitted to the Minister for Children and other politicians in August 2006.

In June 2006, CADIC also made a submission to DJELR on the renewal process itself. This acknowledged the IBC Unit's commitment to operating the renewal process efficiently and fairly, and its intention to put in place a positive scheme in which applications would only be refused in exceptional circumstances. It also made suggestions as to how the IBC Unit might approach advertising the renewal scheme, assessment of applicants' criminal convictions, economic viability and continuous residency, and how it might treat cases with pending deportation orders. A further, updated submission on the renewal process was issued to DJELR in February 2007. (Communications in relation to the renewal process are discussed further in Section 3.2.2 and CADIC's impact on the process is assessed in Section 3.4.2.)

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<sup>7</sup> Coakley, Liam and Healy, Claire (November 2007) Looking Forward, Looking Back: Experiences of Irish Citizen Child Families. Integrating Ireland (commissioned by the CADIC Coalition).

Following the publication of the Scheme for an Immigration, Residence and Protection Bill (IRP Bill), CADIC assessed its potential impact on IBC families and made submissions outlining its concerns to the Irish Human Rights Commission (Autumn 2006) and to DJELR (December 2006). CADIC participated in meetings on the NGO strategy for responding to the IRP Bill held at Integrating Ireland and Immigrant Council of Ireland (April & July 2007). It also held meetings with the offices of Caoimhin O Caolain TD, Angus O Snogaigh TD and Denis Naughton TD on the draft Bill (September and October 2007).

Other advisory consultations that CADIC held included those with the Law Reform Commission (May 2007), the International Organisation for Migration (IOM) Chief of Mission in Ireland regarding women refused under IBC/05 on basis of continuous residency (June 2007) and with the Legal Aid Board (September 2007). CADIC also contributed to meetings of the North South Immigration Forum (June 2007) and an ICI Roundtable on Co-ordinating Immigration and Integration (June 2007).

CADIC ensured that the situation of IBC families was reflected in broader analyses of children's rights by making contribution to national research and reports, notably, research for the strategy of the Ombudsman for Children's Office (undertaken by Ursula Killkelly), the CRA's UNCRC Shadow Report in 2006 and the Irish Council for Civil Liberties (ICCL) 2007 Shadow Report on the International Covenant on Civil and Political Rights (ICCPR).

### **3.2.2 Information and Communications**

Information provision and communications were a core feature of CADIC's work. It acted as an intermediary between the IBC families, support services and the IBC Unit in DJELR. CADIC provided information directly to IBC families via a helpline and drop-in clinic at ICI. They produced fact sheets, flyers, question and answer sheets and other updates to provide accurate and timely information to parents and the organisations supporting them. In turn, CADIC also communicated the concerns of these stakeholders back to the IBC Unit to attempt to improve policy and procedures in relation to the original IBC/05 scheme, the renewal process and family reunification.

Key communications and information activities were as follows:

- Factsheets and Information updates - Eleven CADIC Coalition News Updates were produced and disseminated by email among CADIC member organisations between December 2006 and October 2007. These included information sourced from the IBC Unit (particularly around the renewals process) and from the coalition members. CADIC also produced information updates on court judgements on test cases (e.g. the High Court and Supreme Court judgements on the Bode and Ors cases) and on the process for renewals (three editions) and seeking family reunification (two editions). As well as providing practical information to support applicants, CADIC documents also explained the likely implications of policy change, new procedures and court judgements. Once the renewal scheme was launched, DJELR provided CADIC with electronic copies of the application form and renewal information sheet and these were disseminated among CADIC members and the wider NGO community (including the national network of Citizens Information Centres). A flyer produced in summer 2007 on the IBC/05 renewal process was translated into four other languages (DJELR only produced English language versions of documents on the

renewal scheme) and published in a variety of ethnic minority press. All coalition communications were distributed to the approximately 100 organisations on the CADIC mailing list, which in turn made them available to their clients and disseminated them to their own affiliated groups (e.g. Integrating Ireland shared information with its approximately 200 members). Information was available on numerous organisations' websites allowing IBC parents to access the information and share it within their own network of contacts;

- Helpline and Drop-In Clinic – ICI provided a helpline and daily drop-in clinic for IBC families to access advice and where appropriate be referred to the ICI-CADIC Solicitor and Legal Assistant. From July 2005 to December 2007, a total of 1,889 parents sought information and support through the helpline. During 2007 when the renewal process was underway, 953 parents contacted the helpline and of these 439 received support with their application (records did not differentiate between provision of information and assistance prior to 2007). Parents using the drop-in clinic were given assistance with completing applications, collating evidence to support them and, where required, drafting letters to explain why evidence was not available. Also the CADIC Solicitor signed the statutory declarations on applications at no charge – a service for which solicitors and commissioners of Oath typically charge at least €10; and
- Meetings with IBC Unit – a series of meetings were held with the IBC Unit in 2006 (1 meeting) and 2007 (5 meetings) to discuss issues in relation to the renewal process, family reunification, refusals under IBC/05 who were awaiting the outcome of the Bode and Ors cases, and other integration issues affecting IBC families. The IBC Unit worked with the coalition and kept it informed on the development of criteria for the renewals scheme and its introduction in late 2006 and early 2007. CADIC monitored the renewal application process as it proceeded and regularly advised the IBC Unit of difficulties experienced by applicants (as reported by CADIC member groups) in providing the required evidence to support their application.

### **3.2.3 Legal Support to Parents**

A process for referring cases to the CADIC legal team (the Solicitor was appointed in late 2005 and the Legal Assistant in late 2006) was established in late 2005. This allowed people accessing the helpline and drop-in service or being supported by any other coalition member group to be referred on for legal advice. It was initially agreed that up to 50 cases would be supported that met the following criteria:

- Had been refused residence under IBC/05;
- Had been refused residence outside the IBC/05 scheme; or
- Had been refused family reunification.

Further selection was made on the basis of individuals' financial means, the apparent urgency of the case and the vulnerability of the children and parents involved. Coalition members were briefed on the criteria and they provided a useful means to identify the cases that warranted the assistance the CADIC Solicitor and Legal Assistant could provide over and above that of the support service with which individuals were already

engaged. The legal team also provided a ‘back-up’ function to support advocacy services around the country with any queries they might have on other cases not requiring referral.

The key outputs from the commencement of the legal support service in 2005 to the end of 2007 were as follows:

- A total of 126 cases were handled by the ICI-CADIC Solicitor and Legal Assistant (both working on a part-time basis);
- In 55 of these cases, legal advice was provided; and
- In 71 of these cases, legal representations to the IBC Unit and/or to court were made and to date, favourable outcomes have been received in 28 cases.

In 2006, four judicial reviews were taken by CADIC and each case was settled with a successful outcome for the applicant. Two related to applications for leave to remain and in both cases residence permits were granted. The other two related to family reunification and both cases resulted in visas being awarded to allow individuals to join their Irish resident family in the State. These two cases challenged the ‘general policy’ that under IBC/05 the DJELR would not allow family reunification (IBC/05 applicants signed a statutory declaration agreeing that residency would not entitle them to apply for family members to join them in Ireland).

In 2007, ten judicial reviews were taken of which nine related to refusal by DJELR to grant permission to remain to parents of Irish citizen children. Four of the cases related to individuals who had been refused under the IBC/05 scheme. The final outcome is still outstanding in five of these cases and the others resulted in the granting of residence (three cases) or work permits (one case). The other judicial review taken in 2007 related to the residency status of an individual and resulted in his status being changed from ‘Stamp 3’ which provides residence without the right to work or study full-time, to ‘Stamp 4’ which provides full residence rights. Following this case, another two similar cases involving a change of status were resolved before going to court.

### **3.2.4 Strategic Legal Support**

As well as taking forward the strategic cases described above, CADIC sought under its strategic legal strategy to:

- provide a legal advice resource to the organisations supporting IBC families;
- build the capacity of member groups and other stakeholders by providing training on the legal issues surrounding IBC cases; and
- pool the expertise of legal practitioners working in the fields of immigration and children’s rights to strengthen the legal strategy to support IBC families.

It is estimated that between five and ten organisations contacted the CADIC legal team for information and advice per week, and a series of training sessions and presentations were held with CADIC members, support organisations and other stakeholders throughout 2007. These included sessions dedicated to the renewal process, family reunification and the implications of the IRP Bill. Ten staff outreach sessions on the

renewal process were delivered to support services working in different parts of Ireland (e.g. via Integrating Ireland's regional member groups and with RIS/NASC in Cork) and in some cases the participating groups went on to run further parents' events at locations around Ireland. Other stakeholders receiving training / presentations from CADIC included legal trainees (through the Law Society), primary school teachers and students on various higher education courses.

A Strategic Litigation Group made up of 15 legal practitioners with expertise in children's rights and immigration law was established in 2006. The group met to discuss casework on IBC families (both cases led by CADIC and other legal practitioners) and CADIC's legal strategy, and to provide input into CADIC communications (for example, on the renewal process and family reunification). It also supported the preparation of the formal submission to DJELR on the draft Immigration, Residency and Protection Bill. The group met four times in 2006 and four times in 2007, and has continued to meet in 2008, for example, to discuss the implications of the Supreme Court judgement on the Bode and Ors case.

### **3.3 Achievement of Short-term Outcomes**

CADIC successfully achieved its short-term outcomes for the period 2006 to date, engaging with stakeholders, partners and end-beneficiaries appropriately and facilitating the production of improved applications for residency from IBC families.

#### **3.3.1 DJELR Constructively Engaged**

CADIC successfully developed a constructive working relationship with the IBC Unit in DJELR. The relationship with the IBC Unit was formed in 2005 when the IBC/05 scheme was initiated. At this time, the relationship offered the potential to be mutually beneficial to Government and the coalition. The volume of applications to be processed within a very short time period was unusual for DJELR, so it needed assistance to improve the quality of applications it received and thus facilitate its task in processing them. During the operation of IBC/05, CADIC developed its role as an 'honest broker', providing a direct link between the IBC Unit, IBC families and the organisations providing them with support.

Key features of CADIC's approach that made its relationship with the IBC Unit successful were as follows:

- As a coalition CADIC had credibility - CADIC meetings with the IBC Unit involved coalition members from grass-roots support organisations and those with a range of legal and rights expertise. The IBC Unit reported that CADIC brought the correct combination of expertise to the table and described the coalition as "absolutely legitimate because of its range of respected members". CADIC had in-depth understanding of the system and could back up their points with legal analysis and real case histories. They were able to discuss all the relevant issues within a single forum without the need to refer to other experts outside the meetings;
- The approach was constructive and solution-focused - CADIC presented the IBC Unit with problems and potential solutions. The approach was based on humanitarian arguments backed up by legal analysis, it did not involve making appeals on an emotional or overtly litigious basis. This kind of approach was easier for the IBC

Unit to work with. They could work informally with CADIC (e.g. by telephone), which was quicker, resulted in less administrative burden and enabled quick resolution of issues. CADIC staff were given mobile telephone numbers for individuals with the Unit who could advise on complicated queries – this was a measure of the confidence placed in CADIC and the system was respected, only being used with genuinely complex cases;

- CADIC provided a single point of contact with NGOs - DJELR tends not to engage proactively with citizens or support organisations. In most cases, the large number of NGOs involved makes it difficult and by presenting as a single point of contact with the immigration and children's rights sectors, CADIC gave the IBC Unit an opportunity to engage with the target population. In the final stages of the renewal process in 2008, the IBC Unit have missed CADIC's assistance in getting information to the target population;
- The coalition was professional – the IBC Unit reported that CADIC's approach was professional, for example, in devising appropriate agendas for meetings, bringing a small group with appropriate representation, documenting their discussions and consistently following up on agreed actions;
- CADIC set the right tone for engagement – developing an effective working relationship relied on the personalities of all of those involved and setting the right tone for engagement. Mutual respect was developed between the Government officials and CADIC representatives. While engagement between CADIC and the IBC Unit focused on the practical implementation of the IBC and renewal scheme, their constructive working relationship allowed for discussion of broader (and less easily resolved) issues facing IBC families such as family reunification. Where required the parties could 'agree to disagree'; and
- CADIC was useful to the IBC Unit – the IBC Unit needed CADIC's assistance to understand the real impact of their procedures and policy on IBC families. It had no other way to 'sense check' the approach and to monitor its processes for any difficulties and inconsistencies. The IBC Unit described CADIC's role as that of a 'guardian angel' that could critically monitor the progress of the renewals process and respond in a constructive way. CADIC facilitated mediation around cases, saving litigation costs and stress for both the State and IBC families.

The CADIC / IBC Unit relationship developed within an unusual set of circumstances - a one-off residency scheme seeking to regularise the status of a defined group of people, a new unit in DJELR led by highly respected DJELR 'outsiders' that had no 'baggage' and were willing to take an innovative approach, and a well organised coalition of NGOs. These circumstances are not likely to arise again and if they did it might be difficult to replicate the same positive relationship. However, the IBC Unit did acknowledge that the coalition approach taken by CADIC has set a precedent for effective interaction between the State and civil society, and CADIC members are keen to adopt elements of the approach in future engagement with Government.

### **3.3.2 Judicial System Engaged**

CADIC's legal expertise – both through its staff and the Strategic Litigation Group - was well respected and its legal strategy was agreed by consultees to have a high degree of

validity. Its legal approach was well researched, drawing upon international and domestic precedent, and reflecting Ireland's obligations under international agreements. CADIC made substantial efforts to engage the legal system, both practitioners and judiciary, and to disseminate information on the legal arguments being used in IBC cases. It is difficult to determine the degree to which this activity influenced the decisions made by members of the judiciary themselves (particularly when most of CADIC's cases were settled out of court), but the successful outcomes of the judicial reviews taken by CADIC evidences that they identified challengeable issues.

### **3.3.3 Stakeholders Engaged and Support Obtained**

CADIC successfully engaged stakeholders (parents and support organisations) and the quality of support it provided was universally applauded.

Member organisations greatly valued the information produced by CADIC and its role in supporting their work. CADIC was a source of timely, accurate and well researched information on the IBC/05 scheme and renewals, residency issues more generally, family reunification, and a wide range of integration issues. This information supported the advocacy work of coalition members and therefore the families involved. It was particularly valuable for groups working outside Dublin who often found it more difficult to link into DJELR due to distance and the very limited resources some regional organisations have (some are entirely volunteer-based or have only one worker). CADIC members also became a source of information for local immigration offices and other statutory bodies needing advice on the renewal process – they had developed a reputation as a source of accurate and up to date information.

CADIC's efforts also provided invaluable direct support to families via its helpline service, drop-in clinic, information dissemination and referrals to the legal team. The coalition's national presence helped to get information to IBC families living across the country, for example, in Galway, the Refugee Information Service's client numbers tripled as word spread about the application support available. CADIC's relationship with the IBC Unit enabled it to encourage the dissemination of official information in a wide variety of media, including minority ethnic press. CADIC also provided IBC parents with free legal advice and free representation to DJELR or court. For many of the parents involved, a private solicitor may not have been affordable and may not have had the degree of expertise in immigration issues required to handle their case effectively (particularly outside the major cities).

The immigration system tends to involve a high degree of suspicion, mistrust and rumour making and within this context CADIC became a trusted advisor for IBC families. It was accepted that their information and advice would be accurate and a greater sense of confidence was established in the system. CADIC's actions encouraged people to engage with the IBC/05 and subsequent renewals process.

### **3.3.4 Political Support Obtained**

Before the introduction of IBC/05, the issue facing IBC families was critical and it was important to raise public awareness about the threat of mass deportations. At that stage CADIC obtained the support of a number of TDs in various parts of the country and engaged in a programme of public relations activity. Once the scheme had closed and the majority of applicants had been given leave to remain, there was a sense that the problem

had been solved and therefore it was more difficult to engage political support. The degree to which Ministers could be influenced to effect policy change at this stage is questionable. The need for political support was also different as by this point a policy framework had been put in place (i.e. the IBC/05 scheme) and CADIC was working effectively with DJELR. Its role had shifted from policy advocacy to policy implementation and the revised logic model for the coalition (Section 3.1) reflected this change in approach. This resulted in CADIC being less 'visible' in the public space in 2006 and 2007. Instead it focused on direct engagement with the key stakeholders - DJELR, the judiciary and legal practitioners, IBC parents and support organisations - to effect policy change 'under the bar' by working within the processes put in place by Government, focusing on progressing individual cases and choosing those with potential to set precedent.

### **3.3.5 Improved Applications for Parents Engaged**

CADIC was able to give representative voice to the IBC families and it used this to raise issues with the applications procedures and propose solutions. By working well with the IBC Unit and regularly disseminating information updates to coalition members, CADIC was able to support a large number of parents to prepare applications that met the criteria for the scheme. In 2005, many more secured permission to remain through IBC/05 than was originally envisaged - the IBC Unit stated that information dissemination by CADIC resulted in a high proportion of applications having correct documentation and therefore to the number of positive residency decisions made through the IBC/05 scheme.

In 2007 the clear information provided by CADIC on how to complete applications (for example guidance on declaring criminal convictions and evidencing economic activity) resulted in better quality applications for renewals that could be efficiently processed by the IBC Unit. By October 2007, 10,915 out of approximately 15,000<sup>8</sup> parents granted residency under the IBC/05 scheme had successfully renewed their residence permits, mostly for three years. About 200 cases were categorised as 'complicated' by IBC Unit and set aside to be reviewed by a dedicated team. Around 1,000 people had not applied for renewal and CADIC and the IBC Unit both investigated this situation to ensure there was no systemic connection between these cases (for example, from the same geographic location or country of origin). In more recent discussions with the IBC Unit (July 2008) it was suggested that most of these 1,000 cases have now made applications for renewal or been otherwise accounted for (i.e. had obtained other status or left the State).

## **3.4 Achievement of Medium-Term Outcomes**

CADIC set ambitious outcome targets for the medium-term and these have been realised to varying degrees. The process of renewal of IBC/05 status has been an efficient and effective one and CADIC played an influential role in this regard. Outstanding and future IBC cases have, until recently, been awaiting the judgement of the Supreme Court on the Bode cases. The official position on these cases following the judgement is that they will be dealt with through deportation proceedings and CADIC continues to provide support to these cases. There has been no significant policy change as regards family

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<sup>8</sup> Note that of those originally granted residency under the IBC/05 scheme, Romanian and Bulgarian parents are no longer deemed to have IBC status due to the accession of these countries into the European Union on 1<sup>st</sup> January 2007. 1,795 people from Romania were given leave to remain under IBC/05.

reunification, but CADIC has pursued the issue on a case by case basis and there is evidence of an implicit policy beginning to emerge.

### 3.4.1 Outstanding IBC Issues

This outcome relates primarily to applications refused under IBC/05 and the cases of those who would have been eligible to apply under the scheme but did not do so.

Under IBC/05 scheme, 1,224 parents were refused leave to remain. The largest number of these refusals (566) related to applications where continuous residency in Ireland had not been proven. Ten such cases became test cases challenging this as a basis for refusing residency under the IBC/05 scheme (referred to as ‘the Bode cases’). CADIC had supported one of these cases and it was settled out of court. In a High Court judgement in November 2006 on the remaining nine Bode cases, the court ruled that as no criteria had been set on the requirements for continuous residency under the IBC/05, this was not a valid reason for refusing residency. The judgement also stated that in making the decision to refuse residency to these applicants, the Minister had failed to consider the rights and entitlements of the Irish citizen children involved.

The Bode decision was appealed by the State to the Supreme Court and in December 2007, the court held that as an administrative scheme, IBC/05 did not require the Minister for Justice to consider the constitutional or convention rights of the applicants. It argued that those refused residency under IBC/05 were ‘no worse off’ than before their application. Furthermore, it ruled that these rights are “appropriately considered” in the context of deportation representations under Section 3 of the Immigration Act 1999. The implications of the Supreme Court judgement were that the cases of those refused under IBC/05 would be dealt with through deportation proceedings. Following receipt of a ‘Section 3 letter’ individuals have 15 days in which to make representations as to why they should not be deported and the State will at this stage consider their situation and the needs of the children involved.

The IBC Unit has indicated that of the approximately 1,200 cases originally refused leave to remain under IBC/05:

- Several hundred have obtained alternative status including the Romanian and Bulgarian parents who now have EU rights to work and live in Ireland (around 100 refusals were Romanian);
- 3-400 have already made representations through the deportation process and of these, it is expected that 40-50 will be refused due to criminal convictions or paternity issues but the others will be given leave to remain; and
- Other refusals have initiated applications under other mechanisms or have judicial reviews pending. If still relevant, Section 3 proceedings could not commence until these have completed.

CADIC is actively supporting parents who were refused residency and have been issued with Section 3 letters to make representations for leave to remain. Based on experience to date, it is likely that following representations these outstanding cases will result in the State granting leave to remain. If this is the case, it will be a successful outcome for the individuals involved following a long period of uncertainty. However, it will not

represent a change in policy regarding the treatment of this group, which is the outcome CADIC would prefer.

Individuals who would have been eligible to apply under IBC/05, but for whatever reason did not do so when the scheme was open, officially have no avenue through which to make an application for residence. In relation to these 'freestanding' applications, CADIC has monitored the outcome of cases, found inconsistencies in the application of Section 4 of the Immigration Act 2004 and supported cases seeking permission to remain under this legislation. In some cases, applications under this provision have been possible but in others they have been refused. Under this route there are no transparent criteria for decision making and no process for appeals. CADIC has raised this issue with the IBC Unit and other DJELR officials, and it is pertinent to a pending judicial reviews initiated by CADIC.

In consultation with the IBC Unit for this evaluation, DJELR officials indicated that there would be no policy change as regards outstanding and future residency cases involving parents of Irish citizen children born before 1<sup>st</sup> January 2005. The official approach to dealing with these cases will be via the deportation process.

### **3.4.2 IBC/05 Renewal Process**

The process for renewal of IBC/05 residence permits is widely perceived to have been fair, efficiently operated and reasonably accessible. An appropriate balance seems to have been struck between the rights of the child and protection of the state, with the apparent objective of the scheme being to justify giving the right to stay, rather than to find a reason to refuse it. Most applicants submitted well evidenced applications and renewals have been secured in large numbers.

Given the experience of the IBC Unit and CADIC in the original IBC/05 scheme, both were better prepared to support the renewals process. The IBC Unit had learned a lot from the original scheme in 2005 about how to effectively manage a large-scale applications process. It also had details of the renewal applicants already on file so there were considerably fewer checks to be made and the process could be more streamlined. The existing relationship between CADIC and the IBC Unit provided an excellent basis upon which potential difficulties with the process could be resolved in advance and issues arising could be dealt with in a constructive manner. CADIC's experience in supporting the original scheme meant that mechanisms were already in place through which to promote the renewals process and support applicants.

Prior to the introduction of the scheme CADIC raised a number of concerns with the IBC Unit. As noted previously, submissions were made on the renewals process that highlighted the issues of continuous residency, economic activity and criminality. CADIC feared that renewal criteria associated with these issues might pose difficulties for applicants and sought to confirm the IBC Unit's approach. As regards the issue of economic viability, in discussions with the IBC Unit it sought to reassure CADIC that applicants would not be treated unfavourably if they could demonstrate they had made reasonable efforts to become economically active or could present good reasons as to why they had been unable to do so. The sort of evidence that would be expected was discussed with CADIC and included in communications to parents and support groups. Similar discussions were held in relation to disclosure of criminal convictions and evidencing continuous residency. That these kinds of discussions took place is evidence

of the confidence built up between CADIC and the IBC Unit. The guidance given by the IBC Unit could not have been included in official documents, but the channel of communication with CADIC allowed it to be imparted effectively to applicants for renewal.

Prior to the scheme launch in January 2007 (following several delays), CADIC also discussed with the IBC Unit its view that parents would need to be reminded of the requirement to renew their residence permits during 2007. The Unit agreed and published information on the renewal scheme in January 2007 in national papers, Metro Eireann and freesheets such as Metro and Herald AM. (CADIC had also suggested that radio advertising be used but DJELR chose not to use this medium). The level of information provided in the renewal application form and the supplementary information guides was extensive (and better than had been provided for the original IBC/05 scheme) and reflected many of the issues that had been raised in discussions between CADIC and the IBC Unit leading up to the introduction of the renewal scheme.

Once the renewal process commenced, difficulties faced by applicants in evidencing their cases were identified by CADIC and discussed with the IBC Unit. It was in both parties' interest to minimise the number of applicants failing to meet the criteria set out for renewal, and in several cases issues common to all parents were identified by CADIC and resolved through joint discussion with the IBC Unit. For example, following discussions with CADIC, the IBC Unit included an additional paragraph into the acknowledgement letter to advise applicants to seek a 3-month extension of their residence permits via GNIB if they expired before their renewal application was processed. This was particularly important for those in employment or seeking to travel who require valid permits to do so irrespective of any processing delay. The IBC Unit agreed that this 'bridging permit' would generally be provided in these circumstances.

Applications have been turned around quickly - mostly within 4 weeks with an additional two weeks required for a check with the Garda National Immigration Bureau (GNIB). This is an unusually short timescale for processing and has required allocation of additional staff resources to the IBC Unit to ensure it can be met with the large number of renewal applications being received. The quick turnaround reflects both the preparatory work completed by CADIC (liaison with IBC Unit on evidence requirements and dissemination of that information to applicants) and the commitment of IBC Unit to deliver an efficient process.

The IBC Unit is keeping CADIC informed of renewal outcomes and as the more complicated cases are beginning to be processed is identifying the themes emerging with cases that look likely to be refused, for example, criminal convictions and continuous residency. As of 2<sup>nd</sup> July 2008, the IBC Unit estimate that approximately 40 applications for renewal will be refused on grounds such as these. To date, no single parent applying for renewal has been refused on the basis that they had not shown evidence of accessing the labour market or training/education since being given leave to remain under IBC/05.

### **3.4.3 IBC Family Reunification Request Process**

The issue of family reunification is an extremely difficult one which extends beyond the IBC population to immigrants more generally – the outcome set by CADIC was ambitious. Ireland is the only EU country without defined legislation on family reunification. The coalition has been able to make some progress on individual cases and

while no defined process has been established for requesting family reunification, an implicit policy is beginning to emerge.

While the IBC/05 scheme was still active, CADIC sought legal opinion as to the validity of the statutory declaration made by applicants to acknowledge that their successful residency would not give any right to reunification in Ireland with their family members living outside the State. Senior Counsel advised that there were grounds to challenge refusals to grant family reunification – you cannot sign away the human right to family or indeed sign away another person’s right to family. Therefore, the coalition advised applicants that they should sign the declaration and if they received residency seek to challenge the family reunification principle from a more secure legal status. Due to the statutory declaration, there is still a general perception among those granted residency under IBC/05 that they are ‘not allowed’ to seek family reunification.

CADIC has taken several cases that have challenged the ‘general principle’ that family reunification will not be granted to those given leave to remain under the IBC/05 scheme. In each case, DJELR has settled out of court and allowed reunification. During 2007, there have been several other cases where the State has allowed individuals to join their IBC family in Ireland.

As each of CADIC’s cases regarding family reunification have settled out of court, no precedent has been set and there has been no statement to revise Government policy on the issue. However the cases seem to have prompted individual consideration of each case by DJELR rather than blanket refusal under the ‘general principle’. An implicit policy is beginning to emerge as meeting certain criteria seems likely to result in a successful application. The criteria concerned are employment of the legally resident spouse in Ireland for at least a year (migrant workers would typically be granted family reunification requests once they have been working for a year), and the existence of medical needs of the Irish citizen child that would preclude him/her being taken out of the country.

A judicial review of a case in which a man was given permission to join his wife in Ireland but under a Stamp 3 permit (i.e. with no rights to work or study) was successfully settled by CADIC (a Stamp 4 permit was issued). Again, no legal precedent was set through this case, but DJELR are now negotiating on several similar cases with CADIC so these anomalies can be resolved without any unnecessary litigation. This suggests a further implicit policy that those being allowed to join their IBC family in the State will be given equivalent status to migrant workers. An important lesson learned in approaching these cases is that where IBC parents have residency and employment and are seeking reunification this is better done through mainstream processes as it appears that general practice is more favourable than that for IBC cases.

Generally, the CADIC legal team seem to have selected reunification cases with a high chance of success and have achieved successful outcomes for most of the clients involved. Although the policy on family reunification still stands, CADIC and other practitioners involved in the Strategic Litigation Group are beginning to have an impact but on a case by case basis, and each successfully settled case prompts a review of process by DJELR. Continued support of cases such as these will be important to identify further evidence of trends that would indicate an implied policy.

### **3.5 What Were the Most Effective Activities?**

In realising the outcomes described above, the most effective activities CADIC undertook and influential elements of its approach appear to be the following:

- The effect of having direct legal expertise focused on a specific issue and the capacity to undertake and sustain strategic legal casework;
- The credibility gained from national membership representing IBC families across Ireland;
- The combined access of members to the target population;
- The combination of immigration and children's rights expertise among coalition members;
- The commitment and dedication of coalition members willing to give of their organisational and personal resources;
- The centralised production of communications and their dissemination across a national network of NGOs, producing a multiplier effect to gain coverage of the target population;
- The model of engagement with Government - providing a single point of contact;
- The constructive, solutions-focused approach taken in dealing with Government, always offering a potential solution to issues raised; and
- The two-tier model of support put in place for IBC cases – primary assistance via a drop-in service and helpline, with referrals to a legal team where required.

## 4 Coalition Working

This section examines the steps taken by CADIC to establish its membership, operating practices and strategy, once the decision was made to work as a coalition. CADIC's development was a largely organic process with Coalition structures developing over the 5-6 years in which it operated. As would be expected, lessons were learned throughout this period and these are extracted below.

### 4.1 Coalition Membership

As described previously, the coalition was initiated by the Director of AkiDWA who called for an integrated response to the IBC issue. She contacted Dr Ronit Lentin at Trinity College Dublin, and then a range of service providers, academics and others who were concerned with the issue came together. Due to the urgency and importance of the IBC issue, organisations with the correct combination of skills and expertise coalesced naturally; CADIC did not have to seek members as such. Members reported that they quickly began to work collaboratively on the issue, without any of the territorial concerns that can arise in joint working models. The nature of CADIC's work was such that over the course of its operation, many of the member groups and individuals involved committed a vast amount of personal and organisational resource to the coalition. This was particularly true of the period to the end of the IBC/05 scheme and prior to the appointment of coalition staff. Some organisations effectively put their own work plans to one side to focus on the CADIC campaign, requiring a flexible approach from management and funders to do so. As much of the time input was outside of normal working hours, the individuals involved also made an enormous personal commitment.

Membership was fluid over time, with an estimated 25 'core' members active throughout the coalition's existence and a total of up to 100 groups overall benefiting from the coalition's outputs. Member organisations had more or less input at various stages of the Coalition's lifespan, depending on the nature of activity being undertaken at that point in time. The shifting membership over time was largely viewed as a positive feature of the coalition, providing opportunities for new energy to come into the campaign and allowing others to reduce intensive input.

**Learning Point** - It is important to ensure that members bring the correct mix of skills, expertise and capacity to a coalition. Flexibility is required from individuals, the organisations to which they belong and their funders, to enable members to make the contribution required to coalition work, recognising that the demand for input can be variable throughout its lifespan. Changing membership can be positive to maintain momentum, prevent burnout and bring new energy to the campaign.

### 4.2 Management and Operating Structures

At the initial stages when members had come together, leadership structures developed in an organic way rather than through any formal process. Dr Ronit Lentin took on the role of Chair and other driver organisations emerged that effectively became the day to day management of the coalition (chiefly the CRA and Irish Council for Civil Liberties, ICCL). Leaders were required to co-ordinate the wealth of resources brought by the various members and ensure progress on campaign actions. They provided direction and

some cohesion to what was a loose network of people and organisations coming together on a common issue of concern but with very different perspectives.

The emerging leadership formed a Management Committee to develop the strategy for CADIC's campaign and seek funding support through Atlantic Philanthropies. The other members made up the Steering Committee whose role was to feed into strategy development, contribute to CADIC activity and provide services to IBC families. Both tiers had significant input into the content of CADIC's work.

This organic approach was positive in ensuring that CADIC stayed focused on its response to the IBC issue. It took some time for the coalition to clearly articulate the roles and responsibilities of members, its decision making processes, how it would effectively govern meetings and how workload would be distributed. Arguably, the urgency of the issue being addressed was such that there was insufficient time and resources (there were no CADIC staff at this stage) to develop effective operational structures. However, the evaluation of CADIC's operations in 2003-2005<sup>9</sup> noted that the initial lack of clear operational structures made it more difficult to reach decisions and therefore stretched member resources (i.e. time) further. It also suggested that unclear decision making may have contributed to attrition within the coalition among members who could not see what influence they were able to have on the coalition.

Management and operating structures were more clearly defined in the last two years of CADIC's operation. By January 2006, the Management Committee had almost entirely refreshed - one original member remained, two had changed jobs and left the coalition, and the other five stepped down onto the Steering Committee. At this point it was agreed that the respective roles of the Management and Steering Committees be clarified, with the former taking on a distinct management function with respect to the newly appointed coalition employees and accountability for the grant funding made available by Atlantic. The latter would continue to participate actively in shaping the content of CADIC's work and disseminating information. It was also decided that the new Management Committee should include the CEOs / Directors of core member groups who would have decision making authority on behalf of their organisation. The roles of Chair, Vice Chair, Treasurer and Communications lead were defined. Staff were also appointed to the coalition in 2006, which enabled the Management Committee to delegate the translation of the coalition's objectives into day to day operations. Having staff dedicated to the coalition was vitally important at this stage to ensure its work continued after the initial period when members undertook its activities in addition to or instead of their existing work.

For much of its lifespan, the Coalition relied more on the commitment and drive of the individuals involved than on very clearly determined management and operating structures. The urgency and importance of the IBC issue prompted volunteering of capacity and expertise, intensive inputs by key players and commitment from all involved to achieving the strategic objectives set. In return it was vital that the members saw the benefits of their involvement on the quality of service provided to IBC families and the positive residency outcomes achieved for many parents of Irish citizen children. However, this model was only feasible in the shorter term and during 2006-7, clearer structures and staff resources were required to sustain CADIC's activity.

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<sup>9</sup> Dr Pauline Conroy and Dr Anthony Finn, August 2006

**Learning Point** – Driver organisations and individuals are required to co-ordinate activity and shape the direction of a coalition’s work. Loosely defined structures can support coalition working in the initial stages of operation, but as joint working becomes established, clear operating parameters are required to enable effective decision making and use of resources. The appointment of staff who can progress a coalition’s work is absolutely critical as members can only divert their own resources to do this for a limited period of time.

### 4.3 Developing a Strategy

As described in Section 3.1, CADIC’s strategy was adapted throughout its operation in response to changes in the policy environment. The coalition had the skills to be flexible in strategy development as its work progressed. Joint working with Atlantic Philanthropies was very useful in defining the initial and subsequent strategies. An external perspective assisted the coalition to develop a goal-focused strategy that was clearly linked to the changing outcomes CADIC hoped to achieve over the period of its operation.

**Learning Point** – A coalition will develop its strategy around the policy issue it aims to address but its strategy needs to be flexible to respond to external changes and achievement of the goals it has set. An external organisation acting as a ‘critical friend’ can support effective strategy development.

### 4.4 Exit Strategy

When formed, CADIC did not set a timeframe for completion of its activities. While some CADIC members left the coalition individually the coalition itself did not officially wrap up until December 2007 – some four and a half years after it was established. The evaluation of CADIC’s early operations<sup>10</sup> recommended that the coalition should take a longer-term perspective when strategising, articulating what success looks like and considering the point at which the coalition’s work would be done.

CADIC began to consider its future in autumn 2006 following the completion of the IBC/05 scheme and achievement of successful residency outcomes for the majority of applicants. There was considerable debate among coalition members as to whether its work was complete at that stage and if the member organisations could individually support the forthcoming renewals process (due to start in January 2007) and the cases of approximately 1,000 people who had been refused residency under the scheme. Many of the support service providers and regional coalition members were reluctant to wrap up CADIC at that point due to the value they placed upon CADIC communications and its relationship with the DJELR to support their work with families. However, some of the national organisations that had diverted significant staff resources to the coalition’s work needed to return to ‘business as usual’. Following much discussion on the issue, it was agreed that certain aspects of the coalition’s work would continue for another two years and Atlantic funding was secured to continue strategic litigation work to December 2008 and support the renewal process to December 2007.

While there are many issues faced by IBC families that are as yet unresolved, chiefly around family reunification and integration through employment and education, the

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<sup>10</sup> Dr Pauline Conroy and Dr Anthony Finn, August 2006

coalition finally took the decision in late 2007 that the specific purpose for which it was established had been served and closure was appropriate. A formal exit strategy was agreed in September 2007 to clarify when staff contracts would end, the winding-up of the Management Committee, arrangements for financial accountability of the remainder of the grant, completion of an evaluation, and importantly, the arrangements for absorbing IBC family support into the core service provision of member organisations.

The discussions over the exit strategy in the last full year of operation absorbed a lot of the coalition's energy. This had some impact on member commitment – some members felt its job had been done and it should cease, some were under pressure to release the resources they were committing to CADIC and others felt it should continue and were frustrated that this view was not shared by all those involved. A clearly defined exit point agreed at an earlier stage in the coalition's strategy development may have been beneficial.

In November 2007, CADIC held an event to celebrate the many achievements it had made since 2003 and the successful residency outcomes obtained for many thousands of Irish citizen children families. The member organisations continue to support IBC families to integrate in Ireland.

**Learning Point** - As a limited lifetime entity, it is essential that any coalition agree when its work will be done and develop a clear exit strategy to plan for residual activity beyond its lifespan.

## 4.5 Lessons on Coalition Working

CADIC is widely considered to have been a very successful coalition by its members, funders and external parties. It mounted a high quality campaign that influenced government policy and provided effective support to a large number of vulnerable people. Its experience of coalition working highlights the following critical success factors that other NGOs entering a collaborative working model should consider carefully.

- **Responding to a Critical Issue** - CADIC was formed in response to a defined issue that required immediate action and one that all the organisations involved were passionate about. A coalition needs a high degree of commitment from its members and temporary suspension of any territorial concerns that might exist between organisations. An urgent issue encourages temporary focus on the coalition objectives, in some cases at significant cost to member organisation's 'business as usual';
- **Getting the Right Members on Board** - To legitimately represent a sector of interest, coalitions need to have a broad membership relevant to the issue at hand and providing the required skills, capacity and unity. Members should be at a level where they have the authority to take decisions on behalf of their own organisation. It is also critical that coalitions have a small number of organisations involved that can devote the required resources (in terms of management and delivery resource, premises and administration) to the coalition's work, and driver individuals with passion and dedication to the campaign. A two-tier organisation may be appropriate – one tier providing the required breadth of membership and the other providing operational input and leadership;

- **Defining a Clear Strategy** - A coalition should have a clearly defined mission with a supporting strategy that sets out the goals to be achieved and actions towards meeting them. The strategy should demonstrate that collective working has the potential to realise better outcomes than can be achieved by members working individually. The strategy should combine vision with pragmatism and be capable of being flexed in response to environmental changes and achievement of goals. It should be communicated to and agreed by coalition members;
- **Putting Effective Structures in Place** - Coalitions convene to address a specific and often urgent issue so are unlikely to have the time or resources to invest significantly in developing internal structures. However, it is essential for a coalition to at least set some clear ground rules and parameters for working to facilitate decision making, maintain member commitment and account to its members and external stakeholders (e.g. funders). These can be reviewed after an initial period of operation to ensure they are still appropriate to the coalition's needs;
- **Resourcing the Coalition** - Member organisations need to be able to devote the required resource to the coalition. Coalitions should recognise that some organisations will be better placed to do this than others, either because of their overall capacity or the restricted nature of their funding. The different roles that members will play should be articulated so that organisations can be held to account. In many cases, securing additional funding for coalition staff will ease the delivery burden on member groups and reduce burnout. The resources required may vary over time in terms of the volume and nature of input required. A short-term burst of activity may be manageable within existing resources if dedicated individuals can be released from their usual work, but additional resources will be required to sustain activity in the medium-term; and
- **Agreeing the Coalition's Lifespan** - As well as agreeing its outcomes and the strategy for meeting them, a coalition should agree when its work will be considered done. This should be a combination of achieving its goals and an agreed timeframe for action. Once the goals are achieved or the time limit is reached (whichever comes soonest) the coalition should be prepared to close down and develop an exit strategy to take forward any remaining work.

## **5 The Future**

This section identifies the longer-term impact of CADIC's in terms of the legacy it has left, and considers the policy issues that are still to be addressed in respect of Irish citizen children.

### **5.1 CADIC's Legacy**

CADIC's work has left a significant legacy in terms of the outcomes it achieved and the structures and processes it established. In support of the coalition's strategic mission, it supported IBC families and worked constructively with Government to facilitate a successful residency process for a large number of Irish citizen children and their families, taking action where possible to ensure that their constitutional and human rights were protected and respected. In doing so, CADIC established approaches and structures that will either continue beyond its lifespan or which can be used as models of good practice by other elements of civil society including:

- The experience of an effective model for NGO engagement with Government that involves approaching Government with confidence, presenting a united front, recognising the skills and experience that can be brought to bear and playing to the mutual benefits of constructive engagement;
- The establishment of positive working relationships between CADIC members that can be continued for the benefit of service provision and policy action either informally or through the establishment of new joint working structures as circumstances require;
- The establishment of a Strategic Litigation Group to pool the expertise of legal practitioners in the fields of immigration and human rights, providing an expert forum in which further casework and response to legislative change can be supported and developed; and
- The development of research and analysis collateral that names and documents the issues affecting IBC families so they can be progressed by CADIC's member organisations and others beyond the lifespan of the coalition.

### **5.2 Policy Issues Still to be Addressed**

CADIC's exit strategy set out a plan for absorbing outstanding activity into the mainstream work of its members. The exit strategy and member views collated during this evaluation suggest that the key policy issues still to be addressed will include the following:

- Continued legal analysis, casework and policy advocacy to ensure fair and consistent treatment of outstanding IBC cases and applications for family reunification which in all cases prioritise the rights of Irish citizen children;
- Continued policy work to encourage Government to put in place a defined system for IBC (and other) families to request family reunification;

- Establishment of a method through which accurate information on IBC policy and processes can continue to be collated and disseminated to service providers;
- Preparation for the large number of people with IBC status who will become eligible to apply for citizenship or continuous residency once their residence permits expire in three years' time. There is likely to be a demand for NGO support from this population and for engagement with DJELR on the procedures for handling such a large volume of cases through systems that are already slow-moving;
- Continued monitoring of and action around the IRP Bill through the combined efforts of NGOs and interested legal practitioners currently working in partnership on the issue;
- Development of support services and policy action on integration issues facing IBC families including rights of IBC siblings to access education and barriers to economic activity and education for IBC parents (including access to English language courses, maintenance grants and fees payment schemes, childcare; and
- Ongoing research and analysis of issues relevant to IBC families. This may include following up on the research conducted by Coakley and Healy to assess progress on the issues it raised for IBC families, exploring the situation of children born in Ireland to non-Irish parents after the referendum, or perhaps investigating the outcomes for the Irish citizen children who were de facto deported before the introduction of IBC/05.