ILPA MONTHLY

FEBRUARY 2020

Systemic Challenges:

Home office delay and challenging the Home Office in R (MK) v SSHD

Frank Sinatra once sang about love and marriage going together like a horse and carriage. He should have perhaps done an extra verse about the Home Office and their relationship with delay. For as long as one cares to look at it there appears to have been a problem with delays in the asylum system.

IN THIS ISSUE

Of course those delays are not just confined to Home Office asylum decisions. Equally, there does not appear to be any clear correlation between the length of time the Home Office takes to make a decision and the quality of decision. But for unaccompanied asylum seeking children ("UASCs") the problems of delay are particularly acute. In R (MK) v SSHD [2019] EWHC 3573 (Admin) the claimant challenged the Government's processes for dealing with claims for UASCs. Mr Justice Saini dismissed the challenge.

The issue

Saini J noted at the outset the vulnerability of UASCs as a class of individuals. Indeed he describes being, "particularly struck" by some of the case studies of individual children. There they describe the stress felt from the delay. These case studies had been included in the excellent report carried out by Elder Rahimi solicitors, properly singled out for praise by Saini J. These are the stories which underly all the statistics in the case, and of which advisers are all too well aware. Saini J accepted the "serious impact on mental health" that delay had for UASCs.

Although not specifically highlighted by Saini J, there is a particular consequence of delay in relation to children and young adults which is more than merely the fact that they are vulnerable. It cannot be overlooked that delay of a couple of years for a 16 year old is a more significant proportion of their life than it is for someone in their 30s. As the United Nations High Commission for Refugees noted in their 2014 report (Safe and Sound: What States can do to ensure respect for the best interests of unaccompanied and separated children in Europe): the "time factor is more pertinent for children in light of the relatively short trajectory of their development." The issue in the case though was not what the impact was on children and young people of delay; it was whether the delay was lawful.

The challenge and decision

The systemic challenge was brought on three grounds. Saini J dismissed each.

First, the claimant argued that there must be a systemic problem because otherwise there would not be such widespread delays in UASC cases (paragraph 87). The claimant argued this amounted to a breach of the best interests duty in section 55 of the Borders, Citizenship and Immigration Act 2009 to safeguard and promote the welfare of children. However, Saini J found that the evidence did not show that the delays for UASCs were because of failures in the system or a lack of priority being given to UASC claims (paragraph 106). He noted that the number of asylum claims from UASCs had more than doubled in the six years from 2013 to 2019 (paragraph 104). He considered that the Home Office had taken rational steps to address these increases (paragraph 107). He therefore found that there was no "failure of systemic proportions which would justify intervention on public law principles" (paragraph 107).

Secondly, the claimant argued that the Home Office's policy was unlawful. The policy said that protection should be granted "swiftly to those who need it" but it did not give any guidance as to what was meant by swift or how it should be implemented (paragraph 88). The claimant therefore suggested there had been a breach of s55. Saini J dismissed this ground, no pun intended, swiftly. He found that there were numerous features which showed that UASC claims were actually handled with "special attention and prioritisation" (paragraph 126). The guidance did not need to specifically say what was meant by swift. It was enough that Home Office practice showed that it was seeking to balance the needs of prioritising claims for UASCs at the same time as giving the claims the special attention they required.

Thirdly, the claimant argued that children were being discriminated against on the basis of Article 14 taken together with Article 8. Saini J again disposed of this, finding that in so far as the situation of children was significantly different to that of adults they were treated differently.

The claimant went on to argue that the delay in his own specific case was unlawful, it taking more than two years before he was granted asylum. About half of this delay was because of the so-called Operation Purnia "hold". This was when Home Office officials went over to France to see if there were any children in the Calais camps who might be eligible to come to the UK. In April 2017 these cases were put on hold. It was said ministers wanted to consider a more generous approach to young people who came to the UK under Operation Purnia but who did not then qualify for asylum. Saini J found that this hold was not irrational. It had been done for an essentially "benevolent" reason to make sure that no applicant missed out if a more generous policy was indeed adopted (paragraph 159). He therefore found that this delay was also lawful.

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ILPA ACTIVITIES

Each month, the ILPA Activities section highlights what the Secretariat and members have been up to recently. It features meetings we have attended and work undertaken to advance the interests of members.

ILPA meetings with The Law Society and UKVI on contracted services

Out-of-country applications

ILPA and The Law Society met with UKVI on 10 December 2019 to talk through our feedback on the ongoing issues with VFS and TLS when submitting out-of-country applications. We also discussed the ongoing issues with delivery of Biometric Residence Permits. At that meeting, ILPA was provided with two email addresses that members can use as follows:

1. For IT issues and feedback on website/appointment system issues of VFS and TLS
   SRSFESInt@homeoffice.gov.uk
2. IHS issues
   eleanor.clarke3@homeoffice.gov.uk

We also requested (again) direct email addresses for VFS and TLS and we will forward these on as soon as we get them.

In addition UKVI provided responses to some of our feedback - all of this information can be found on our website here. The minutes of the meeting will be produced and circulated to members.

In-country applications

ILPA and The Law Society met with UKVI and Sopra Steria on 17 December 2019 to talk through our feedback on the ongoing issues with UKVCAS centres, managed by Sopra Steria. We fed back the many concerns members have with how these centres operate and, in particular, the difficulties members face with obtaining free appointments. We also pressed them to bring back the option that allowed individuals to search specifically for free appointments. A full note of the meeting will be produced and circulated to members.

Sopra Steria have provided us with a contact and we have already set up a meeting with them.

ILPA is continuing to scrutinise the work of the contracted service providers and is assessing what more we can do to hold the Home Office to account on these issues. Members are always encouraged to provide us with as much information as possible about difficulties they face. Please email Nicole at:

nicole.francis@ilpa.org.uk

European Commission Monitoring Network: The Independent Monitoring Authority

On 16 January 2020, Charles attended the meeting of the European Commission's monitoring network on the EU settlement scheme. This is a meeting of various European embassies and civil society organisations which the Home Office attends. We received an update from the Ministry of Justice as to the operation of the Independent Monitoring Authority (IMA) as established by the European Union (Withdrawal Agreement) Act 2020. The IMA will monitor the government's implementation and application of the citizens' rights provisions of the Withdrawal Agreement.

The Lord Chancellor will appoint an interim chief executive, the chair and the first members of the board of the IMA, but after that the IMA's board will select its own staff. The aim is for the organisation to be operational as soon as possible and for the day-to-day decisions to then be taken by those appointed, rather than by the Ministry of Justice. The IMA will be based in Swansea.

Charles asked a question as to how the positions will be appointed and what skillsets and experience they will have. We were told the process to appoint the chair would have a "public element" to it but the position was unclear as to the other positions. There are certain requirements in the Withdrawal Agreement Act as to the skillsets needed of those employed. ILPA will keep a close eye on the appointments to the IMA to ensure its independence is maintained and it has the appropriate skillsets and resources to properly scrutinise the UK's implementation of the Withdrawal Agreement.

Practitioners should note that the IMA will only be able to deal with structural issues and not individual cases.

VFS Focus Group Meeting

Sonia attended a VFS focus group. Issues were raised by members in relation to the difficulty of appointment booking, in particular where you need to cancel and rebook in a different location.

Issues were also raised in relation to the upselling of services that are not needed. Members were asked to report any such cases to VFS, ideally along with the GWF letter.

A variety of other technical issues were raised and VFS said that they would look into these.

Members also reported serious delays in obtaining refunds, and then also in reconciling them when they are provided without any reference. VFS said that they will be launching a new appointment management system and that they would keep us updated on this.

ILPA ACTIVITIES

ILPA Christmas lunch with refugee charity Migrateful

In December 2019 ILPA were joined by the Migrateful team and learnt how to make delicious Eritrean dishes. Chef Helen Goitom taught the ILPA team how to make timtimo, halmi, shiro and adas which we enjoyed alongside injera.

Migrateful helps refugees and asylum seekers on their journey to employment and independence and promotes integration. It runs cookery classes led by migrant chefs struggling to integrate and access employment due to legal and linguistic barriers. The cookery classes provide ideal conditions not just for learning English and building confidence, but also for promoting contact and cultural exchange with the wider community.

These classes are perfect for anyone looking to try new cuisines and sharpen up on their culinary skills, and a wonderful team building activity with a social purpose that ILPA would highly recommend.

Migrateful offers both open and private classes in London and Bristol, offering to teach home cooking from 14 different countries from around the world including Afghanistan, Albania, Cuba, China, Gambia and Lebanon.

You can find out more about their mission, social impact and how to book a class on their website: https://www.migrateful.org/

You can contact the Migrateful team on hello@migrateful.org and follow them on twitter at @migratefulUK

Strategic Legal Fund

STRATEGIC LEGAL FUND FOR VULNERABLE YOUNG MIGRANTS — Managed by ILPA

The Strategic Legal Fund supports grantees to achieve successful strategic litigation and interventions with the aim to improve implementation and enforcement of policies for vulnerable young migrants in the UK.

Grants awarded:
The Child Poverty Action Group has been awarded funds to develop a challenge to what the government says is a change in child tax credit eligibility introduced by Universal Credit, leading to refugee families with children being excluded from claiming Tax Credit for the retrospective period prior to when they were recognised as refugees.

This affects potentially thousands of families with vulnerable migrant refugee children. Previously, refugees who claimed tax credits within a month of being recognised as a refugee were entitled to an award from when they first claimed asylum which is paid net of any asylum support they received.

Government drops appeal in SLF-funded intervention in Case of K
SLF funded the Joint Council for Welfare of Immigrants (JCWI) to intervene in the Court of Appeal in K v SSHD. The case concerns children being denied their entitlement to British nationality through their biological father if the mother is married at the time of the child's birth to a man who is not British. The government has now dropped its appeal.

The Strategic Legal Fund is now taking applications for its March round, the deadline is 5pm on Friday 6th March 2020. If you are interested in putting in an application, please contact Bella on bella.kosmala@ilpa.org.uk to discuss your proposal.

www.strategiclegalfund.org.uk

Bella Kosmala, Project Manager – Strategic Legal Fund

ILPA ACTIVITIES

Independent Advisory Group on Country Information

Sonia attended the Independent Advisory Group on Country Information meeting, in which stakeholders and the Home Office discussed reviews carried out by relevant experts of the Home Office's Country Policy and Information Notes (CPINs) on Iran: Christians and Converts (May 2019), Vietnam: Victims of Trafficking (September 2018), Albania: Blood Feuds (October 2018) and Albania: People Trafficking (March 2019). The ICIBI will produce a report on those CPINs, and we will circulate this once published.

Home Office Decision-Making

Sonia attended a decision making group meeting with the Home Office and other stakeholders. The Home Office provided an update on changes they are making to improve their decision making, such as ensuring that cases stay within the same team from interview through to decision. In relation to the use of Preliminary Information Questionnaires (PIQ), they said that these should be part of all applications, and the UNHCR and the Home Office are currently carrying out a review into their use.

The statement that claims will be deemed withdrawn if the PIQ is not returned within 14 days should have been removed from letters by now: if members are still seeing this then they should let us know as soon as possible.

The use of video conferencing for asylum interviews was also discussed: stakeholders reiterated the importance of applicants being forewarned that their interview will be carried out by video conference so that the opt out can be used effectively where required.

A new quality performance framework has been introduced in October 2019. Caseworkers' performance will be monitored and they will be put onto an improvement plan, either formal or informal, where required.

Delays in Fresh Asylum Claims

Sonia attended the Asylum Strategic Engagement meeting, and raised the issue of delays and difficulties in obtaining appointments for fresh claims, after the issue was raised at ILPA's Refugee Working Group. The Home Office reported that they are aware of the issue and accepted that current waiting times were not where they wanted them to be. Previously there were around 190 appointments per week and this has been doubled. Their monitoring showed that waiting time for an appointment has reduced and also that it is easier to get through and make an appointment over the phone. If members are finding that this is not the case then they should let us know.

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Comment

This case illustrates the difficulties for claimants in attempting any systemic challenges to delay by the Home Office. As Saini J made clear, "what the courts cannot do is embark upon a macro-economic and social policy designing exercise." (paragraph 124). But one does not need to embark on any such exercise to know that the delays in decisions for UASCs, as indeed for so many aspects of Home Office decision making, are endemic. Saini J accepted there were "clear delays" (paragraph 121). He accepted that these delays were harmful (paragraph 54).

Notably, he found that the "key point is that the Defendant has not ignored these problems." (paragraph 107). The fact that the Secretary of State had taken "rational steps" to address the delay tipped the balance in her favour. Arguably, however, the Secretary of State has been taking such rational steps for years without any obvious signs of improvement. If all other things remain equal, and there is still no improvement despite these steps, then the question of unlawful delay is likely to arise again soon. Indeed it may arise even sooner in the event of any appeal. Unacceptable delays "cannot be excused by a claim that sufficient resources were not available." (R (FH) v SSHD [2007] EWHC 1571 (Admin), paragraph 11). The defendant must produce some material to show that the resources put into an exercise are reasonable (ibid.) What is clear is that delays in Home Office decision-making are unlikely to resolve themselves overnight. In fact, a cynic might suggest that even if delay were to be overcome in one part of the system, it would just be at the expense of speedy decision-making in another. Systemic challenges, and delay, promise to be with us for a long time yet.

David Ball, Barrister at The 36 Group, ILPA Trustee

ILPA NOTE FOR MEMBERS

Currently we send you just one copy of the mailing addressed to the person listed as the key contact at the organisation. If you would like additional copies for your colleagues please email **info@ilpa.org.uk**

Notable Legal Decisions

This month we have two notes from members on interesting legal points raised in their cases. We are keen for members to contribute similar notes. Please email Charles at charles.bishop@ilpa.org.uk.

Note on Withdrawal of Asylum Policy

1. As a result of judicial review proceedings brought by an Iraqi national ("N"), the SSHD has agreed to amend her policy *"Asylum Policy Instruction Withdrawing Asylum Claims Version 5.0"* as it relates to individuals with disabilities and those who lack or may lack mental capacity to make decisions about their asylum claim.
2. Paragraph 333C of the Immigration Rules imposes a duty on the SSHD to determine every initial claim for international protection if not withdrawn by the applicant, and provides a discretion to decide not to determine an initial protection claim if the claim is withdrawn. The possible consequences of an application being incorrectly withdrawn are stark. The applicant becomes an "overstayer", he is in turn liable to criminal prosecution, administrative detention, and possibly refoulement to serious harm or worse.
3. In this case, the SSHD decided to discontinue N's asylum claim even though his representatives had repeatedly put the SSHD on notice of their concerns about his capacity to receive and understand information, and to make informed decisions in his own interests. They referred to several statements by people who had noticed indicative behaviour whenever they met him. Without informing his solicitor N was interviewed by the SSHD, during which he agreed to withdraw his asylum claim. In consequence, the SSHD set directions for his removal to Iraq. Having engaged a litigation friend, N challenged the removal decision by judicial review, securing an injunction preventing his removal from the UK.
4. In his judicial review claim, brought with permission, N targeted the SSHD's discontinuance decision as well as the policy under which it was made. In summary he argued that his asylum claim could not fairly be treated as withdrawn, and the SSHD's withdrawal policy contains a significant lacuna: decision makers are not directed to consider, or make reasonable enquires into disabilities or capacity issues, and on the face of the policy there is no mechanism to re-open the decision to discontinue the claim in light of new or better information about the individual's condition. N eventually secured a full medical report confirming that the concerns of his solicitor were justified.
5. The SSHD subsequently agreed to consider N's asylum claim, and by order, sealed on 17 January 2020, to amend the Withdrawing Asylum Claims Policy to include:
   (i) procedural safeguards and referral mechanisms relating to a person's disability or mental capacity;
   (ii) reasonable adjustments in relation to the same, and;
   (iii) a procedure for re-opening the asylum claim.
6. The SSHD also agreed to make decision makers aware of the lacuna in the policy and that a new policy is being prepared, and to provide appropriate training to all caseworkers on the above.

N was represented by Bethan McGovern of Southwark Law Centre, instructing Ali Bandegani of Garden Court Chambers.

Ali Bandegani, Garden Court Chambers

Note on a recent Dublin III judicial review decision from Upper Tribunal

In R (HSF) v SSHD (unreported) [2019] UKAITUR JR112832014 the UK's Upper Tribunal looks at a Dublin III case where it was argued that the third country's responsibility for the asylum claim had lapsed given three months' absence outside the EU. A Eurodac hit had detected the applicant having been fingerprinted in Bulgaria. However, he explained that he had been trafficked out of the EU to Turkey where he had stayed for around six months. Then he made his way to the UK in the back of a lorry, unaware of which countries through which he passed.

Although informed of the claimed departure from the EU at interview, the Home Office did not investigate the question further at the interview stage and nor was the issue addressed in her original refusal letter. She then argued that any information provided after the third country return decision had been made should be treated as inadmissible "post-decision" evidence on JR proceedings, as the process for determining Member State responsibility for the asylum claim was complete.

The UT accepted that

- the SSHD had acted unfairly in rejecting the truthfulness of the claim without a more active investigation pre-decision, and
- that it was appropriate to determine whether the asylum seeker had truly departed the EU for three months by admitting relevant post-decision evidence: this included not only witness statement evidence but oral evidence received at the substantive JR hearing.

Mark Symes appeared for the Applicant instructed by Emma Terenius of Wilson Solicitors LLP.

Mark Symes, Garden Court Chambers

Healthcare Post-Brexit

ILPA Training booking now!

DT 1898 Entitlement to NHS Health Care and Charging: Representing Migrant Clients in the Hostile Environment

View website for details

"Although it is likely that British and EEA/Swiss citizens will be able to travel and move to other member states without healthcare concerns in the coming year, the post-transition period looks grim."

Following the Conservative Party's overwhelming election victory, it was inevitable that we left the EU on 31 January 2020. The arrangements to be implemented to protect EEA/Swiss and British citizens' healthcare rights are naturally of great importance and are accordingly deserving of significant scrutiny.

Citizens arriving before the end of the transition period

Currently any British worker who moves to the EEA/Switzerland or vice versa has equal access to public healthcare as nationals of that country. The Withdrawal Agreement, as implemented by the EU (Withdrawal Agreement) Act 2020, provides some immediate clarity by ensuring that existing regulations under EU law will continue to apply during the transition period. This ensures that EEA/Swiss nationals and British citizens (as well as their qualifying family members) resident in the UK or relevant member state will be able to continue to access healthcare on the same basis until 31 December 2020.

EEA/Swiss citizens arriving after the end of the transitional period

The position for those entering the UK or relevant member states following the conclusion of the transition period is, however, rather less clear. Their rights will be determined by arrangements entered into following forthcoming negotiations between the UK and EU. Yet, it is reasonable to anticipate that EEA/Swiss nationals entering the UK after the end of the transition period are unlikely to receive preferential treatment given the Government's stated intention to subject EEA/Swiss nationals to the same requirements as third country nationals in a unified immigration system.

The Immigration Health Surcharge was introduced in 2015 and requires migrants to make a mandated contribution to the NHS as part of the process of seeking immigration permission. Although all working migrants already contribute to the NHS through their income tax, they are also essentially required to contribute for a second time prior to their grant of leave. After the fees doubled to £400 in January 2019, the Government pledged in its election manifesto to further raise the surcharge to £625 per year. If EU nationals in the UK are subject to such costs under the new unified immigration system this will have an immense financial impact – a family of four for example would have to pay £12,500 in addition to the Home Office's application fees if seeking immigration permission for a period of five years. This is likely to discourage migration at a moment where employers will be continuing to seek solutions for the loss of a significant part of the EU workforce.

British citizens arriving after the end of the transition period

It is even more unclear at this stage under what conditions British citizens will be permitted to make use of the healthcare systems of member states. Whilst this may take the form of an EU-wide agreement with the UK, the fact that healthcare governance within the EU is predominantly a competence of the individual member states makes it likely to be arranged through various bi-lateral agreements. Although the loss of unified arrangements will complicate the process for British citizens moving to the EU, as most member states do not impose excessive health care surcharges on migrants the disadvantage does not compare to the costs that EEA/Swiss nationals moving to the UK may incur.

Short-term travel

The European Health Insurance Card (EHIC) scheme currently gives EEA/Swiss nationals the right to have access to public healthcare during a temporary stay in another EU or EFTA state. This arrangement covers medically necessary public healthcare at a reduced cost (free of charge in many cases). This arrangement will continue to be in place throughout the transition period and for any trips that commenced before 31 December 2020.

It is currently unclear whether it is the Government's intention to continue to participate in the EHIC scheme. Although the May Government's White Paper published in July 2018 did indicate that it wanted the scheme to remain in place, Boris Johnson has not yet formulated a similar intent. As the UK has reciprocal health insurance agreements in place with a number of non-EU countries it is reasonable to anticipate that at least some form of arrangement will be entered into. However, it may well be less substantive than the current scheme which unlike other reciprocal agreements includes the treatment of chronic and pre-existing medical conditions.

EEA/Swiss nationals currently residing in the UK should also be aware that in the event that the EHIC scheme is abandoned following the transition period they may no longer have a right to a UK issued card. This is because the issuance of an EHIC card is based upon residence rather than nationality. Consequently, EEA/Swiss nationals working in the UK are subject to the arrangements of the UK where they pay social security contributions.

Effects on British health and social care system

Aside from the elevated cost and insecurity for those British citizens travelling and moving to EU member states post-Brexit, it is also of relevance that UK residents will experience further ramifications of the end of free movement in the diminished capacity of the NHS and the adult social care system.

Currently 65,000 out of the 1.2 million NHS workers and 115,000 out of 1.3 million adult social care workers are EU citizens, many of whom are leaving the UK.[1] By way of example, the number of nurses and midwives leaving the UK in 2017 increased by 67% and the number joining decreased by 89% compared to the year before.[2] Such immense loss of European workforce and lower levels of future migration from the EU will undoubtedly exacerbate the current staff shortages of 100,000 workers in the NHS and 122,000 workers in the adult social care system.[3] It appears unlikely that the proposed 'NHS Visa' category will have the capacity to fundamentally tackle these shortages and compensate for the loss of EU workers who are currently able to commence work without any cost or administrative burden imposed upon them or their employer.

Although it is likely that British and EEA/Swiss citizens will be able to travel and move to other member states without healthcare concerns in the coming year, the post-transition period looks grim. Aside from the impact of Brexit on the NHS, it is unclear the extent to which the UK intends to negotiate reciprocal arrangements for short and long-term access to healthcare services, much less whether it will be possible to conclude these negotiations in an unprecedented 11-month period

Article by Matthew Wills (below left) and Louise Willocx (below right).

Matthew Wills is a Senior Solicitor and Louise Willocx is a Paralegal at Laura Devine Immigration in London, a firm which speicalises in immigration services.

[1] "Brexit: the implications for health and social care." *The King's Fund* (22 Feb. 2019)

[2] Dr. Onkar Sahota "The Impact of Brexit on the health and social care sector." UKandEU.ac.uk (14 Mar. 2018)

[3] "Brexit: the implications for health and social care." *The King's Fund* (22 Feb. 2019)

Long Residence Rules

As long ago as 1985 the Home Office introduced a concession outside the Rules under which migrants who had clocked up ten years' continuous lawful residence, or 14 years' continuous residence of any legality, could acquire indefinite leave to remain.

This benefited both people who were here with leave, but on a route that would not itself lead to settlement, such as students, and people who had overstayed their leave or who never had any leave in the first place. This concession was brought into the Immigration Rules on 1st April 2003 as paragraphs 276A-D. But as is usually the case, guidance to caseworkers continued to be provided in the form of Immigration Directorates' Instructions (opinions differ as to the placement of the apostrophe).

This guidance told caseworkers what to do if there were short gaps in the continuity of lawful leave under the 'Ten-Year Rule', such as might happen if a migrant let his current leave expire before putting in an application for further leave, or if he waited until any leave extended by section 3C had run out. Provided the out-of-time application was subsequently granted, the short gap could be ignored, and the continuity of lawful leave for the purposes of the Ten-Year Rule would be considered not to have been broken. This waiver of short gaps in continuity was then put into the Rules themselves in the wake of the abolition of the 'Fourteen-Year Rule' on 9th July 2012, and its replacement by para 276ADE(1)(iii), sometimes called the 'Twenty-Year Rule'.

The new rule on waivers actually countenanced longer gaps than the guidance, and (in a somewhat expanded later form) paragraph 276B(v) said this –

> *(v) The applicant must not be in the UK in breach of immigration laws except that any period of overstaying for a period of 28 days or less will be disregarded, as will any period of overstaying between periods of entry clearance, leave to enter or leave to remain up to 28 days and any period of overstaying pending the determination of an application made within that 28 day period.*

This 28-day 'grace period' was reduced to 14 days by paragraph 39E from 24th November 2016, as well as being burdened with a requirement for there to be a very good reason why the application for further leave was not made in time. Paragraph 276B(v) now looks like this –

> *(v) the applicant must not be in the UK in breach of immigration laws, except that, where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded. Any previous period of overstaying between periods of leave will also be disregarded where –*
>
> *(a) the previous application was made before 24 November 2016 and within 28 days of the expiry of leave; or*
>
> *(b) the further application was made on or after 24 November 2016 and paragraph 39E of these Rules applied.*

These additions to the 'Ten-Year Rule' did not altogether supersede the guidance to caseworkers about waiving gaps in the continuity of leave. Later versions of the *Long Residence* guidance for caseworkers (such as Version 15.0, issued on 3rd April 2017) not only confirm that the periods of overstaying listed at paragraph 276B(v) are to be disregarded when calculating eligibility for ILR, but preserve an important feature of the old Long Residence Concession, namely that longer periods of overstaying may be condoned in exceptional circumstances.

It came as a shock therefore when this guidance was disapproved by Floyd and Haddon-Cave LJJ in *R (Ahmed) v SSHD* [2019] EWCA Civ 1070, holding that not even paragraph 276B(v) itself can be relied on by applicants for ILR who have short gaps in their long residence. In a nutshell, the court held that the various subparagraphs of paragraph 276B are separate and freestanding, each with a self-contained meaning. Thus, the requirement at 276B(i)(a) to have had at least ten years *"continuous"* lawful residence cannot be qualified by the assurance at paragraph 276B(v) that certain periods without lawful residence *"will be disregarded"*. Such periods of overstaying cannot, their Lordships insist, be converted into periods of lawful leave: *"Still less are such periods to be 'disregarded' when it comes to considering whether an applicant has fulfilled the separate requirement of establishing '10 years continuous lawful residence' under sub-paragraph (i)(a)"* (at [15]).

This unfortunate conclusion is based on an earlier decision of Sweeney J, sitting in the Upper Tribunal in *R (Juned Ahmed) v SSHD (paragraph 276B – ten years lawful residence)* [2019] UKUT 10 (IAC). In this case, the applicant was nine months short of the ten-year point when he made an out-of-time application for further leave. The application was eventually refused after the ten-year point had been passed, and he argued that, because his application was still pending at that point, he should be regarded as having clocked up ten years' lawful leave. The argument was clearly untenable, and that should have been the end of the matter. But counsel for the Secretary of State threw a spanner in the works by coming up with an additional argument, which his Lordship adopted –

> *"[S]ub-paragraph (v) represented a freestanding requirement that was additional to sub-paragraph (i)(a). The former did not negate or compromise the requirement under the latter of showing 10 years continuous lawful residence. Rather, sub-paragraph (v) involved an additional requirement, which did not qualify any other pre-existing requirement in the Immigration Rules, such that even if a person had had at least 10 years continuous lawful residence in the United Kingdom, he would not be entitled to indefinite leave to remain if he was in the UK in breach of immigration laws unless one of the exceptions in sub-paragraph (v) applied."*

What then is the point of paragraph 276B(v)? Counsel in *Juned Ahmed* seems to have suggested that it is there to help people who have resided lawfully for a continuous period of ten years, but who do not have leave when they apply for ILR under the Ten-Year Rule. Their Lordships in *Masum Ahmed* make no mention of this, however, and offer no other suggestion as to what the subparagraph might be for. Instead, they castigate the Home Office guidance to caseworkers for saying that *"gaps in lawful residence"* can be disregarded because *"the rules allow for a period of overstaying of 28 days or less when that period ends before 24 November 2016."* That, say their Lordships, does not accord with the *"true construction"* of paragraph 276B (at [15]). *"The SSHD may wish to look again at the Guidance"*, continue their Lordships, *"to ensure that it does not go any further than a statement of policy."*

However, there is no sign in the latest guidance, Version 16.0, issued on 28th October 2019, that this change has been done. When considering breaks in lawful residence, caseworkers are told that they *"can use discretion for short breaks."* But a distinction is drawn between breaks of no more than 28 or 14 days, as set out at paragraph 276B(v), and longer periods of overstaying. In the former case, leave can be granted under the Rules, while in the latter case leave can only be granted outside the Rules, in *"exceptional circumstances"* such as serious illness or postal delays.

In an article for the *Free Movement* blog, John Vassiliou, partner at McGill & Co, writes that the decision of the Court of Appeal in *Ahmed* was followed by the Outer House of the Court of Session, and proposes a simple way out for those unhappy with the interpretation favoured by the courts, namely a strict dichotomy between the Rules and the guidance.[1] The Long Residence rule does not allow ILR to be granted if there is any break at all in the continuity of ten years' lawful leave. But the guidance authorises caseworkers to grant ILR outside the Rules in the circumstances envisaged by paragraph 276B(v),

which is reproduced (somewhat abbreviated) in the guidance. Unfortunately, that is a misreading of the guidance, which draws a clear distinction between the periods of overstaying sanctioned by rule 276B(v), which attract a grant under the Rules, and longer periods of overstaying, which may only attract a discretionary grant outwith the Rules.

It is surely ironic that in both the ***Ahmed*** cases counsel for the Secretary of State were arguing for a position which the Secretary of State herself does not appear to hold. One hopes that the issue will come up again at the Court of Appeal. ***Masum Ahmed*** was actually a decision on whether to grant permission to appeal. Decisions on such cases are not normally published, so a full appeal hearing may be feasible in a subsequent case.

Richard McKee, Barrister

[1] https://www.freemovement.org.uk/any-overstaying-technically-breaks-long-residence-court-of-session-agrees/

ILPA LEGAL UPDATE

The Legal Update provides a regular snapshot of key legal developments over the past month.

Legislative Updates

Please find below a selection of legislative updates relevant to immigration, asylum and nationality law.

Law Commission publishes its final report on simplification of the Immigration Rules

On 14 January 2020, the Law Commission, a statutory independent body, published its final report on the simplification of the Immigration Rules. In light of increasing recognition and criticism of the complexity of the Immigration Rules, this project was set up on 13 December 2017 to identify the underlying causes of their complexity and to develop principles under which they can be redrafted to make them simpler and more accessible. The project did not look at substantive immigration policy. A consultation paper was published on 21 January 2019 and the report for the most part is in line with the consultation paper.

ILPA contributed to the consultation and we are pleased to see that we are mentioned over 60 times in the report. We would like to thank all our members who contributed to the consultation response and took part in the workshop. While the Home Office is yet to respond formally to the final report, at our AGM in November 2019, Sally Weston, Head of Legal Strategy at the Home Office, confirmed the government intends to deliver simplification at the same time as its future immigration system. She also highlighted the importance of ILPA's feedback to the project. Work is already ongoing in light of the proposals that appeared in the consultation paper.

The report recommends a complete redrafting of the Immigration Rules, with changes to how the Rules are structured, drafted and maintained, including a twice-yearly limit to updates to the Rules. The report also recommends that the Home Office consider introducing a less prescriptive approach to evidence required from applicants. There is a concern that the overly-detailed approach has led to an increasing number of amendments to the Rules, making them more difficult to follow.

Key recommendations include:

- Completely re-structuring the Immigration Rules, with different subject-matter categories, which would allow easier identification of inconsistent wording.
- Introducing a less prescriptive approach to evidential requirements in the form of non-exhaustive lists where appropriate.
- Where prescription is reduced, lists of evidential requirements should specify evidence which will be accepted, together with a category or categories of less specifically defined evidence which the decision-maker would consider with a view to deciding whether the underlying requirement of the Immigration Rules is satisfied.
- Any difference in wording and effect between Immigration Rules covering the same subject-matter should be highlighted in guidance and the reason for it explained.
- Consistent numbering of paragraphs, use of headings and of sub-headings, and more efficient use of defined terms located in a central booklet, with hyperlinks to the definitions.
- Definitions should not be used as a way to import new requirements to the rules.
- The Home Office should convene a committee at regular intervals to review the drafting of the Immigration Rules in line with the principles in the report.
- There should be a 'tracked changes' (Keeling schedule) version of changes to the Rules.
- There should be at most two major changes to the Rules per year unless there is urgent need for additional change.
- There should be simplification of guidance documents, with an aim to reduce the guidance on any topic into a single document incorporating guidance both for caseworkers and applicants.

The legislative agenda of the new government

The election of a Conservative government with a large majority signals major changes ahead for immigration law. Alongside the withdrawal of the UK from the EU and the end of free movement (discussed further below), the government intends to deliver a new borders and immigration system, with its hallmark 'Australian-style points-based system'. The details of that system remain unclear for now. The government is awaiting the report of the Migration Advisory Committee, which is due to be published not long after the date of writing this update.

The government set out its agenda for the parliamentary session in the Queen's Speech on 19 December 2019. Of note are the following:

1. Immigration and Social Security Co-ordination (EU Withdrawal) Bill

The purpose of this bill will be to remove the rules providing for the free movement of people under EU law. It is expected that this bill will largely replicate the bill of the same name that was introduced in Parliament under the previous government. The bill will bring EEA nationals arriving from January 2021 under the same legal regime as nationals of non-EEA countries and pave the way for the new immigration system.

ILPA previously briefed Parliamentarians on this Bill and will continue to engage with Parliament on this issue, albeit cognisant of the changing priorities in light of the different parliamentary make-up.

2. Foreign National Offenders Bill

The purpose of this bill is stated to be to 'enhance our ability to deal effectively with foreign national offenders'. The only known element of the bill is to increase the maximum penalty for foreign national offenders who return to the UK in breach of a deportation order. It is likely that the bill will contain other elements.

3. Windrush Compensation Scheme (Expenditure) Bill

This short bill was introduced in Parliament on 8 January 2020. It puts the Windrush Compensation Scheme (which is already operational) onto a statutory footing. The Scheme provides compensation for certain eligible individuals who suffered loss because they could not demonstrate their lawful right to live in the UK.

European Union (Withdrawal Agreement) Act 2020

The European Union (Withdrawal Agreement) Act 2020 received Royal Assent on 23 January 2020, allowing for the UK's departure from the EU under the terms of the Withdrawal Agreement concluded between the EU and the UK on 17 October 2019.

Citizen's rights

Amendments were tabled in the House of Commons to provide for an automatic statutory grant of immigration status to those eligible under the EU settlement scheme, rather than requiring individuals to apply under the scheme to acquire a status once the provisions providing for the free movement of persons in the UK are revoked (ie imposing a so-called 'declaratory scheme' of registration). This included a sub-clause which ILPA had drafted to ensure that any changes to the Immigration Rules could only strengthen rather than weaken protections. However, these amendments were unsuccessful in the House of Commons. A shorter amendment which had a similar effect, as well as requiring the government to provide the option of a physical document for EEA nationals who have status under the scheme, passed in the House of Lords. It was, however, not taken up by the House of Commons as part of the ping-pong and so did not end up in the final version of the Act.

The Act for the most part replicates the Bill introduced to the old Parliament on 21 October 2019. The new Bill was introduced in Parliament again on 19 December 2019 with some revisions, although these changes largely do not affect the provisions relating to citizens' rights. Part 3 of the Bill provides for the citizens' rights provisions of the Withdrawal Agreement. For the most part, it does this by delegating powers to the Secretary of State, including Henry VIII powers allowing it to amend primary legislation. The Bill also provides for ministers to make provisions for appeals against decisions on citizens' rights decisions. At the moment, there is no right of appeal against a refusal under the EU settlement scheme (although decisions can be subject to administrative review), but as this is required by the Withdrawal Agreement the Act provides for this.

Family reunification

One important change to the Act from the version introduced in the last Parliament is a clause removing the government's existing obligation under the European Union (Withdrawal) Act 2018, s 17 to negotiate a post-Brexit agreement with the EU relating to the family reunification of unaccompanied asylum seeker children. Instead, the 2018 Act is amended to require a minister to lay before Parliament a statement of policy in relation to any future arrangements on this issue. ILPA supported calls for this clause to be removed, which appeared to serve no purpose but to weaken the government's commitment to family reunification. Unfortunately, despite the Lords voting to remove the clause, this was not accepted by the Commons and the clause remained in the version of the Act that passed.

Independent Monitoring Authority (see page2)

The Act also provides for the creation of an Independent Monitoring Authority, as required by article 159 of the Withdrawal Agreement, to monitor the government's implementation and application of the citizens' rights provisions of the Withdrawal Agreement. The Lord Chancellor will appoint the chair and first members of the board of the IMA, but after that the IMA's board will select its staff. The IMA's functions include:

- receiving complaints;
- undertaking inquiries;
- preparing written reports following those inquiries; and
- applying for judicial review or to intervene in legal proceedings to promote the adequate and effective implementation of the citizens' rights provisions of the WA.

The IMA will only be able to deal with structural issues and not individual cases.

Case Law Updates

Please find below a selection of case law updates relevant to immigration, asylum and nationality law.

Patel v SSHD; Shah v SSHD [2019] UKSC 59: *Zambrano* applies only where the EU citizen will in fact be compelled to leave the UK

These joined cases concerned the derivative right of residence under Article 20 of the Treaty on the Function of the European Union as interpreted in *Ruiz Zambrano v Office national de l'emploi* (Case C-34/09) [2012] QB 265 and subsequent cases, ie that a third-country national (TCN) carer of an EU citizen resident within the EU is entitled to reside in the EU where this will avoid the dependant being deprived of the substance of their EU citizenship rights on removal of the TCN parent from the EU.

Mr Patel, an Indian national, cared for his two ill British citizen parents. The First-tier Tribunal (FTT) accepted the father was dependent on him, but found that he would not leave the UK if Mr Patel had to return to India, as there was evidence to suggest his medication was not available in India but he would receive adult social care in the UK. While this would not give him the same quality of life as if Mr Patel remained, he would still be able to live in the UK.

Mr Shah, a Pakistani national, is the primary carer of his British citizen son, although the mother is a British citizen and lives with the two of them. She works full-time to support the family. On the findings of the FTT, if Mr Shah had to return to Pakistan, both Mrs Shah and the child would leave the UK.

The Supreme Court held that Mr Patel's appeal would fail because he would not leave the UK. The court said: 'what lies at the heart of the Zambrano jurisprudence is the requirement that the Union citizen would be compelled to leave Union territory if the TCN, with whom the Union citizen has a relationship of dependency, is removed' (at [22]). In the CJEU case *KA v Belgium* (Case C-82/16) [2018] 3 CMLR 28, the court emphasised the distinction between dependency of an adult EU citizen and of a child EU citizen. A TCN can have a relationship of dependency with an adult EU citizen sufficient to justify a derived right of residence only in exceptional circumstances. While it was argued that *Chavez-Vilchez v Raad van Bestuur van de Sociale verzekeringsbank* (Case C-133/15) [2018] QB 103 relaxed the level of compulsion required, if this were the case any relaxation could apply only to children and not adults.

As for Mr Shah's appeal, this would be allowed. The Court of Appeal had used the fact that Mr Shah's decision to leave the EU was voluntary and that his sons' mother could look after the child without Mr Shah to justify holding that there was no compulsion to leave the UK. The correct test, however, is whether the son would be compelled to leave with his father, who was his primary carer, because of his dependency on his father. The court said 'the test of compulsion is thus a practical test to be applied to the actual facts and not to a theoretical set of facts' (at [30]).

Akinyemi v SSHD (No 2) [2019] EWCA Civ 2098: the public interest in the deportation of foreign criminals has a moveable rather than fixed quality

Mr Akinyemi, a Nigerian national, was born in the UK in 1983 and has never left the UK. He has 20 criminal convictions, including causing death by dangerous driving and possession of heroin with intent to supply. He was made the subject of a deportation order and his case went up to the Court of Appeal, back down to the Upper Tribunal, and he then appealed against that decision in this appeal.

The Court of Appeal allowed the appeal and remitted the matter once more to the UT. Sir Ernest Ryder stated:

'The correct approach to be taken to the 'public interest' in the balance to be undertaken by a tribunal is to recognise that the public interest in the deportation of foreign criminals has a moveable rather than fixed quality. It is necessary to approach the public interest flexibly, recognising that there will be cases where the person's circumstances in the individual case reduce the legitimate and strong public interest in removal. The number of these cases will necessarily be very few i.e. they will be exceptional having regard to the legislation and the Rules. I agree with the appellant that the present appeal is such a case.'

The most important factor to this analysis was that the appellant had been in the UK lawfully his whole life (the issue decided in *Akinyemi (No 1)* [2017] EWCA Civ 236).

Case Law Updates

Please find below a selection of case law updates relevant to immigration, asylum and nationality law.

R (on the application of Junied) v Secretary of State for Home Department [2019] EWCA Civ 2293: Court of Appeal upholds the inflexibility of the PBS system

The appellant in this case had been refused leave to remain as a Tier 1 (Entrepreneur) migrant. In order to demonstrate he had the £200,000 available to invest, he relied on the funding from a third party who promised to make the funding available if the application was granted, as permitted by paragraph 41-SD(c) of Appendix A of the Immigration Rules.

Paragraph 41-SD(c)(i)(10), however, requires the third party's financial institution to produce a letter confirming 'that the third party has informed the institution of the amount of money that the third party intends to make available, and that the institution is not aware of the third party having promised to make that money available to any other person'.

In this case, Mr Junied had been unable to provide such a letter as his sponsor's bank, Halifax, had a policy not to issue such letters. At the hearing, Mr Junied produced similar letters from other banks stating they too had a policy not to issue such letters. The Home Office, however, produced two letters from other cases indicating that such letters had been issued in the past by Halifax.

Mr Junied argued, in essence, that the refusal was unreasonable in that it required him to do something that was impossible. The Court of Appeal dismissed the appeal, justifying its decision primarily on the aims behind the points-based system.

Davis LJ said:

'Although Mr Singer [counsel for the appellant] advanced a number of suggestions as to how the Rules could be much better and more fairly drafted – by way of example only, in listing or scheduling approved institutions who in principle are prepared to issue letters in the required format – as it seems to me, this was plainly a matter for Parliament. The Rules were laid before Parliament and were not disapproved: and it is not for the applicant here to say how the Rules should have been drafted or could be better or more fairly drafted' (at [39]).

In response to an argument that the Secretary of State could have exercised her residual discretion, Davis LJ held that such a position is not tenable in relation to the PBS:

'If the argument were right, it would drive a Heavy Goods Vehicle through the whole scheme: which is designed to achieve certainty, consistency, predictability and ease of administration, even if at the expense of flexibility. It would also run counter to the approach of all the decided authorities in this field and to the uniform acceptance that harsh outcomes in some individual cases is a price that has to be paid for the advantages (as perceived by the Rules) of a PBS. Moreover, where the Rules sanction some modification of the prescriptive requirements for documents, for example, that is in terms provided: see paragraph 245AA. The notion of a general "residual discretion" applicable to the PBS itself, albeit unexpressed in any Rule, is thus an effective negation of its intended purpose and effect. Indeed, if Mr Singer were right, it might even mean that unscrupulous applicants in Tier 1 (Entrepreneur) Migrant applications (I stress that I am talking generally, not about this particular case) might be well advised to put forward an institution such as the Halifax Bank as their proposed relevant financial institution, if there are perceived difficulties in otherwise obtaining the requisite confirmations in accordance with the Rules. Certainly the position here is wholly different from that appertaining in a case such as ex parte Doody' (at [42]).

ILPA GET IN TOUCH!

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We are after content on any topic that interests you. Ideally, contributions should be 700-1000 words in length. Longer pieces will, however, be considered.

R (Al-Enein) v SSHD [2019] EWCA Civ 2024: naturalisation 10-year good character policy upheld

The appellant sought to argue that the policy at paragraph 9.7 of Annex D to the Nationality Instructions was ultra vires the British Nationality Act 1981, paragraph 3(d) of Schedule 1. Paragraph 9.7 relates to the requirement of good character, and states that the applicant must have been 'compliant with immigration requirements' within the ten years preceding the application. By contrast, paragraph 3(d) of Schedule 1 states that the applicant must not have been 'in breach of the immigration laws' in the three years preceding the application.

While the argument appeared, in effect, to be dropped by the applicant's representatives following the hearing, the court provides useful exposition of the legislative framework around naturalisation.

The Court of Appeal held that the Secretary of State was entitled to make this policy. Singh LJ explained the structure of the British Nationality Act 1981 and the powers of the Secretary of State as follows:

'First, the minimum statutory conditions must be satisfied before the Secretary of State has any power to grant naturalisation: for example, the residence requirements for the relevant period must be met. It may be possible for some of those requirements to be waived by the Secretary of State. Secondly, the Secretary of State must be satisfied that the applicant is a person of good character. This is not strictly speaking an exercise in discretion. Rather it is an exercise in assessment or evaluation. Importantly, the Secretary of State has no discretion to waive this requirement of good character. Thirdly, and only if the earlier conditions are met, there arises a true discretion, at which stage the Secretary of State 'may' but is not required to grant the application for naturalisation.'

As the 'immigration laws' referred to in paragraph 3(d) specifically do not include breach of a condition of leave, the Court of Appeal found that the Secretary of State has not gone beyond paragraph 3(d) of Schedule 1 in setting her good character policy. In any event, the Court found that breach of immigration laws longer than three years ago could be relevant to good character. Singh LJ concluded:

'The correct analysis of the legislation is as follows. First, there are certain minimum statutory criteria which must be satisfied before a valid application for naturalisation can be considered at all. Some of these requirements laid down by Parliament can be modified or waived by the Secretary of State but the requirement of good character cannot be, as Lord Woolf made clear in ex parte Fayed [[1998] 1 WLR 763]. Although those requirements laid down by Parliament are statutory minimum requirements, there is no reason in law why the Secretary of State cannot impose an additional or extended requirement relating to breach of immigration laws as properly being a matter which is relevant to the more general question of good character. As I have already mentioned, that requires an assessment or evaluation by the Secretary of State of all the relevant circumstances going to that issue.

This is not to cut down or negate any rights which have been conferred by primary legislation. As I have already noted, the legislative provisions do not create a right to naturalisation even where the statutory requirements are met. There is always still a discretion vested in the Secretary of State.'

R (Project for the Registration of Children as British Citizens and Others) v SSHD [2019] EWHC 3536 (Admin): High Court finds child registration fees unlawfully set

The High Court ruled that the Secretary of State was in breach of her duty under s 55 Borders, Citizenship and Immigration Act 2009 to have regard to the best interests of the child when she set the fee for registration as British citizen applications brought by children in the Immigration and Nationality (Fees) Regulations 2018 (SI 2018/330). Referring to an argument by counsel for the Secretary of State, Jay J said *"there is no evidence in the voluminous papers before me that his client has identified where the best interests of children seeking registration lie, has begun to characterise those interests properly, has identified that the level of fee creates practical difficulties for many (with some attempt being made to evaluate the numbers); and has then said that wider public interest considerations, including the fact that the adverse impact is to some extent ameliorated by the grant of leave to remain, tilts the balance"* (at [112]).

The Court, however, rejected an argument that the current fee level is incompatible with the statutory scheme under the British Nationality Act 1981 in that it renders nugatory entitlements to register (ss 1, 3(2) and para 3 of Schedule 2), and for that reason is not authorised by the vires-creating power conferred by s 68 of the Immigration Act 2014. This argument was formulated on the basis that the court essentially considered itself bound by a previous decision on this issue by the Court of Appeal in *R (Williams) v SSHD* [2017] 1 WLR 3283.

The court did not quash the fees legislation but declared it was unlawful. The claimants were granted a certificate pursuant to s 12 Administration of Justice Act 1969 to 'leapfrog' its application for permission to appeal on the vires ground to the Supreme Court. If, however, the Supreme Court refuses permission, the claimants may apply for permission to appeal to the Court of Appeal. The Secretary of State was granted permission to appeal to the Court of Appeal on the section 55 ground. If the Supreme Court decides to grant the claimants permission on those grounds, it has the power to decide to hear the government's appeal at the same time or leave that to the Court of Appeal.

As a result, the matter inevitably will take some time to be resolved.

ILPA TRAINING

For full details and booking go to: www.ilpa.org.uk/events.php

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ILPA is a registered charity and all profits from ILPA training go towards supporting work to fulfil ILPA's charitable objectives.

February 2020

DT 1884 Applications and appeals under paragraph 276ADE(1) (iv) of the Immigration Rules ('7 Year Applications')

Monday 10 Feb 2020, 10:00–14:00, Manchester, 4 CPD Hours

Tutors: Lucy Mair, Garden Court North and Sumita Gupta, Islington Law Centre

This course is a practical guide to preparing successful applications for leave to remain for children (and their families) who have lived in the UK for 7 years or more, and challenging negative decisions on these applications.

The course will provide an overview of law and practice in relation to these applications, and will also address fee waivers and No Recourse to Public Funds Conditions and their relevance in applications. The course will also address the benefits of taking a Child Rights based approach to evidence and legal argument when preparing applications and appeals.

Access to legal aid for these applications will also be addressed in brief.

DT 1876 Immigration Cases in the Court of Appeal and Litigation funding by Conditional Fee Arrangements and Damages Based Agreements

Tuesday 11 Feb 2020, 16.00–19:15, London, 3 CPD Hours

Tutors: Tim Buley QC, Landmark Chambers and James Packer, Duncan Lewis Solicitors

Immigration Cases in the Court of Appeal

This is a specialist course looking at all aspects of running immigration cases in the Court of Appeal. The course will cover both statutory appeals from the Upper Tribunal (IAC), and appeals in judicial review cases of all kinds (both from the Administrative Court and Upper Tribunal (IAC)). It will address permission to appeal, the second appeals test, the developing doctrine of the Upper Tribunal as a "specialist tribunal" and the implications that has for Court of Appeal cases, procedural issues including the approach of the Court of Appeal to provide interim relief in various kinds of appeal. The course will also look closely at costs and funding issues, which are likely to be of particular importance to practitioners who must adapt to the changing legal aid landscape, and tactics.

Litigation funding by Conditional Fee Arrangements and Damages Based Agreements

The course will cover the essential elements for valid CFAs and DBAs, the variety of formats these agreements can take, common pitfalls with reference to case law, and the practical pros and cons of these arrangements.

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DT 1885 Derivative Rights of Residence

Thursday 13 Feb 2020, 14:00–17:00, London, 3 CPD Hours

Tutors: Luke Piper, South West Law and the3million and Neena Acharya, Coram Children's Legal Centre

The EU Settlement Scheme allows those with derivative rights a route to remain and settle in the UK when the UK leaves the European Union. This course will explore the complex rights, and how they have been incorporated into the EU Settlement Scheme.

ILPA TRAINING

For full details and booking go to: www.ilpa.org.uk/events.php

DT 1878 Appendix FM: Best Practice (Manchester) - UKVI Training

Tuesday 18 Feb 2020, 14:00–17:00, Manchester, 3 CPD Hours

Tutors: Philip Wall and Emily Weston of UKVI. Chaired by Arshia Hashmi of Freeths and Rachel Harvey of Shoosmiths

A best practice guide covers the customer journey for applications made under the FLR(M), SET(M) and Settlement Entry Clearance routes, with a focus on the requirements for supporting documentation submitted alongside applications.

DT 1889 The EU Settlement Scheme & Children

Thursday 20 Feb 2020, 10:00–13:00, London, 3 CPD Hours

Tutors: Nisa Tanin and Marianne Lagrue, Coram Children's Legal Centre

There are more than 900,000 children of non-Irish EU citizen parents living in the UK, born either here or abroad. This included an estimated 239,000 UK-born children, some of whom may be British and others eligible to become British.

This course will cover the best practice in advising on children's nationality and applying to the EU Settlement Scheme, as well as addressing the particular practice issues specific to children. This includes working with children in families and children born to parents at different stages of the process. It includes in particular supporting redocumenting and evidencing a child's residence. We will cover how to approach suitability issues for children and young people. Attendees will also gain an understanding of the issues facing children who are third-country family members. The course will cover Zambrano carers in brief; a separate course will focus on derivative rights more fully.

DT 1896 Strategic Litigation for Social Change: Advanced Workshop

Thursday 27 Feb 2020, 15:00–18:00, London, 3 CPD Hours

Tutors: Alison Pickup, Public Law Project (PLP) and Charlotte Kilroy QC, Doughty Street Chambers

A half-day advanced-level workshop on how to use litigation to challenge unfair and unlawful systems. This course has been developed in collaboration with the ILPA Strategic Legal Fund (SLF) and the Public Law Project (PLP). Topics include: Costs and funding, interventions, role of research and evidence gathering, collaboration & communications strategies and the importance of planning for implementation.

March 2020

DT 1877 Introduction to Tier 2 – Everything you need to know

Wednesday 11 Mar 2020, 16:00–19:15, London, 3 CPD Hours

Speakers: Chetal Patel, Bates Wells, Sam Ingham, Laura Devine Immigration and Francesca Sciberras, Laura Devine Immigration.

Practitioners, HR specialists and paralegals will receive an in-depth look at the Tier 2 (General) and (Intra-Company Transfer) subcategories of the Points Based System, with a brief overview of the Sportsperson and Ministers of Religion subcategories. This will include training upon the new changes, ensuring companies are compliance ready from an immigration standpoint as well as providing practical and strategic advice on submitting applications.

DT 1881 Appendix FM: Best Practice (Bristol) - UKVI Training

Thursday 26 Mar 2020, 14:00–17:00, Bristol, 3 CPD Hours

Tutors: Philip Wall and Emily Weston of UKVI. Chaired by Natasha Gya Williams of Gya Williams Immigration, Luke Piper and Marie-Christine Allaire-Rousse

A best practice guide cover the customer journey for applications made under the FLR(M), SET(M) and Settlement Entry Clearance routes, with a focus on the requirements for supporting documentation submitted alongside applications.

DT 1880 Running a Deport Case

Tuesday 31 Mar 2020, 16:00–19:15, London, 3 CPD Hours

Tutors: Nick Nason, Principal and Founder of Edgewater Legal and David Sellwood, Barrister at Garden Court Chambers

A course for practitioners representing individuals facing criminal deportation, with a particular focus on evidence collection, and the current state of Article 8 case law. The aim of the course is to provide for practitioners with some experience of working in the deportation law field an update on the current statutory framework, and the most important deportation cases to be aware of when representing those subject to deportation proceedings. Practitioners should also leave with an improved understanding - informed by a detailed consideration of the authorities - of the type and quality of evidence likely to make a different in these types of cases.

April 2020

DT 1898 Entitlement to NHS Health Care and Charging: Representing Migrant Clients in the Hostile Environment

Thursday 30 Apr 2020, 14:00–17:00, London, 3 CPD Hours

Tutors: Kamla Adiseshiah, Southwark Law Centre and Christine Benson, Maternity Action

This is an emerging area of casework and legal challenge. Migrants face charges of thousands of pounds for essential treatment and the Home Office has a discretion to refuse immigration applications if an applicant has an NHS debt of £500, outstanding for 2 months. Immigration practitioners and other frontline support and advice workers can help people challenge decisions on charging status, negotiate repayment plans, request waivers and make complaints to the Parliamentary and Health Service Ombudsman and the Information Commissioner. Solicitors and barristers can challenge charging by way of Judicial Review.

See upcoming conferences overleaf...

March 2020

DT 1868 Women in the Hostile Environment - International Women's Day Conference

Friday 06 Mar 2020, 10:00-16:00, London, 5 CPD Hours

Chair: Nicole Masri, Senior Legal Officer at Rights of Women.

ILPA will be hosting its inaugural 'Women in the Hostile Environment Conference' in celebration of International Women's Day on 06 March 2020. International Women's Day (08 March) is a global day celebrating the social, economic, cultural and political achievements of women. The day also marks a call to action for accelerating gender parity. This conference aims to cover a broad range of issues and developments facing women in the hostile environment, as well as sharing campaign initiatives, strategic litigation cases and best practice. This conference is also an opportunity for us to celebrate the contributions of women within the legal and immigration sector in challenging systemic, structural and social inequalities as well as the positive impact they make to the lived experiences of migrant women and their families in the UK and abroad.

April 2020

DT 1890 Sponsor License Conference

Wednesday 01 Apr 2020, 10:00-17:00, London, 6 CPD Hours

Chairs: Nichola Carter, Carter Thomas and Joe Middleton, Doughty Street Chambers.
Keynote Speaker: George Shirley, UKVI

What does the future hold for sponsorship? The next couple of year may very well bring about bigger changes to the UK's work-related immigration routes than we witnessed in 2008, when the Points Based System was introduced.

UKVI's George Shirley, Head of PBS, Citizenship and the Windrush Taskforce, has agreed to be our guest speaker.

In addition, we have an excellent array of speakers from a number of leading UK immigration law firms and the conference is being chaired by Nichola Carter of Carter Thomas and Joe Middleton of Doughty Street Chambers.

Topics will range from practical tips on sponsor licence law to in-depth analysis of complex legal issues. There will be a detailed examination of the current system of sponsorship for businesses, primarily relating to Tier 2 (General and ICT) and Tier 5, and a look at what the future may hold. The speakers will provide highly practical insight and tips from their extensive experience.

This annual conference provides a space for immigration experts across the UK to share experiences and tips on dealing with this complex area of law.

CONFERENCE SCHEDULE

09:30 -10:00	**Registration**
10:00 -10:10	**Chair's Welcome** Nicole Masri, Senior Legal Officer at Rights of Women
10:10 -10:40	**Keynote Speech** Catherine Briddick, Martin James Departmental Lecturer in Gender and Forced Migration, University of Oxford
10:40 -11:10	**Session 1: Women in the Hostile Environment** Gracie Bradley, Policy and Campaigns Manager, Liberty
11:10 -11:30	**Break**
11:30 -12:00	**Session 2: Health for all? Access to Healthcare & Maternity Charging** Christine Benson, Senior Legal Officer – Immigration and Asylum, Maternity Action and Kamla Adiseshiah, Senior Immigration Solicitor, Southwark Law Centre
12:00 -12:30	**Session 3: Destitution & Section 17 of the Children's Act 1989** ***TBC***
12:30 -13:15	**Lunch**
13:15 -13:45	**Session 4: Trafficking: What more can the National Referral Mechanism (NRM) do for Women?** Lucy Mair, Barrister, Garden Court North Chambers and Carita Thomas, Senior Immigration Caseworker, Anti Trafficking and Labour Exploitation Unit
13.45 - 14:45	**Session 5: Istanbul Convention and Domestic Violence** Priya Solanki, Barrister, One Pump Court Chambers and Louise Hooper, Barrister, Garden Court Chambers
14:45 -15:00	**Break**
15.00 - 15:30	**Session 6: EU Law and Article 8 of the ECHR** Neena Acharya, Senior Solicitor, Coram Children's Legal Centre
15.30 - 16:00	**Session 7: Women in Detention** Katy Robinson, Partner and Head of Community Care Team, Wilsons Solicitors & guest
16:00	**Chair's Closing Notes** Nicole Masri, Senior Legal Officer, Rights of Women

Tables have been booked at the Punch Tavern, 99 Fleet Street, EC4Y 1DE. All guests are welcome to join us here after the conference to continue all our thought provoking discussions and celebrate International Women's Day 2020.

ILPA MEMBERSHIP

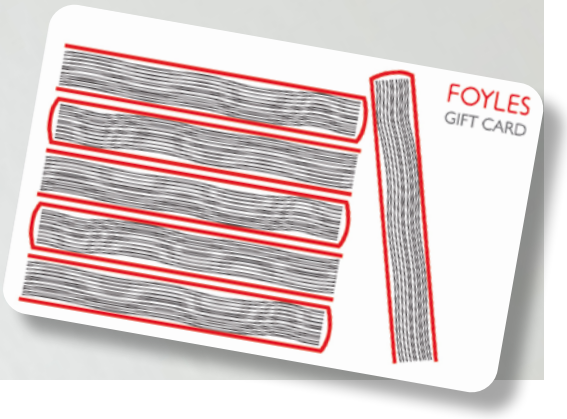
ILPA MEMBER SURVEY 2019

The annual membership survey is now closed

Thank you very much to all those who took part.

We will be analysing and publishing the results soon – and letting you know who won the Foyles vouchers!

Thanks again; your feedback is crucial.



ILPA MEMBERSHIP

Spring Special Offer!

Spread the word! FREE training session for new members

If you know of anyone who would benefit from ILPA membership, please let them know that ILPA is offering a FREE training place to attend a 3-hour CPD training of your choice to all new members who join us in January, February and March and who sign up to pay their membership by Direct Debit

For details contact esme.kemp@ilpa.org.uk

ILPA MEMBERSHIP

Each edition, the ILPA Monthly will focus on one aspect of ILPA membership to make sure you're getting the most out of your ILPA membership! This month, please find below an overview about a new Working Group.

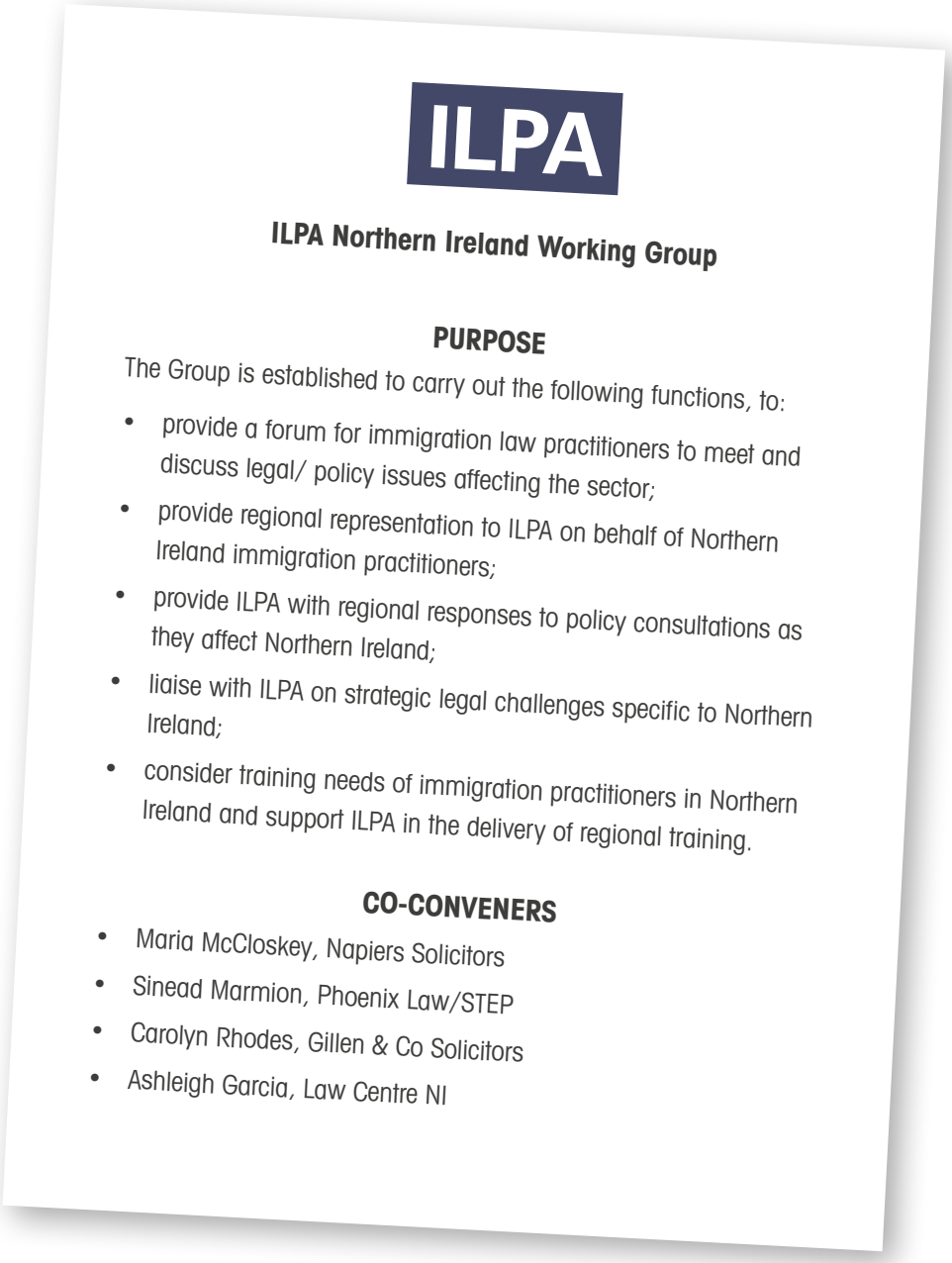
ILPA Northern Ireland Working Group

We are thrilled to focus this month on the newly established ILPA Northern Ireland working group.

The Group was set up to provide a forum for discussion in Northern Ireland for immigration law practitioners. It aims to give regional representation to ILPA and to collaboratively develop immigration law practice in Northern Ireland. The hope is that the Group will be a welcoming space for practitioners to 'talk-shop' at a grass-roots level and in turn make effective impact on a regional level.

The meetings will be held every 8 weeks, with the first meeting being at 5.30pm on 13 February 2020 at Law Centre NI, Westgate House, 2-4 Queen Street, Belfast, BT1 6ED.

Keep an eye on ILPA website for updates and please email info@ilp.org.uk to be added to the new working group email list



ILPA

ILPA Northern Ireland Working Group

PURPOSE

The Group is established to carry out the following functions, to:

- provide a forum for immigration law practitioners to meet and discuss legal/ policy issues affecting the sector;
- provide regional representation to ILPA on behalf of Northern Ireland immigration practitioners;
- provide ILPA with regional responses to policy consultations as they affect Northern Ireland;
- liaise with ILPA on strategic legal challenges specific to Northern Ireland;
- consider training needs of immigration practitioners in Northern Ireland and support ILPA in the delivery of regional training.

CO-CONVENERS

- Maria McCloskey, Napiers Solicitors
- Sinead Marmion, Phoenix Law/STEP
- Carolyn Rhodes, Gillen & Co Solicitors
- Ashleigh Garcia, Law Centre NI

Meet the Co-conveners

Carolyn Rhodes

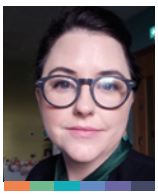
Carolyn completed her legal studies with an apprenticeship at the Belfast based Law Centre NI, specialising in Immigration. Now working in private practice in Belfast, her experience includes all aspects of public and private Immigration law including Settlement; Visit visa and Asylum applications; Nationality law and naturalisation applications, for either British or Irish citizenship. Other areas she covers include Trafficking; Nationality law and Immigration Advice and representation before the Asylum and Immigration Tribunal at both First Tier and Upper Chambers. Carolyn is a passionate advocate of judicial review to challenge unfairness in government decision making particularly amongst vulnerable migrants, with success in challenging delay in processing of settlement claims and asylum claims, including a successful claim for asylum for a child at risk of FGM if returned to her Country of Origin with her parents and siblings. Carolyn also has extensive experience in the EU Settlement applications in some complex cases. Carolyn is a participating member of the Immigration Practitioner Group of the Law Society of Northern Ireland.

Ashleigh Garcia

Ashleigh works as an Immigration Solicitor at Law Centre NI. She is a dual qualified solicitor with over ten years' experience working in immigration law. Her career commenced at Law Centre NI as a trainee solicitor, where she developed a passion for social justice and immigration law. Ashleigh has worked in all areas of immigration law, including corporate immigration at Penningtions Manches, Tier 4 compliance at Queen's University, and human rights and refugee law at Law Centre NI. Ashleigh is the current Chair of the Law Society of Northern Ireland's Immigration Practitioners' Group.

Maria McCloskey

Maria is currently an Associate Director at Napier Solicitors in Belfast City Centre. In February 2020, she will take up a post with the Children's Law Centre as an Immigration Solicitor, acting primarily on behalf of unaccompanied asylum-seeking minors. Maria developed an interest in this area of law whilst studying for a master's degree in Human Rights Law at Queen's University Belfast, from which she graduated in 2017. She has since project managed the publication of a policy document on behalf of the Northern Ireland Community of Refugees and Asylum Seekers, entitled 'Best Practice in the provision of immigration legal advice services in Northern Ireland', and was legal advisor to Barnardo's Independent Guardian Service between June 2018 and December 2019. Maria acted as Chair of the Law Society of Northern Ireland's Immigration Practitioners' Group between September 2017 and December 2018.



Sinead Marmion

Sinead is a newly qualified solicitor working in Phoenix Law, a recently-established human rights firm in Belfast, specialising in asylum and immigration work. Sinead works closely in partnership with STEP (South Tyrone Empowerment Programme) in giving immigration advice to Northern Ireland's largest migrant advice organisation, which is led by veteran civil rights activist, Bernadette McAliskey. In her work with Phoenix, Sinead deals with asylum claims for unaccompanied minors and works closely with Barnardo's Independent Guardian Service. Sinead is secretary of the Law Society of Northern Ireland's Immigration Practitioners' Group. Sinead holds an undergraduate degree in Law with French from Queen's University, Belfast, and a postgraduate degree in Human Rights Law also at Queen's.

We are also delighted to confirm that our ILPA Committee of Trustee Liaison is Simon Barr, Simon Barr Immigration Law

ILPA KEY DOCUMENTS

Please find below a list of the key documents on immigration, asylum and nationality law published by ILPA over the past month. All documents below have been previously circulated to the relevant ILPA Working Group and are categorised accordingly.

General

ILPA Annual Report 2018/19
http://www.ilpa.org.uk/resources.php/35889/annual-report-201819

UKVI update: Knowledge of language and life in the UK (17 January 2020)
http://www.ilpa.org.uk/resources.php/35917/ukvi-update-knowledge-of-language-and-life-in-the-uk-17-january-2020

Email re BRP expiry date of 31/12/2024 (16 January 2020)
http://www.ilpa.org.uk/resources.php/35916/email-re-brp-expiry-date-of-31122024-16-january-2020

UKVI: Examples of UK visa vignettes (8 January 2020)
http://www.ilpa.org.uk/resources.php/35892/ukvi-examples-of-uk-visa-vignettes-8-january-2020

UKVI update: Considering immigration status and deciding enforcement action - Curtailment (8 January 2020)
http://www.ilpa.org.uk/resources.php/35891/ukvi-update-considering-immigration-status-and-deciding-enforcement-action-curtailment-8-january-202

UKVI response to ILPA feedback on VFS.TLS (13 December 2019)
http://www.ilpa.org.uk/resources.php/35880/ukvi-update-guidance-on-family-life-as-a-partner-or-parent-private-life-and-exceptional-circumstance

UKVI update: Applying for a UK visa: approved English language tests (6 December 2019)
http://www.ilpa.org.uk/resources.php/35874/ukvi-update-applying-for-a-uk-visa-approved-english-language-tests-6-december-2019

UKVI update: False representation (6 December 2019)
http://www.ilpa.org.uk/resources.php/35875/ukvi-update-false-representation-6-december-2019br-

Email from BRP Delivery Team re issuing delays (3 December 2019)
http://www.ilpa.org.uk/resources.php/35915/email-from-brp-delivery-team-re-issuing-delays-23-january-2020

Children

Unicef Monitoring Returns project (9 January 2020)
http://www.ilpa.org.uk/resources.php/35894/unicef-monitoring-returns-project-9-january-2020

ILPA KEY DOCUMENTS

Guidance on supporting separated and unaccompanied children to access legal aid in immigration cases (November 2019)
http://www.ilpa.org.uk/resources.php/35887/guidance-on-supporting-separated-and-unaccompanied-children-to-access-legal-aid-in-immigration-cases

Courts and Tribunals

UKVI guidance: First-tier Tribunal bail: completing the bail summary (23 January 2020)
http://www.ilpa.org.uk/resources.php/35913/ukvi-guidance-first-tier-tribunal-bail-completing-the-bail-summary-23-january-2020

Letter from the Upper Tribunal re: Electronic service of UTIAC London substantive decisions (7 January 2020)
http://www.ilpa.org.uk/resources.php/35888/letter-from-the-upper-tribunal-re-electronic-service-of-utiac-london-substantive-decisions-7-january

Economic Migration

Email from Richard Jackson re dependants of former PBS migrants who have since acquired British citizenship (23 January 2020)
http://www.ilpa.org.uk/resources.php/35912/email-from-richard-jackson-re-dependants-of-former-pbs-migrants-who-have-since-acquired-british-citi

UKVI update: False representations – Tier 1 (General) earnings concerns (16 January 2020)
http://www.ilpa.org.uk/resources.php/35904/ukvi-update-false-representations-tier-1-general-earnings-concerns-16-january-2020

UKVI update: Sponsor change of circumstances form (16 December 2019)
http://www.ilpa.org.uk/resources.php/35882/ukvi-update-sponsor-change-of-circumstances-form-16-december-2019

European

UKVI response to Unlock briefing on EUSS criminality (16 January 2020)
http://www.ilpa.org.uk/resources.php/35903/ukvi-response-to-unlock-briefing-on-euss-criminality-16-january-2020

Guidance for EUSS advisers (8 January 2020)
http://www.ilpa.org.uk/resources.php/35890/guidance-for-euss-advisers-8-january-2020

UKVI update: EUSS Caseworker Guidance Suitability requirements (11 December 2019)
http://www.ilpa.org.uk/resources.php/35881/ukvi-update-euss-caseworker-guidance-suitability-requirements-11-december-2019

Family and Personal Migration

UKVI update: Guidance on Family life (as a partner or parent), private life and exceptional circumstances (11 December 2019)
http://www.ilpa.org.uk/resources.php/35880/ukvi-update-guidance-on-family-life-as-a-partner-or-parent-private-life-and-exceptional-circumstance

Refugee

UKVI update: Report of a Home Office fact-finding mission to Sri Lanka (20 January 2020)
http://www.ilpa.org.uk/resources.php/35914/ukvi-update-report-of-a-home-office-fact-finding-mission-to-sri-lanka-20-january-2020

UKVI update: Democratic Republic of Congo: Unsuccessful asylum seekers (15 January 2020)
http://www.ilpa.org.uk/resources.php/35901/ukvi-update-democratic-republic-of-congo-unsuccessful-asylum-seekers-15-january-2020

UKVI update: Nigeria CPIN: Medical and healthcare issues (13 January 2020)
http://www.ilpa.org.uk/resources.php/35899/ukvi-update-nigeria-cpin-medical-and-healthcare-issues-13-january-2020

UKVI update: Family reunion: for refugees and those with humanitarian protection (9 January 2020)
http://www.ilpa.org.uk/resources.php/35898/ukvi-update-family-reunion-for-refugees-and-those-with-humanitarian-protection-9-january-2020

UKVI update: Nigeria CPIN: country background note (8 January 2020)
http://www.ilpa.org.uk/resources.php/35895/ukvi-update-nigeria-cpin-country-background-note-8-january-2020

Draft guidance: Medical Evidence in Asylum Claims (9 January 2020)
http://www.ilpa.org.uk/resources.php/35893/draft-guidance-medical-evidence-in-asylum-claims-9-january-2020

ILPA WHO'S WHO

ILPA's Board of the Directors is its Committee of Trustees which is elected annually by the membership. All members of the Committee of Trustees are members of ILPA. All aspects of ILPA's work are supported by its Secretariat of paid staff. ILPA's work is organised into working groups.

The Committee of Trustees of ILPA

To get in touch with members of the Committee of Trustees, please get in touch with the ILPA Secretariat.

Chair: Adrian Berry, Barrister, Garden Court Chambers

Secretary: Ayesha Mohsin, Solicitor and Partner, Luqmani Thompson & Partners

Treasurer: TBC

Members

Andrea Als - Solicitor, PricewaterhouseCoopers

David Ball - Barrister, The 36 Group

Simon Barr - OISC Advisor, Simon Barr Immigraton Law

Sophie Barrett-Brown - Solicitor and Senior Partner, Laura Devine Immigration

Hazar El Chamaa - Solicitor and Partner, Penningtons Manches Cooper LLP

Natasha Gya Williams - Solicitor, Gya Williams Immigration

Helen Johnson - Head of Children's Services, British Refugee Council

Grace McGill - Solicitor, McGill and Co. Solicitors

Julie Moktadir - Solicitor, Stone King

Daniel Rourke - Solicitor, Migrants Law Project

ILPA Working Groups

ILPA organises its work into working groups which are shown below. To subscribe to a working group email list or to check your subscriptions/unsubscribe visit the working group page on the members' area of our website. Each working group has a page and subscription details are at the top.

All convenors are members of ILPA. To contact a working group convenor please get in touch with the ILPA Secretariat. ILPA also convenes ad hoc working groups around particular topics and staff can help you identify who would be the best person to speak to on a particular topic.

Children: Operates as an email group only

Courts and Tribunals: Nicola Burgess - JCWI, Rowena Moffatt - Doughty Street Chambers

Economic Migration: Tom Brett-Young - Veale Wasbrough Vizards LLP, James Perrott - Macfarlanes LLP, Anushka Sinha - Kemp Little

European: Elspeth Guild - Kingley Napley LLP, Alison Hunter - Wesley Gryk Solicitors LLP, Jonathan Kingham - LexisNexis

Family and Personal: Katie Dilger - Bates Wells LLP, Sue Shutter - volunteer with the Project for the Registration of Children as British Citizens and Slough Immigration Aid Unit

Legal Aid: Ayesha Mohsin - Kalayaan

Refugee: Ali Bandegani - Garden Court Chambers, Nicola Braganza - Garden Court Chambers, Annie Campbell - North Kensington Law Centre

Removals, Detention and Offences: Sairah Javed - JCWI, Helen MacIntyre - Wilson Solicitors LLP, Pierre Makhlouf - Bail for Immigration Detainees

Well-Being: Aisha Choudhry - Bates Wells LLP, Nath Gbikpi - Wesley Gryk Solicitors LLP, Emily Heinrich - Fragomen

Regional Working Groups

North West: Lucy Mair - Garden Court North Chambers, Denise McDowell - Greater Manchester Immigration Aid Unit, Emma Morgan - DAC Beachcroft LLP, Shara Pledger - Latitude Law

Northern Ireland: Ashleigh Garcia - Law Centre NI, Sinead Marmion - Phoenix Law/Step, Maria McCloskey - Napier Solicitors, Carolyn Rhodes - Law Centre NI

New York: Tanya Goldfarb - Clintons, Jenny Stevens - Laura Devine Solicitors

Scotland: Jamie Kerr - Burness Paull LLP, Kirsty Thomson - JustRight Scotland, Darren Stephenson - McGill and Co. Solicitors

Southern: Tamara Rundle - Moore Blatch

South West: Sophie Humes - Avon and Bristol Law Centre, Luke Piper - South West Law, Marie Christine Allaire Rousse - South West Law

Yorkshire and North East: Ish Ahmed - Bankfield Heath Solicitors, Emma Brooksbank - Freeths LLP, Nichola Carter - Carter Thomas Solicitors, Christopher Cole - Parker Rhodes and Hickmott Solicitors, Bryony Rest - David Gray Solicitors

ILPA THE SECRETARIAT

All aspects of ILPA's work are supported by its Secretariat of paid staff who are here listed. ILPA's work is organised into working groups and all ILPA's work is carried out by its members, supported by the Secretariat.

Nicole Francis
Chief Executive

Lana Norris
Finance and Office Manager

Helen Williams
Membership Manager and Website Project Manager

Sonia Lenegan
Legal Director

Charles Bishop
Legal and Parliamentary Officer

Celina Kin-Armbrust
Training and Communications Officer

Bella Kosmala
Project Manager, Strategic Legal Fund

Emmanuel Benedetti
Finance Assistant, Strategic Legal Fund

Esme Kemp
Administrative Assistant

Amira Rady
Training Officer

How to Contact ILPA

Remember we have a general email address which is always checked and your email will be forwarded from there to the relevant person in ILPA, so if you don't know who to contact about your question please send it to **info@ilpa.org.uk**

Upcoming Working Group Meetings 2020

13 February	**Northern Ireland.** 17.30, Law Centre NI.
26 February	**Economic Migration.** 18.30, Macfarlanes LLP.
03 March	**Well-being.** 18.30, ILPA Office.
04 March	**Yorkshire and North East.** 15.30, Freeths Solicitors LLP.
05 March	**European.** 18.30, ILPA Office.

This is the monthly publication of the Immigration Law Practitioners' Association Ltd. It is FREE for members. **Membership starts from just £90 per year.**

If you are interested in joining ILPA or finding out more about our work see **www.ilpa.org.uk** or contact **helen.williams@ilpa.org.uk**

ILPA

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Tel: 020 7251 8383 ■ Email: info@ilpa.org.uk ■ Web: www.ilpa.org.uk

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