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Legal Aid at the Margins: Realizing Rights for People Experiencing Homelessness in Italy

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Abstract. Legal aid is widely recognised as a key mechanism for enabling access to justice, however its inherent ambivalences and structural limitations have been highlighted in the literature. This paper explores how access to rights is enacted in everyday practice through a qualitative study of a volunteer-based organisation of “street lawyers” operating in Italy, which provides free legal aid to people experiencing homelessness. Drawing on volunteers’ accounts of their everyday practices, role interpretations, and encounters with institutional and structural barriers, the study examines how legal protection is enacted in practice, and how it both reveals and responds to the tensions shaping access to rights at the margins of citizenship. The findings underscore the relevance of approaches oriented towards the strengthening of rights as key levers for countering social exclusion and promoting substantive citizenship. The experiences of SL demonstrate that legal aid plays a significant role not only in relation to judicial outcomes, but also through its functions of recognition, visibility, and the restoration of voice to marginalised individuals.

Keywords: homelessness, access to justice, legal aid, civil registration, citizenship.

1. INTRODUCTION

The effective realisation of rights for vulnerable groups, such as people experiencing homelessness, takes place within a persistent tension between formal legal recognition and substantive access. Existing research consistently highlights a strong correlation between homelessness, social exclusion, and limited access to fundamental rights, shaped by the interaction of legal frameworks, welfare policies, administrative regulations, institutional arrangements, and service practices (Walsh 2006; Walsh and Douglas 2008; Szeintuch 2022). While legal systems formally enshrine principles of equality and provide mechanisms for protection, the practical exercise of rights is often constrained by administrative and organisational practices that generate barriers to access and contribute to processes of exclusion and marginalisation.

Within this framework, access to justice occupies a central position. Recognised internationally as a fundamental human right, it extends beyond the formal availability of legal remedies to encompass the practical capacity to

activate protection mechanisms without encountering economic, bureaucratic, linguistic, or cultural obstacles. For this reason, access to justice is commonly conceptualised as a gateway right, enabling the effective enjoyment of a wide range of civil, social, and political rights, while also functioning as a key mediating mechanism through which individuals navigate welfare institutions and access systems of social protection (Sommerlad 2004; United Nations 2004; Walsh 2006).

In this context, practices of advocacy and legal aid offer an important site to empirically investigate the everyday enactment of rights. Building on this perspective, the article draws on a qualitative study of a volunteer-based organisation of “street lawyers” (SL) operating in Italy in order to explore how access to legal protection is negotiated at the margins of citizenship.

Within the literature on access to justice and legal aid for people experiencing homelessness, the everyday practices through which legal aid is delivered, interpreted, and negotiated by those who provide it have received comparatively limited attention, with existing studies predominantly focusing on structural barriers to access, the outcomes of legal interventions, and the characteristics of service users (Forell and Gray 2009; Jüriloo 2015; Halvorsen Rønning and Hammerslev 2018). This paper contributes to addressing this gap by examining how volunteers in a legal aid organisation make sense of their role, navigate institutional constraints, and enact access to rights in practice, with specific reference to the Italian context, where volunteer-based legal aid operates within a fragmented and highly decentralised welfare system.

2. BACKGROUND

The effective realisation of rights for vulnerable groups represents a particularly complex challenge, as the gap between formal legal recognition and actual access to services is shaped by multiple barriers that reinforce processes of exclusion, a complexity that is further intensified by the interplay of social, legal, and political dimensions involved (Walsh 2006; Forell and Gray 2009; Belcher and DeForge 2012; Fitzpatrick *et al.* 2013).

In this context, access to justice assumes a pivotal role, as it is recognised internationally as a fundamental human right (Universal Declaration of Human Rights, Arts. 8 and 10; European Convention on Human Rights, Art. 6) and extending beyond the formal guarantee of legal recourse to encompass the effective capacity to activate protection mechanisms in practice.

Accordingly, the literature highlights how legal assistance, particularly for the most vulnerable groups, can

play a crucial role in reducing inequalities and strengthening the overall effectiveness of welfare systems (Halvorsen Rønning and Hammerslev 2018). Legal practitioners thus assume a mediating role between individuals and the resources to which they are entitled, contributing to the implementation of rules and procedures that, although formally established, are often unevenly enforced or difficult to translate into practice (James and Forbess 2011).

Despite the formal recognition of this right, its effective enforceability remains highly unequal and strongly shaped by social status and income, making free and easily accessible legal assistance particularly crucial for people in situations of vulnerability (Jüriloo 2015; Halvorsen Rønning and Hammerslev, 2018). In the specific context of homelessness, the lack of free legal protection services for people experiencing homelessness, the difficulties in accessing state-funded legal aid where available, and the challenges involved in recognising one's needs as rights and translating them into legal claims – hampered by the complexity of the legal system and by the high linguistic, cultural and technical competencies required – constitute major obstacles to the effective realisation of rights (Felstiner *et al.* 1980; Ife 2012; Jüriloo 2015; Halvorsen Rønning and Hammerslev 2018). Given these difficulties, legal aid services targeted at people experiencing homelessness assume a central role, addressing a wide and heterogeneous range of needs, spanning issues related to debt or fines, family law matters, and service navigation, as well as providing support in accessing welfare provisions (Forell and Gray 2009; Halvorsen Rønning and Hammerslev 2018).

Access to fundamental services represents one of the most complex and significant challenges faced by socially vulnerable groups. In particular, people experiencing homelessness are exposed to persistent structural barriers that hinder their ability to access fundamental services. Processes of social exclusion and marginalisation further exacerbate conditions of vulnerability, undermining the effective exercise of citizenship rights and reproducing cumulative dynamics of inequality and exclusion (Walsh 2006; Belcher and DeForge 2012; Fitzpatrick *et al.* 2013; Somerville 2013; Caton 2017).

In the Italian context, the provision of services for people experiencing homelessness has historically relied on a welfare mix in which third sector organisations play a central, and at times substitutive, role alongside public institutions (Ascoli *et al.* 2003). Within this framework, legal aid services operate in an interstitial space between formal legal protection and social support, shaping the scope and limits of their intervention. Access to rights in this context is shaped by a fragmented welfare system,

characterised by a high degree of decentralisation and variability at the local level. As a result, access to services and provisions often depends on locally specific arrangements, institutional practices, and the availability of territorial resources. Moreover, access is frequently mediated by complex administrative procedures and conditionalities, which can generate significant barriers for people in situations of extreme vulnerability (Natili *et al.* 2021). Internationally, growing attention has been paid to the role of intermediary actors in welfare systems – including voluntary organisations, social workers, and legal aid providers – who occupy a structurally central position in mediating access to services and rights. Rather than acting as mere service deliverers, these actors function as brokers between individuals and institutions, navigating bureaucratic complexity, facilitating access, and at times compensating for gaps in formal provision (Lipsky and Smith 1989; Evans and Harris 2004, Voivozeanu and Lafleur 2023, Ratzmann 2024).

Although social protection systems are formally designed to ensure support and foster social inclusion, their capacity to achieve these objectives in practice is frequently constrained by the phenomenon of non-take-up (NTU), which highlights the gap between policy design and policy outcomes (van Oorschot 1998; Hernanz *et al.* 2004).

Defined as the failure of entitled individuals to take up benefits or services (van Oorschot 1998), NTU functions as a critical analytical indicator of policy effectiveness, revealing structural limitations in the capacity of public policies to reach their intended beneficiaries and to translate formal entitlements into substantive inclusion.

Van Oorschot (1996) distinguishes between primary NTU, whereby entitled individuals do not claim their rights – due, for instance, to stigma, lack of information, or the complexity of administrative procedures – and secondary NTU, which refers to situations in which individuals apply for a benefit but ultimately do not receive it, as a result of procedural errors or difficulties in interactions with administrative bodies. Alongside these forms, the concept of tertiary NTU (van Mechelen and Janssens 2017) captures situations of exclusion stemming from eligibility criteria themselves. A particularly emblematic example in this regard concerns the requirement of official residence registration, which is often a prerequisite for access to political rights and social benefits.

Within the existing literature, Crepaldi (2019) identifies a set of interrelated barriers that constrain access to social rights for people experiencing homelessness. A first cluster of obstacles concerns informational and procedural dimensions, whereby limited awareness of available resources, services, and care pathways – com-

bined with the complexity of administrative procedures – generates substantial access costs, further intensified by limited personal, cultural, and cognitive resources. A second set of barriers relates to social and relational factors, including stigma, feelings of shame, and distrust towards institutions, often rooted in previous encounters with welfare and administrative systems. Finally, a critical structural constraint derives from the conditionality embedded in contemporary welfare regimes, whereby access to key social provisions, such as minimum income schemes, is increasingly tied to behavioural requirements and activation-oriented criteria.

Further studies point to the presence of material barriers – such as the absence of a bank account and limited access to the internet or to legal assistance – as well as symbolic and relational factors, including stigma, institutional distrust, and perceptions of non-eligibility. These constraints are often compounded by a negative cost-benefit assessment, whereby the practical and symbolic costs associated with accessing services outweigh the expected benefits (Boccardo 2014; Chareyron and Domingues 2018; Szeintuch 2022; Robben *et al.* 2024). In addition, burdensome administrative procedures and demanding documentation requirements further restrict access, alongside restrictive definitions of homelessness that confine eligibility for support measures to individuals living on the street, thereby excluding those experiencing insecure or precarious housing situations (Szeintuch 2022). Among the barriers, the requirement of registration in the population register constitutes one of the most significant obstacles for people experiencing homelessness. In many European contexts, including Italy, the requirement of a permanent address represents a prerequisite for access to a wide range of civil, political, and social rights, from healthcare and minimum income schemes to the exercise of voting rights (Prescott 2015; European Commission 2019). However, this requirement often constitutes an insurmountable barrier, as the lack of stable housing entails the impossibility of registering in the municipal population register or results in deregistration. For this reason, several European countries have developed a range of policy solutions to ensure forms of administrative anchorage for people experiencing homelessness. Examples include the *ProxyAddress* scheme in the United Kingdom, ‘Main residence confirmation’ in Austria, and the postal address in the Netherlands (FEANTSA, 2018; Crepaldi, 2019; Robben *et al.* 2022). In Italy, the regulatory framework allows residence to be recognised through registration at a reference address, including addresses provided by municipalities or local public services, thereby enabling people experiencing homelessness to access the rights associated

with residence, such as primary healthcare, income support measures, and the exercise of voting rights.

However, local authorities often adopt strategies that hinder registration through the introduction of additional requirements or through discretionary and evasive implementation practices, ultimately generating forms of administrative exclusion. In practice, the implementation of such measures remains uneven and is strongly shaped by street-level administrative discretion (Gnocchi 2009; Gargiulo 2017, 2021).

As the literature on street-level bureaucracy has long emphasised, it is precisely in the everyday interactions between frontline workers and citizens that social policies are effectively shaped at the point of implementation (Lipsky 2010). In this sense, street-level bureaucrats exercise significant discretionary power that can both facilitate and obstruct access to rights and services (Brodin 2008). In this context, these dynamics contribute to transforming residence from a right into an interest contingent on local political discretion, generating forms of administrative selection based on deservingness criteria that define who may be recognised as a legitimate member of the local community and who may be excluded, with disproportionate effects on the most vulnerable groups, particularly migrants and people experiencing homelessness (Gargiulo 2017). Street-level bureaucracy research has increasingly expanded beyond frontline interactions in public services to investigate the implementation and mediation practices of actors who shape access to services and, thus, to rights. In this sense, this perspective can also inform this study, which focuses on legal aid volunteering practices.

A further factor hindering access to a reference address concerns the fear of discrimination associated with the immediate identifiability produced by the names assigned to certain administrative or reference addresses. Recent studies (e.g. Robben *et al.* 2022) show that this may lead some individuals to refrain from applying for residence registration altogether. The significance of this dynamic is particularly evident in the Italian context, where the official names assigned to some reference addresses include, for example, “Via dei senza fissa Dimora” (Street of the Homeless), “Strada della fantasia” (Fantasy Street), “Via degli introvabili” (Street of the Untraceable), and “Via lattea” (Milky Way)¹. These designations clearly convey a mark of exclusion that institutionalises stigma, transforming a device originally intended to guarantee rights into a mechanism that renders homelessness immediately visible and, as a result,

further exposes individuals to discrimination and stigmatisation.

Against this background, legal and bureaucratic dimensions – closely intertwined with the difficulties of exercising and claiming fundamental rights and citizenship – constitute a structural component of the condition of homelessness. These considerations underscore the importance of rights-oriented approaches and highlight the central role of access to justice and legal support as key instruments for promoting social inclusion and substantive citizenship. However, a strictly legalistic approach, grounded in the formal application of legal norms and the existence of legally recognisable claims, reveals clear limitations when individuals’ needs do not fit neatly into predefined legal categories or when the formal requirements necessary to activate legal protection are lacking.

The literature shows that the needs addressed by legal aid services for people experiencing homelessness are often heterogeneous and cannot be reduced to strictly legal issues alone. Alongside narrowly defined legal problems, needs related to service navigation, access to welfare provisions, and institutional recognition frequently emerge (Forell and Gray 2009; Halvorsen Rønning and Hammerslev 2018). From this perspective, legal protection risks proving ineffective if it is not embedded within a broader framework capable of integrating the legal and social dimensions of rights.

Against this background, critical legal scholarship has long highlighted the inherent ambivalences and structural limitations of legal aid. Several authors point to a tension between the pursuit of formal justice – grounded in the application of legal norms – and the aspiration to achieve justice in a broader, substantive sense that addresses social inequalities and exclusion (Sommerlad 2004; Walsh 2006). Law operates through specific categories, procedures, and evidentiary requirements, which shape the kinds of claims that can be articulated and recognised. As a result, social problems must be translated into legally intelligible forms to become actionable, leaving unaddressed needs and injustices that do not fit within established legal frameworks (Grande 2017).

From this perspective, the apparent neutrality and impartiality of law may conceal its role in reproducing existing power relations and legitimising structural forms of inequality, particularly when legal protection is detached from the social, institutional, and political conditions under which rights are exercised (Sommerlad 2004). Although access to justice constitutes a necessary precondition for the effective enjoyment of rights and for participation in social and civic life, the formal availability of legal remedies does not, in itself, guarantee substan-

¹ The updated list is available on the FIO.PSD website <https://www.fiopd.org/elenco-vie-fittizie/>

tive justice. This tension points to the limits of a strictly legalistic understanding of rights and anticipates the relevance of broader socio-political interpretations that foreground the relational, institutional, and contextual dimensions shaping how rights are lived, especially in contexts of extreme vulnerability such as homelessness.

This tension between a formalistic approach and a socio-political interpretation of rights (Ife, 2012) represents a central analytical node for understanding the role of legal protection services and advocacy practices. Access to justice can thus contribute to countering exclusion only if it is accompanied by a critical reading of the institutional barriers that constrain its effective enforceability and by a recognition of the complexity of needs shaping the lived experience of homelessness.

3. RESEARCH CONTEXT AND METHODS

The research context of the current study is the non-profit organisation SL, founded in Bologna in 2001 and currently active in 65 cities across Italy. SL provides free legal assistance to people experiencing homelessness, migrants, and victims of trafficking through a nationwide network of volunteer lawyers. Its activities include legal advice, support in accessing civil, political, and social rights, and, when required, legal representation in court.

Legal assistance is delivered through a network of local offices, operated by over a thousand volunteers, primarily lawyers but also individuals without formal legal training, and located in accessible and familiar settings, often near shelters, soup kitchens, and railway stations.

As part of a broader research project aimed at investigating how the protection of the rights of people experiencing homelessness is implemented in the context of SL, this paper focuses on exploring the needs encountered by legal aid volunteers, with particular attention to barriers related to accessibility and residence registration, as well as the different meanings and representations that volunteers attribute to their practices and to their own role. Against this background, as the study centres on how access to rights is mediated, interpreted, and operationalised within legal aid practice, volunteers are examined as key actors in this process: they translate legal frameworks into actionable support, negotiate with institutions, and bridge the gap between formal entitlements and substantive access.

Within a wider qualitative research design, the study combined participant observations and semi-structured interviews with volunteers from five different cities, however, this paper draws exclusively on interview data, presenting excerpts from interviews with volunteers (Ama-

Table 1. Sample composition.

Legal office	Volunteers	Professional profile	Gender	≤ / ≥ 2 years of experience
A	A1	LV	F	≤
	A2	LV	M	≥
	A3	LV	F	≤
	A4	LV	F	≥
	A5	LV	M	≥
B	B1	LV	F	≥
	B2	LV	F	≥
	B3	LV	M	≤
	B4	LV	F	≥
	B5	LV	M	≥
C	C1	V	F	≤
	C2	V	F	≤
	C3	LV	F	≥
	C4	LV	F	≥
	C5	LV	M	≥
D	D1	V	F	≥
	D2	V	F	≤
	D3	LV	F	≥
	D4	LV	M	≥
	D5	LV	F	≤
E	E1	V	F	≤
	E2	V	F	≥
	E3	V	F	≥
	E4	LV	F	≤
	E5	LV	F	≥

Legend: LV = lawyer volunteers; V = volunteers without legal training. ≤ 2 years of experience; ≥ 2 years of experience.

turo 2012). A total of 25 volunteers were interviewed, and the respondents were recruited using a combination of snowball and purposive sampling methods, with the objective of including individuals with longer-term involvement in the organisation, as well as volunteers from diverse local contexts.

All interviews were recorded, fully transcribed, and subjected to thematic analysis to identify recurrent themes and patterns (Clarke *et al.* 2015).

Some limitations of the contribution are noted. A first concern relates to the sample, as the perspectives of users accessing legal aid services are not directly represented. The experiences of people experiencing homelessness constitute a relevant dimension that this study does not address and represent a significant avenue for further research.

Additionally, the study draws on interviews conducted in five cities, and although territorial diversity was a sampling criterion, the findings do not explicitly capture

variations across Italy's highly differentiated local welfare systems and administrative cultures.

4. FINDINGS

4.1 Access to justice and changing forms of vulnerability

SL was established with the aim of making access to justice effective for individuals living in conditions of extreme poverty and vulnerability, in particular homelessness, migrants, and victims of trafficking, through advocacy actions and the provision of free legal assistance services. As articulated by several volunteers, the underlying intention is thus to give concrete expression to the right of defence enshrined in Article 24 of the Italian Constitution, understood as an indispensable instrument for the effective exercise of rights by all, regardless of social or legal status. As one volunteer explained, «From a legal standpoint, everyone has the right to be protected, and I believe that the right to defence is the most important one, aside from freedom, of course» (A5).

Given their aims and organisational configuration, SL activity emerges as a privileged observatory of the role played by access to justice in the effective realisation of a wide range of other rights. From this perspective, analysing the activities of these offices provides valuable insight into the obstacles faced by people experiencing homelessness, showing how the interplay between legal norms, bureaucratic procedures, and welfare arrangements concretely shapes the lives of individuals in situations of marginality. In this sense, the association also acts as a “sentinel” regarding developments occurring within the local context. As one volunteer explained, «Associations are often the first to perceive what is happening in the local context and to identify emerging problems. Although we provide legal advice, people share much more than legal issues during consultations, which allows us to grasp the broader reality» (C5).

Although the SL bylaws identify people experiencing homelessness and victims of trafficking as its primary target groups, the population reached appears more heterogeneous and has evolved over time. As one interviewee noted, «there is no typical user; rather, there is a wide diversity of people in need» (A1).

This heterogeneity is seen as closely linked to broader changes that have reshaped the configuration of poverty in contemporary society. The interviews provide a clear account of how economic, social, and demographic transformations have made the trajectories of people experiencing exclusion or marginality more diverse and often more complex, encompassing population groups

that were previously less affected, such as the working poor, pensioners, and migrants excluded from formal reception systems. Volunteers report that the situations encountered at the office have changed significantly over time, pointing to a broader increase in poverty. As one interviewee noted, «people were not born poor but became poor» (E5) following events such as relationship breakdowns, job loss, professional failure, or pensions insufficient to meet rising living costs. In other cases, the impossibility of renewing an expired residence permit results in the loss of legal status, leaving individuals without documentation or the possibility of returning to their country of origin and ultimately pushing them into homelessness. These accounts point to forms of unexpected poverty, involving individuals who «suddenly find themselves confronted with a condition of marginality they would never have expected» (E5).

These transformations also pose new challenges for volunteers, as the target population defined by the organisation's mandate – formally limited to people experiencing homelessness – inevitably confronts the complexity and unpredictability of the situations encountered in practice, thereby highlighting the implications of adopting a narrow definition of homelessness. As one interviewee explained,

There has been a shift in poverty, and the geography of marginality has changed. There are segments of the population who are not homeless in the strict sense yet are deeply immersed in poverty. [...] They are not our users, because they may have a home – even if they are behind on rent – or other conditions that place them outside our remit; nevertheless, they are people in severe need (E5).

These situations generate forms of ethical tension in everyday practice, in which volunteers, despite recognising the presence of evident needs, are unable to intervene in order to remain faithful to the association's mandate and to safeguard its organisational sustainability. Accordingly, while legal advice is provided exclusively to people experiencing homelessness, other forms of support – such as listening and guidance on available services – are offered to all individuals who approach the offices. As one interviewee explained «It is not easy to turn people away, especially when their legal needs are clear but cannot be addressed. [...] Yet it is often experienced as a denial of access to justice. In this sense, it represents a failure and a boomerang effect for us as well, because people ask, “So you cannot help me? What are you here for?” These are always failures» (C4).

Another volunteer observed, «there are many – an increasing number – of people who come to us seeking legal assistance, but to whom we can only offer gen-

eral guidance, in order to safeguard the survival of the association and remain faithful to its founding principles» (C4).

These accounts highlight a core tension in the work of the offices: the need to adhere to the organisation's mandate and institutional limits, on the one hand, and the awareness that these constraints may contribute to further exclusion among already marginalised individuals, on the other. In some cases, this tension prompts volunteers to reflect on the possibility of revising or expanding the organisation's mandate to include those who, while formally outside the eligibility criteria, are regularly encountered at the offices and constitute a growing share of people in need.

Our statute does not allow us to extend support to this group. Yet the paradox is that the people who come to us and say, "So what are you here for?" are not precisely homeless: they have accommodation and, in some cases, a permanent address. But the only difference between them and the homeless living on the street, or in shelters, lies precisely in this! (C5).

The changing profiles of individuals approaching SL raise a dual challenge for volunteers: how to respond to those who seek support but cannot be assisted in order to remain faithful to the association's mandate, and how to reach potential beneficiaries who fall within SL's target groups but do not access the office. These include women who are victims of trafficking – formally identified in the bylaws but who «do not come to us at all, because they are afraid to exercise their rights and are often unaware of them – as well as detainees» (B4).

4.2 Administrative invisibility and access to rights

Accessibility emerges as a key structural issue in the provision of legal assistance, primarily revolving around access to health and social services and registration in the population register.

Barriers to accessing and navigating services are among the most frequently reported needs in volunteers' accounts and are described as having a decisive impact on the lives of people seeking support from SL.

If we think about fundamental rights such as the right to health or the right to defence – and many others – they are constitutionally guaranteed and therefore universal, applying to everyone, both Italian citizens and non-citizens. Yet, in practice, accessing the services that are meant to protect these rights is far from straightforward. As a result, when people attempt to exercise their rights, they are often effectively denied (A3).

In this regard, a range of barriers can be identified. As one interviewee noted, «When people are somewhat detached from the social context in which they live, they also struggle to understand where to go, whom to turn to, what to do, and where to seek help» (A1).

For this reason, facilitating access to services constitutes a core component of SL's work. In some cases, this involves guiding individuals towards appropriate local services, as «many people come to us simply because they do not know where to go, so it is essential to be familiar with the services available in order to direct people according to their needs» (E2). In other cases, volunteers assess the feasibility of identified options – such as access to a shelter – by verifying their practical viability and, when necessary, initiating contact with relevant services to facilitate access or establish an initial referral.

In situations of particular vulnerability, volunteers may also personally accompany individuals to services or public offices, or assume key supportive roles within assistance pathways, helping to overcome communicative and practical barriers, for instance by providing interpretation when needed. This dimension of volunteers' work lies beyond the association's formal legal mandate yet often proves crucial for securing effective access to rights.

Volunteers' accounts further reveal the presence of exclusionary practices within service provision and the resulting experiences of frustration among individuals who are repeatedly «bounced» between different offices. As illustrated by the following accounts, this dynamic often translates into anger and exhaustion, as people are denied access to services or redirected elsewhere: «They are often angry because they have had enough, they can no longer bear being bounced from one service to another» (E3). This experience is echoed in another volunteer's account: «The man came to us saying, 'They won't let me into the Emergency Department.' Yes, these are also the kinds of things people tell us» (D2).

One of the major barriers affecting accessibility stems from the absence of registration in the population register. People experiencing homelessness are frequently removed from the municipal population register on grounds of untraceability; despite the availability of mechanisms such as registration at a reference address, re-establishing residence status often remains highly complex: «From the outset, SL has placed the administrative 'invisibility' resulting from the absence or loss of registration at the core of its work».

As this volunteer described:

The idea was to provide free legal assistance to the invisible [...] How does one become invisible? In our experience, most commonly through the loss of residence registration.

The intuition, therefore, was to offer those who had become invisible – and thus excluded from essential services – the possibility of becoming visible again, of re-emerging (C4).

The use of the terms «re-emerge» and «invisibility» effectively conveys the central importance of residence registration in people's lives: without residence, one effectively does not exist and becomes invisible. In the absence of registration, individuals are excluded from fundamental rights and services, including «the right to health and access to healthcare, the right to vote, access to employment service registers, and eligibility for public housing waiting lists. These are core principles that our Constitution identifies as foundational to the development of a democratic society» (C3).

The loss of residence registration also constitutes a significant area of volunteers' work, to the extent that in some cities dedicated days are organised exclusively to address requests and disputes in this domain. Although registration in the population register is formally recognised as a subjective right, it is frequently denied in practice, often unlawfully. Consequently, a substantial part of SL's activity consists of actively enforcing compliance with existing rules – by accompanying individuals to public offices or, where necessary, initiating legal proceedings – in order to secure recognition of this right. As this volunteer explained:

Exercising the right to permanent address often means physically accompanying the user to the municipal office and contesting refusals by the population register, including the denial of registration at a reference address. In practice, this involves ensuring that the applicable rules are correctly implemented in the face of obstructive administrative behaviour (C4).

Beyond obstructive practices by administrative offices, the difficulties surrounding residence registration are manifold. Volunteers' accounts offer a glimpse into the procedure for obtaining registration. One interviewee, for instance, vividly illustrates the paradoxes involved in being required to prove residence in each city to apply for registration in the population register.

Anyone applying for residence registration is required to demonstrate a continuous presence in the city. Until a few years ago, a self-declaration was sufficient; now this presence must be documented. People are asked to provide proof – for instance, showing that they regularly eat at soup kitchens through stamped vouchers – to demonstrate continuity over time. Presence must also be prolonged: if someone has been on the street for only a few days, they are told to 'wait until things get worse', often at least two months. Applicants are further required to specify exactly where they

sleep, which may trigger police checks. These checks can occur at any point during the 45-day period, a timeframe that effectively forces individuals to remain on the street in the same location. If they temporarily stay with a friend, they risk being deemed not homeless and therefore denied residence registration (E2).

This account further illustrates how the adoption of rigid and static definition of homelessness generates paradoxical forms of exclusion, rendering intermittent housing precarity and more fluid experiences of marginality difficult to recognise within administrative frameworks. It also reveals how the procedure for obtaining residence registration can itself become paradoxical: to demonstrate stable presence in a context, individuals may be compelled to renounce informal forms of support – such as temporarily staying with friends – in order to perform continuous homelessness.

Within these dynamics, volunteers may be asked by municipal social services to verify and formally attest individuals' homelessness status, thereby being assigned an inappropriately delegated role of gatekeeping and certification. Volunteers expressed strong concern about being informally tasked with certifying homelessness status by municipal authorities. This delegated gatekeeping role was described as ethically problematic, as it shifts responsibility for eligibility decisions onto support organisations and risks arbitrary and discriminatory outcomes: «You cannot ask us to assume the responsibility of deciding who qualifies and who does not. This is deeply troubling!» (D2).

4.3 Interpreting the legal aid role

SL's mission is primarily oriented towards protecting and strengthening the rights of the most vulnerable, understood as fundamental levers for countering processes of social exclusion and promoting substantive citizenship. In everyday practice, however, this objective encounters the complexity of the conditions under which legal action can be pursued, as well as the plurality of ways in which volunteers interpret, negotiate, and enact their role.

Regulatory provisions and bureaucratic criteria create a rigid framework that often constrains intervention, even in cases of severe hardship. As volunteers' accounts indicate, procedural deadlines, lack of documentation, absence of residence registration, and precarious legal status frequently prevent individuals from obtaining protection or redress. In such circumstances, the law appears not only insufficient but, at times, actively exclusionary, leaving individuals already in conditions of acute vulnerability without effective safeguards.

A man who worked at a petrol station was harassed on a daily basis [...]. Every evening, they would get out of their car with a stick and beat him [...]. He brought us video footage, so I saw it with my own eyes. We advised him not to go to the police, but he would have been expelled because he had no legal status. In that case, we truly felt powerless (B4).

Such cases generate a profound sense of frustration and powerlessness among volunteers, at times forcing them to respond with “I cannot”, despite fully recognising the legitimacy and severity of the needs expressed: «Sometimes they do not understand, and they become angry with the lawyers assisting them, believing that the lawyer is doing nothing, when in fact there are limits that no longer depend on us but on the system» (E4).

The findings clearly reveal an internal tension within the work of the legal aid office, linked to volunteers’ differing interpretations of their role. While some volunteers emphasise a more expansive, rights-oriented understanding of legal aid, others adopt a strictly technical conception of their role, confining intervention to clearly delimited legal categories recognised by the legal system, arguing that «the right to health care is enshrined in the Constitution, as is the right to education. Other rights, such as the right to housing, are not explicitly guaranteed. From this perspective, we are technicians. We can provide support only when there is a clearly defined legal basis (A5).

From this perspective, action is grounded in a formalistic reading of rights, which are recognised and protected only insofar as they have an explicit legal basis and are legally actionable. Within this framework, reference to the limits imposed by the law becomes not only an operational constraint but also a constitutive element of role identity, shielding volunteers from the risk of making unfulfillable promises and from forms of involvement perceived as exceeding their professional remit.

Others, by contrast, recognise the ambiguities and shortcomings of the system and adopt a more flexible stance, mobilising discretionary practices, mediation, and forms of institutional advocacy to expand the substantive enforceability of rights: «As long as there is no law obliging the municipality to act, common sense is required. Where no formal obligations exist, it becomes necessary to engage in dialogue with the administration and to seek solutions, even if this is difficult» (C5). This orientation is underpinned by an ethical commitment to translating principles into practice rather than merely invoking them. As another interviewee explained «Principles of solidarity remain merely on paper if no one attempts to put them into practice. It is easy to proclaim them, but far more difficult to implement them: we need

to make proposals to administrations, set up working groups, and bring these issues to their attention» (C4).

Within this interpretative framework, legal aid practice within SL volunteers’ work extends beyond the mere application of legal norms to encompass practices of mediation, institutional dialogue, the development of informal arrangements, and advocacy aimed at enhancing the substantive enforceability of rights. From this perspective, the exercise of discretionary judgement, sustained engagement with public administrations, and mobilisation of institutional pressure emerge as necessary strategies for addressing needs that, while legitimate, lack immediate recognition within the existing legal and regulatory framework.

In such situations, volunteers are required to navigate a persistent tension between what may be ethically and socially warranted and what is legally permissible. This tension frequently generates experiences of frustration and powerlessness, particularly when volunteers are compelled to withhold assistance despite acknowledging the seriousness of the circumstances encountered.

5. DISCUSSION AND CONCLUSION

The findings of this study illuminate a structural tension in the provision of legal aid for people experiencing homelessness, located at the intersection between the formal recognition of rights and their substantive enforceability. By examining volunteers’ everyday practices and role interpretations, the analysis demonstrates that access to justice is actively produced, and frequently constrained, through the interaction of legal frameworks, administrative discretion, and organisational practices (Sommerlad 2004; Walsh 2006; Forell and Gray 2009; Lipsky 2010).

While the research is grounded in the Italian context, the findings resonate with broader international debates on access to justice and street-level practices in welfare systems, particularly in relation to administrative discretion, gatekeeping mechanisms, and the gap between formal rights and their effective implementation. In this sense, the Italian case offers a relevant empirical lens for understanding how these dynamics unfold in decentralised and institutionally fragmented contexts in which access to services and rights can additionally be hampered by territorial variability in provision and the discretionary practices of local actors (Halvorsen Rønning and Hammerslev 2018; Natili *et al.* 2021; Voivozeanu and Lafleur 2023; Ratzmann 2024).

The effective realisation of rights for vulnerable groups unfolds within a persistent tension between for-

mal legal recognition and substantive access. In this light, the findings underscore how rights-oriented approaches can operate as key levers for countering social exclusion and promoting substantive citizenship, insofar as they engage with the institutional and organisational conditions that shape the exercise of rights in practice (Walsh 2006; Forell and Gray 2009; Belcher and DeForge 2012; Fitzpatrick *et al.* 2013).

The analysis shows that social exclusion and marginalisation frequently assume legal and administrative forms, limiting individuals' capacity to claim subjective rights and access essential services. Difficulties surrounding registration in the population register are emblematic in this respect: although residence is formally recognised as a subjective right, it operates in practice as a selective device, with access shaped by exclusionary administrative practices and restrictive local interpretations.

The empirical findings further indicate that access to justice cannot be reduced to the mere activation of legal procedures, but requires sustained practices of mediation, accompaniment, and translation between legal norms and lived experience. From this perspective, legal protection emerges as a relational process, situated in an intermediary space between normative prescriptions and individuals' concrete living conditions. Volunteers describe forms of practice that frequently extend beyond a strictly legal mandate, encompassing activities of guidance, support, and facilitation of access to welfare services. This underscores how the legal needs of people experiencing homelessness are deeply intertwined with broader social needs, and how a sectoral or narrowly legalistic interpretation of rights risks proving insufficient.

This gives rise to a field of tensions that permeates SL's intervention, shaped by the gap between the demands articulated by individuals and the scope of available legal aid, by the pervasiveness of legal and bureaucratic constraints that at times render legal protection unworkable, and by the complexity of individuals' life trajectories. Within this context, volunteers also report recurring experiences of frustration and powerlessness, alongside a growing awareness that legal protection alone is insufficient to address the complexity of the situations they encounter.

Within this framework, the interviews point to two distinct operational stances among volunteers: on the one hand, a more flexible and dialogical approach, oriented towards identifying margins for institutional negotiation; on the other, a more technically restrictive stance, which confines intervention to cases in which the conditions for legal action are met.

As some authors highlighted (Evans and Harris 2004), this tension reflects a well-established dilemma

in which discretionary practice is shaped by organisational context and professional identity. Within this framework, volunteers adhering to a strictly formalistic approach prioritise procedural compliance, whereas those adopting a more flexible stance engage in what may be defined as discretionary advocacy – an active, rights-oriented exercise of professional judgement aimed at expanding the substantive enforceability of entitlements beyond what formal rules explicitly allow.

Although law and legal institutions continue to represent primary instruments for the protection of rights (Ife 2012), the findings demonstrate that an exclusive reliance on the legal dimension encounters structural limits, particularly where complex social problems must be translated into formally recognisable legal categories. When situations of need fall outside these classificatory frameworks, legal intervention becomes unfeasible (Grande 2017). Moreover, the administrative definition of homelessness adopted by SL itself contributes to constraining the organisation's capacity to support all individuals experiencing housing precarity, by excluding those who do not fully meet institutional criteria.

In this sense, the apparent neutrality and impartiality of the law do not preclude its role in producing or legitimising inequalities, particularly insofar as legal frameworks tend to individualise problems that have collective and structural roots while neglecting the political and social dimensions that generate them (Sommerlad 2004; Grande 2017). Volunteers' accounts highlight how the realisation of justice hinges on the institutional and social conditions through which rights are enacted, rather than on their formal recognition alone. Thus, while access to justice constitutes a fundamental prerequisite for citizenship and participation in social life (Fraser 2005), substantive justice ultimately depends on the conditions under which rights are made effective in practice.

Against this backdrop, SL's legal aid practice emerges as an interstitial space in which volunteers are continuously required to negotiate their role, oscillating between compliance with institutional constraints and efforts to expand the scope of protection through practices of mediation and advocacy. The experiences of frustration and powerlessness reported in the interviews do not merely reflect individual difficulties but instead point to broader structural issues within the welfare system and the governance of access to rights. In this sense, the case of SL confirms its value as a privileged observatory of contemporary forms of exclusion and of the ways in which concrete citizenship is enacted.

Within this framework, the findings underscore the need to situate legal protection within a broader socio-political perspective (Sommerlad 2004; Ife 2012),

one in which rights are not understood solely as formally enforceable individual claims, but as instruments through which the conditions that generate exclusion can be interrogated and transformed. The case of SL illustrates how access to justice is socially produced at the level of implementation, through the interplay of institutional discretion, administrative gatekeeping, and volunteers' advocacy practices (Lipsky 2010). The experience of SL illustrates how legal aid can play a significant role not only in terms of judicial outcomes, but also through its functions of recognition, visibility, and the restoration of voice to marginalised individuals.

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