

Subcommittee Report - for EC and convenors of all ILPA subcommittees

Sub-committee: Access to Justice report

Convenors: Mark Henderson

For EC meeting for the month of May 2011

Date:

Activities:

- could be meetings, communications or just main matters discussed by members of sub-committee

Minutes have been circulated of very well attended meeting on Zimbabwe CG.

Letter drafted and sent to UKBA asking for various assurances and information before removals restart to Zimbabwe (after a six year suspension).

*What you had produced/resolved/moved forward
where you feel you have made progress rather than a list of what you have been doing*

Reply received 9th May from UKBA on Zimbabwe essentially agreeing everything we asked for.

Have received response from Judicial Office to our response to the judicial response to legal aid proposals. They don't think it appropriate to meet with us (which is not a complete surprise) but it is good that they have registered our concerns.

*What has been happening in the your area of immigration law during the month
Not just what the subcommittee has been done but developments in the area of which the EC and others wishing to keep on top of what is happening should be aware*

The first age dispute JRs have been transferred into the UTIAC. One was adjourned. I don't know of any completed hearings yet but the UT has apparently listed a test case on paediatric evidence week commencing 16/5. There has been no amendments to the PDs to deal with age dispute JRs or consultation. The Court of Appeal indicated in FZ v Croydon that they shld all be transferred, although some remain in the Admin Court.

Matters for decision by the EC

Ali Bandegani has resigned as co-convener due to lack of capacity. The EC will be invited to approve Alison Pickup as replacement co-convener.

Upcoming activities in the next month.

Response to transfer of fresh claim JRs consultation, and raising issues not covered by the consultation. Proposing meeting with Blake re JRs in the UTIAC.

Subcommittee Report - for EC and convenors of all ILPA subcommittees

Sub-committee: European

Convenors: Elspeth Guild and Alison Hunter

For EC meeting for the month of May 2011

Date: 9 May 2011

Activities:

- could be meetings, communications or just main matters discussed by members of sub-committee

- Subcommittee meeting on 5 May

What you had produced/resolved/moved forward

where you feel you have made progress rather than a list of what you have been doing

- Critique of new EEA forms, which UKBA have considered
- Vander Elst – we have been promoting awareness of this route to intra-company transfers and it seems that there is, as a result, more interest and understanding of this

What has been happening in the your area of immigration law during the month

Not just what the subcommittee has been done but developments in the area of which the EC and others wishing to keep on top of what is happening should be aware

- The McCarthy judgment of the Court of Justice of the European Union (CJEU) was handed down on 5 May – it found that Directive 2004/38 and Article 21 of the Treaty on the Functioning of the European Union does not apply to a dual British-Irish citizen who was born in and always lived in the UK and has never worked or exercised Treaty rights in another EU country. The case concerned her entitlement to residence documentation as an EEA national, but was ultimately about whether her husband, a third-country national, could stay in the UK. It is difficult to square this with the CJEU's recent Zambrano judgment (see last month's subcommittee report).
- There are several references on EU free movement law pending before the CJEU, on the effect of residence documentation (Dias) and on 'other' family members of EEA nationals (Rahman).

Matters for decision by the EC

- N/A

Upcoming activities in the next month.

- Next meeting – 28 June 2011

Subcommittee Report - for EC and convenors of all ILPA subcommittees

Sub-committee: Family & general immigration

Convenors: Sue Shutter, Pat Saini

For EC meeting for the month of May 2011

Date: 9.5.11

Activities:

- could be meetings, communications or just main matters discussed by members of sub-committee

Continuing opposition to the two Statements of Changes in Immigration Rules, esp on the domestic violence rule change

What you had produced/resolved/moved forward

where you feel you have made progress rather than a list of what you have been doing

What has been happening in the your area of immigration law during the month

Not just what the subcommittee has been done but developments in the area of which the EC and others wishing to keep on top of what is happening should be aware

End of Certificates of Approval scheme on 9 May

A8 nationals have full EEA rights from 1 May

Continuing refusals of students at airports on language grounds – need to collate and act on information

Possible further UKBA surveillance of sponsors of Tier 4 students – Economic Migration s-c taking this up

Matters for decision by the EC

Carried over from last meeting where there was not time to discuss:

Decision about ILPA collecting examples of the need for JRs to get the UKBA to make sensible decisions, which should have been made earlier – should we ask members to send in examples, how to use them.

Upcoming activities in the next month.

Subcttee meeting on Mon 23 May, 6.30, ILPA

Carried over from last meeting: has anyone remembered to write up case stories?

Continuing work on UKBA rejection of applications for insufficient reasons and urging that the UKBA revert to its previous practice of giving a period to send in new documents – send in case stories to Alison or to Katie Dilger, Katie@gryklaw.com

Subcommittee Report - for EC and convenors of all ILPA subcommittees

Sub-committee: Legal Aid

Convenors: Sonia Routledge & Jackie Peirce

For EC meeting for the month of May 2011

Date: 08.05.11

Activities:

- could be meetings, communications or just main matters discussed by members of sub-committee

- E-mail exchanges on Refugee Legal Group (e-mail group) about the Legal Services Commission refusing to fund interpreters at Tribunal hearings. Encouraging all RLG members to let us know if this is something they have encountered.
- Circulation of notes from 19th April Specialist Practitioner Group Meeting at Law Society.
- Circulation of agenda for 9th May Civil Contracts Consultative Group meeting.
- Alerting subcommittee to availability of Justice for All campaign packs, in advance of forthcoming day of action for Legal Aid (see below under 'upcoming activities').
- Circulation of request from Law Society to bring to its attention solicitors' experiences of LSC audits.
- Circulation of Justice for All's summary of the consultation responses submitted to the consultation on the 'reform' of Legal Aid.
- Circulation of letter from Jonathon Djanogly to Fiona Mactaggart about the proposal to extend the Community Legal Advice helpline to make it the single gateway for access to publicly funded legal advice, as detailed in the green paper on 'reform' of Legal Aid. Looks as though the MoJ remains committed to bringing this in though equally there appears to be acknowledgement that it may not be appropriate in all areas of law.

What you had produced/resolved/moved forward

Where you feel you have made progress rather than a list of what you have been doing

Alison and Steve provided useful and detailed information to Jenna Marsh who works at the Home Office on crime prevention (Interpersonal Violence: Policy and Delivery Team). It seems that there may be some impetus from within the Home Office to keep domestic violence cases within the scope of Legal Aid. As the EC will be aware, under the Government's proposals applications for indefinite leave to remain from foreign spouses whose marriages have broken down due to domestic violence during the initial 'probationary period' would be removed from the scope of Legal Aid as non-asylum immigration cases.

What has been happening in your area of immigration law / Legal Aid during the month

Julian Huppert MP has secured an adjournment debate to take place on 11th May 2011 and intends to speak about immigration. ILPA has provided him with relevant ILPA publications and hopes to provide a specific briefing.

Departure of Fiona Hannan, who was head of immigration policy at the Legal Services Commission. Unclear at time of writing who will replace her. Sara Kovach-Clark (Head of Civil Policy) is also departing.

Matters for decision by the EC
Upcoming activities in the next month (* denotes was also on last month's list). 11 th May – subcommittee meeting to follow the members' meeting with the recently appointed Chief Assessor of the Law Society's Immigration and Asylum Accreditation Scheme, Jawaid Luqmani. The idea is to think about possible next steps in campaigning, given that the proposed changes to the scope of Legal Aid will require legislation, so there will still be time to try to bring influence to bear. On 3 rd June there will be a day of action for Legal Aid, organised by Justice for All. Campaign packs will be made available at the meeting. Again, keep eyes out for the Government's reply to the consultation responses on the 'reform' of Legal Aid. 17 th / 18 th May are possible dates but nothing confirmed at time of writing.