

ILPA

IMMIGRATION LAW PRACTITIONERS' ASSOCIATION

PRESIDENT: IAN MACDONALD QC

ILPA Annual Report 1998/99



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CHAIR'S REPORT

ILPA keeps on growing. We now have 929 members; 223 have joined during the last year. For some members, the reason they join are the extensive mailings which we send out regularly. There were 15 mailings in the last year with details of Home Office practice that could not easily be obtained from any other source. For much of this information we are dependent on members notifying us of Home Office practices which have emerged in their individual casework. Please keep sending these in! The mailings also include the regular and very thorough up-dates on Community developments from our European Sub-Committee.

For others, the stimulus to joining ILPA may be cheaper access to our training courses. We ran 40 courses in the past year covering an enormously diverse range of immigration and nationality topics. Our course programme tries to recognise that there is also a wide spectrum of experience and so we offer courses in basic immigration law and practice for those who are beginners in the field as well as updating courses for those whose knowledge is already sophisticated. We are perhaps less successful in meeting the geographical spread in demand. However, in conjunction with ILPA North we are planning a series of courses out of London. We also now offer a small reduction to members who have to travel a considerable distance in order to attend London courses.

But as well as telling our members what the government has done, we also have the ability to tell the government what it ought to do. We responded to the Immigration and Asylum Bill with a clause by clause briefing for MPs within a few days of the Bill being sent to Committee. We gave oral evidence to the Committee. We met with MPs (and later peers) who were interested in our criticisms of the Bill and we drafted amendment after amendment. We worked in co-operation with other organisations. Our input to the earlier consultation exercises and our report, "Providing Protection", meant that we could place our criticisms in a cohesive and structured framework. Of course, the Bill survived largely intact. Our focus now has to be on its implementation and trying to influence the working out of the details which the Bill itself so often left vague.

The Bill has been a dominant influence on ILPA this year but not the only one. Public funding of immigration advice and representation is undergoing major changes. We have corresponded with the Legal Aid Board and the Lord Chancellor's Department about issues of principle (e.g. whether exclusive contracting will metamorphose into block contracting) and issues of detail in which matters of principle often lurk. We have made submissions on the LAB's Funding Code, the merits test to be applied before newly extended advice and assistance can be given for representation before the appellate authorities and the refusal of the LAB to fund attendance of representatives at the Asylum Screening Unit among other matters. The LAB's new zeal for detecting unwarranted claims was ill thought out. ILPA is not equipped to represent individual members interests but it can and did convey to the Board why we thought its systems were flawed and to impress on the Board the dire financial consequences of mistakes for businesses which were almost wholly dependent on income from the Board.

Legislation and funding are in a ferment of change, but for most ordinary immigration and asylum clients the striking characteristic of the Home Office in the last year has been its

silence and inaction. With staff laid off, a computer system which promised the earth and delivered very little, with an office move which saw files lost in an underground basement, and with grossly inadequate accommodation for initial asylum interviews it has been a gargantuan struggle to extract even the simplest decisions. This thrombosis would have been embarrassing at any time, but it was doubly so because it coincided with a Bill whose premise was that from beginning to end an asylum application would take only 6 months. A last attempt to incorporate this expectation into the Bill was defeated by a government which was obviously not that certain it could deliver. This dearth of decision-making is distorting the appellate process. The IAT still works to clear an enormous backlog but whereas at the beginning of the year London cases were being moved to other hearing centres so as to be heard more expeditiously, there now seem to be short waiting times everywhere.

We continue to meet with officials and ministers to urge changes. We have sought to exploit the Government's enthusiasm for attracting investment and entrepreneurial skills by advocating improvements to the Work Permit Scheme and a complete review of business immigration categories. We have seen limited improvements in the handling of business applications and in the system for telephone enquiries by representatives. The Business Immigration Unit is to be reinstated as we had recommended.

The nationality aspect of our work has included presenting a paper to the Foreign & Commonwealth Office on why the extension of British citizenship should not be confined to British Dependent Territories Citizens but should also include British Overseas Citizens, at least those without another citizenship.

The role of representatives in asylum interviews continues to be a source of friction and controversy at times. During the year, ILPA organised a research project which involved an empirical study of interviews at ports. It was a tribute to our researcher, Heaven Crawley, that she gained the trust and respect of all who were involved. Her report, "Breaking down the Barriers", showed that it was not only the representatives who thought that their presence could contribute to good decision-making. Some of the senior immigration officers whom she interviewed agreed that a good representative could help the applicant to give a clear and complete account and this in turn improved the quality of decisions which were taken.

Another major project in which ILPA has been engaged is exploring how the EU might use its new Amsterdam Treaty powers in the immigration and asylum context. Elspeth Guild has provided the catalyst for this work. As the European Sub-Committee report shows, the new powers will extend into all corners of immigration practice apart from border controls to which the UK still clings. ILPA is alive to this trend. Apart from the Amsterdam project, it takes part in European-wide fora such as ELENA and ECRE and conferences at the University of Nijmegen.

We have had a very busy year. This report cannot do justice to that and further details are given in the other reports which follow. We could not have managed without the dedication, enthusiasm and experience of Susan Rowlands, our General Secretary and her assistants, Josephine Brain, Yani Mitchell and Lucy Glazebrook. Julia, Philip and the Executive Committee members have all worked extremely hard and I am very grateful to them for all that they have done.

Andrew Nicol

The Executive Committee

Andrew Nicol QC - Chair
Julia Onslow-Cole - Secretary
Philip Barth - Treasurer
Rick Scannell
Nadine Finch
Jeremy Rintoul (co-opted)
Kate Jessop (co-opted)
Tim Eicke
Jawaid Luqmani
Raza Husain
Ian Macdonald QC - President
Richard McKee
Chris Randall
Sue Shutter

Sub-Committee Convenors

Family Sub-Committee Convenor

Richard McKee

Employment and Business Sub-Committee Convenors

Julia Onslow-Cole
Philip Barth
Philip Trott

European Sub-Committee Convenors

Elsbeth Guild
Tim Eicke

Refugee Sub-Committee Convenors

Chris Randall
Jawaid Luqmani

Legal Aid Sub-Committee Convenors

Chris Randall
Jawaid Luqmani

TREASURERS' REPORT for 31 March 1999 accounts

Principal Activities and Review of the Business

The main activity of the Association in the financial year covered by these accounts has been the provision of training courses for immigration law practitioners and the provision of regular briefings and updates. Approximately half of our income was derived from our training courses and the other half was derived from membership subscriptions and from the provision of editorial services for the journal "Immigration and Nationality Law and Practice." As a further service to members, the Association conducts regular meetings to discuss important developments in immigration law and practice. Most of these are organised through the various sub-committees which have each prepared reports on their activities which will be made available to members in the form of an Annual Report.

This year has continued to be exceptionally busy for the Association in view of ongoing developments in immigration law and practice, the passage of the Immigration and Asylum Bill and the quite deplorable mess that the Home Office/Immigration and Nationality Directorate have allowed to happen. Further details will be contained in the General Secretary's report to the Annual General Meeting.

This year, we are pleased to report that we made an operating profit of £5,506. This compares to an operating loss of £(851) for the previous year. Our income increased by £17,715 whilst our operating expenses increased by only £7,118, which increase arose primarily from an increase in staffing costs. This year's profit has enabled us to increase our reserves to £41,809.

Our increased reserves have enabled us to invest in better technology out of capital. Since the year end we have purchased a new fax, photocopier, two computers and we are in the process of introducing a new, greatly enhanced, database.

Our membership has now grown to more than 920 members and we ran 42 training courses in the period covered by these accounts. We are much indebted to the efforts of our General Secretary, Susan Rowlands, and the members of her administration team, Josephine Brain and her job sharer, Lucy Glazebrook who joined us in August 1999 and Yani Mitchell who started in March 1999, for so efficiently ensuring that our information mailings are compiled and sent and our training courses organised and happen. Many thanks are also due to all of our members, including the Directors, who devote so much of their valuable time and energy in support of the Association.

Future Developments

The size of our membership and the scope of our activities are now at unprecedented levels and we have to ensure that we have adequate resources to continue to provide an effective service for our members into the new Millennium. We also need to prepare for any move to new premises at the expiry of our lease in September 2001. We accordingly need to build our reserves.

We will therefore be making modest increases in our membership fees. These increases should be looked at in the context that we have maintained our current level of membership fees for 2 ½ years whilst our overheads have increased by more than 34%. We shall continue to keep course costs under constant review so as to ensure that we continue to cover our overheads from revenue and do not need to draw on our reserves except when necessary.

We shall continue to devise a broad and topical range of courses for our training programme to enable members to keep apace of the rapid changes in practice and policy. We shall also continue our efforts to lobby government at all appropriate levels for the benefit of our members and the immigrant community generally.

FAMILY SUB-COMMITTEE

This year has seen a number of concessions by the Home Office which promote family unity and these are to be welcomed. Spouses who are the victims of domestic violence during their "probationary year" or whose settled spouses die during that period, may expect now to be granted ILR. For non-marital relationships, the period of previous cohabitation has been reduced from four years to two. And for overstayers and illegal entrants whose children have lived in the UK for at least seven years, the threat of deportation or removal has in most cases been removed. These are also the welcome news that the Policy Directorate are thinking of a concession for disabled sponsors who are reliant on public funds but who need the care of spouses overseas.

Unfortunately, this year has also seen the worst service ever provided by the IND because of its ill-considered scheme to improve its service, and the readiness of Home Office officials to meet with ILPA and listen to our concerns has not always been matched by practical improvements at Croydon. An example of this is the "seven-year concession" itself. People to whom it applies may well find the HOPO conceding and ILR being granted if they have a deportation appeal. But if they do not have an appeal pending and simply ask the Home Office to grant them ILR, there is no telling when the ICD will get round to looking at their case. Deportation appeals are themselves due to disappear in the new Act, despite a last-ditch attempt by Liberal Democrat peers to preserve them at Third Reading earlier this month.

As ever, the delays in the system hit hardest those family members who are trying to come here from overseas. It has long been a scandal that non-asylum cases which are appealed to the Tribunal have to wait many months for a decision whether or not leave is to be granted, and many months more for the appeal to be listed, never mind for the determination to be promulgated. It is heartening that the new President, Mr Justice Collins, is making a determined effort to clear the backlog of cases, which still stands at over 3,000. Meanwhile, Entry Clearance Officers, particularly on the Subcontinent and in West Africa, continue to put difficulties in the way of family reunion. Intention to live together and the subsistence of the marriage are called in question in ways reminiscent of "primary purpose", while the evidential requirements of adequate maintenance and accommodation become harder to meet. The Tribunal have at least agreed recently that a "schedule of income and outgoings" will not always have to be produced by the sponsor. In the case of children refused under the "sole responsibility" rule, our post in Accra has taken to adding the astonishing allegation that such children have "formed an independent family unit" with the relatives into whose care they have been entrusted. We have written to the Entry Clearance Manager in Ghana about this.

International students are now being encouraged to come to this country, but there remains in HC 395 a restriction on their spouses taking employment which might act as a disincentive. A student who comes here for a one-year course and then, having made the necessary arrangements for accommodation and so forth, brings his wife and children over, will find that his wife is prohibited from taking employment, whereas if she had arrived with him, she would have been able to work full-time. There seems no reason of policy for this distinction, and we have asked INPD to consider changing this rule, which was introduced for the first time in 1994.

Finally to a matter long championed by Ramnik Shah: the shortcomings of the "special voucher" scheme for British Overseas citizens. The Government's White Paper on British Dependent Territories (now renamed Overseas Territories), which proposes the extension of full British citizenship to BDTCs, has presented ILPA with an opportunity to press for full citizenship to be granted to BOCs as well - at least those who have no other citizenship. Laurie Fransman has drafted a position paper which, having been approved by the Executive Committee, will be submitted to the Government.

Thanks, as ever, go to Dr Werner Menski for arranging our use of a spacious room in the SOAS Law Department for our meetings (there is room for more of our members on the third Tuesday of the month!). Thanks also to SOAS student Martin Menski and Malachi Broome for their careful minute-taking throughout the year.

EMPLOYMENT & BUSINESS SUB-COMMITTEE REPORT

The Employment & Business Sub-Committee has been very active over the past 12 months and has dealt with a broad range of business and employment related matters.

The crisis at the Home Office and the impact on the processing of business related immigration applications has been the focal point of discussion at several of the Employment & Business Sub-Committee meetings. The consequential impact on the Department for Education & Employment ("DfEE") and the interaction between the two Government departments has also been high on the agenda at Sub-Committee meetings.

Sub-Committee meetings have been used to exchange information about the ongoing situation at the Home Office and the DfEE and as a forum for members to provide input into letters to the Home Office on the impact of the situation at the Home Office on clients in the commercial sector. As a result of a high profile media campaign by a number of ILPA members and a letter drafted by the Employment & Business Sub-Committee to the Home Office early in 1999, Susan Rowlands, Julia Onslow-Cole, Philip Barth and Richard McKee met with the then Immigration Minister, Mike O'Brien MP. Following this meeting, regular meetings have been held between Susan Rowlands, Julia Onslow-Cole, Philip Barth and Richard McKee and officials at the Home Office. These meetings have been a useful way to keep ILPA members informed of the situation at the Home Office and keep an open dialogue during these extremely difficult times. The meetings are continuing.

Early in 1999, the Sub-Committee discussed the Government's White Paper on Competitiveness in which it was stated that:

"Inward investment will help build the UK's knowledge driven economy by bringing in the best ideas from abroad...it is also important to attract bright people with scarce skills to work for UK businesses and to set up businesses of their own which create jobs. This requires a positive attitude to immigration..."

During the year, the Government's concern to increase inward investment to the UK has been increasingly evident.

In the Chancellor's Speech to the CBI on 2nd November 1999, he said:

"...and I said that the new economy will need more competition and more entrepreneurship, more flexibility and more long-term investment. I said that companies, indeed countries, which failed to adapt reform and lead the way will simply be left behind. So we must do all we can to create the most favourable environment for investment in the world and that is what we are trying to do..."

In the Prime Minister's speech to the CBI on 2nd November 1999, he gave "a commitment to an entrepreneurial and innovative society" and gave assurances that he was "unashamedly pro-business". In addition, Bill Gates has recently commented that the UK is

a pivotal place in the growth of e-business and urged business leaders to be aware of the dangers of inertia. The Chancellor has also recently announced further tax incentives for entrepreneurs.

The Employment & Business Sub-Committee held a meeting on this issue and following the meeting, submitted written representations to the Department for Trade & Industry ("DTI"). Susan Rowlands, Julia Onslow-Cole and Philip Barth are pursuing discussions on behalf of ILPA to pursue a more flexible immigration policy in line with the Government's overall aims, in particular, addressing the current lacuna in the Work Permit Scheme for significant shareholders who are unable to make work permit applications but cannot meet the businessman rules. A meeting has been held with the DTI and in addition a meeting with senior officials at the DfEE. The issues on business and related immigration matters are also being raised by ILPA at ministerial level in a meeting with Barbara Roche MP, the current Immigration Minister in November. The Sub-Committee believe that there has never been such an opportunity to drive a wholesale change to the business immigration categories and the way in which applications are processed. Meetings are continuing.

With regard to other business during the past 12 months, Philip Trott spearheaded a thorough review of the work permit application forms and representations were made to the DfEE. Unfortunately, the timetable for these representations slipped and they were too late to be considered by the DfEE in their most recent review of the scheme. However, the DfEE are now proposing an urgent review of the whole Work Permit Scheme and the Sub-Committee is having input into this review. There is a tight timetable for the review and the Sub-Committee is liaising closely with the DfEE to ensure that ILPA members are consulted and contribute to the process. In addition, a meeting has been scheduled in the timetable of forthcoming sub-committee meetings to continue discussions with ILPA members on the application forms and to put forward further suggestions to the DfEE later next year.

A Sub-Committee meeting was held on GATS Provisions and representations will be made to the DfEE using a recent paper written by Philip Barth and Elspeth Guild as the basis for representations.

The Employment & Business Sub-Committee have also been liaising with the European Sub-Committee in connection with the Amsterdam Treaty Project initiated by Elspeth Guild. Peter Moss is chairing the team, concentrating on the areas of primary immigration. Peter, Lucy Pattullo and Tony Haque attended a meeting in Nijmegen with the assistance of Steve Peers as consultant on the overall project.

The Employment & Business Sub-Committee also held a discussion with ILPA members on business visitors and Philip Trott is preparing representations on behalf of ILPA requesting clarification of the rules concerning business visitors, pointing out inconsistencies between material which is available on the Home Office web-site, Instructions to the Foreign & Commonwealth Office and issued Home Office guidance.

In addition, the Employment & Business Sub-Committee has also held a number of general meetings so that ILPA members can have the opportunity to exchange experiences on topical employment and business matters.



The Sub-Committee has also provided input into the business related training courses which ILPA has successfully run during the last year.

The convenors of the Employment & Business Sub-Committee would like to thank all of those ILPA members who attended the Sub-Committee meetings and contributed to the meetings. In particular, the Sub-Committee would like to thank Stephen Orange, Peter Moss, Lucy Pattullo and Tony Haque.

Employment & Business Sub-Committee Meetings 1999/2000

The dates of the meetings next year are set out below. All members interested in Employment & Business Immigration related matters are very welcome to attend. We have provisionally set out topics for these meetings but these are fluid and depend on current events. Full details will be given in the ILPA mailings.

19th January 2000	22nd March 2000	24th May 2000
26th July 2000	20th September 2000	22nd November 2000

19th January 2000	Employment and business aspects of the new Immigration Act, including a discussion on carriers' liability and illegal working.
22nd March 2000	Students & Employment.
24th May 2000	European aspects of employment and business related applications.
26th July 2000	Informal evening for Sub-Committee members to discuss current issues on employment and business related applications.
20th September 2000	General review of the Work Permit Scheme.

EUROPEAN SUB-COMMITTEE REPORT

The last year has been an extremely busy one with the Sub-Committee, not least due to the Amsterdam Treaty Research Project which is now nearing completion. The Committee has also continued its work of monitoring EU and UK legislative proposals on immigration and asylum. Here are just some of the matters the Sub-Committee has been involved in:

Amsterdam Treaty Project

With the assistance of charitable donations from the Barrow Cadbury Trust and the Joseph Rowntree Trust, the European Sub-Committee was able to launch the Amsterdam Treaty Project in April 1999. It is anticipated that the project will be completed by the end of December and for all the proposals to be disseminated as widely as possible, subject to further funding. A separate report on the Project is attached. The Committee would like to thank all those who have given their time to the various steering committees and seminars and in particular, Steve Peers, for his extremely hard work on behalf of all the groups.

Austrian and Finnish Presidency

The Sub-Committee monitored policy proposals on immigration and asylum contained in strategy papers released under the Austrian and Finnish Presidencies and continued to comment to the Civil Liberties Committee at the European Parliament on issues of concern to ILPA.

Council and Commissions Action Plan on Implementing the Amsterdam Treaty

The Sub-Committee presented a summary of the most relevant provisions of the Action Plan on the implementing of the Amsterdam Treaty and an analysis of the proposed creation of an area of freedom, justice and security in which the rights of citizens of the Union are intended to be enjoyed.

Article 49 Service Providers-Implementing the Vander Elst Decision

The Sub-Committee has continued its work to ensure the correct implementation of rights under Article 49 EC (Ex Article 59 EC) and in particular in relation to the Court of Justices' decision in Vander Elst. As the Sub-Committee was nearing instructing leading Counsel to prepare a complaint on the Commission's failure to make legislative proposals in this area, the Commission, whether by coincidence or spurred on by the threat of a complaint from ILPA, proposed a Directive on the posting of employees for the purposes of service provision, as well as a directive on the rights of third countries nationals establish in Member States to provide services across the EU. The Directive aims to create a uniform interpretation of the rights of EU businesses to provide cross-border services across the Union, where at present the practice varies wildly from Member State to Member State. These proposals have been warmly welcomed, and the Committee is finalising its submissions to the Commission on the proposals.

Submissions to the House of Lords on Draft Proposal to extend the Eurodac Convention

The Committee commented on a large number of EU legislative proposals submitted for Parliamentary scrutiny, including proposals to extend the Eurodac system for the comparisons of fingerprints of asylum applicants to certain categories of illegal immigrant. The submissions welcomed the proposal as a Community measure as it would ensure greater judicial protection, but criticised the proposal as blurring the distinction between asylum seekers and illegal immigrant and being unworkable in practice.

Submissions to the House of Lords on draft re-admission agreements between the EU and third countries.

Submissions were presented to the House of Lords on the Community draft re-admission agreement, which was criticised in that it failed, in particular, to ensure that persons will not be removed from the EU to countries where their human rights would be jeopardised, nor indeed did it require signatories to have ratified international human rights instruments.

Commission Working Document: Towards Common Standards on Asylum Procedures

The committee drafted submissions to the Home Office on the Commission's positive working paper, which was copied to House of Lords Committee and the European Commission

Immigration and Asylum Bill

The Sub-Committee assisted on briefing the ILPA committee responsible for submissions on the Bill, as well as complaining to the Commission on the proposals for Registrar's to make enquiries of EEA nationals wishing to marry third country nationals in the UK.

Promoting access to information at a Community level

The proposal of the Meijers committee on a Community instrument setting out citizens rights of access to documents of the European Parliament, Council and Commission was discussed and copied to Jack Straw, MP's and MEP's with confirmation of ILPA's support for this excellent proposal.

Delay in the issue of residence permits

The Committee's complaints about the delay in issuing EC residence permits and leave to remain for family members of EC nationals may have been partly responsible for the announcement of a special exercise to clear the backlog of outstanding applications. A precedent letter has been prepared for members wishing to complain about failure to observe the strict 6 month time limit for dealing with such applications under Community law.

Annex: The Amsterdam Treaty Project

At the 1998 AGM of the Immigration Law Practitioners Association, the European Group presented to the Association an ambitious project to investigate the new powers transferred from the European Union Member States to the European Community under the terms of the Amsterdam Treaty,

The powers in immigration and asylum transferred to the Community (subject to opt in protocols for Denmark, Ireland and the UK) include powers designed to achieve two different objectives:

Internal Market Measures

These are measures to give effect to Article 14 EC the abolition of intra-Member State controls on persons “in conjunction with directly related flanking measures on external border controls, asylum and immigration”. These are given specificity in Articles 62(1) as regards the principle and 62(2) and (3) and Article 63(1)(a) and (2)(a) on flanking measures. Reference is also made to the need for measures under Article 31(e) TEU “progressively adopting measures establishing minimum rules relating to the constituent elements of criminal acts and to penalties in the fields of organised crime, terrorism and illicit drug trafficking.” A five year time limit is placed on the adoption of such measures but it is unclear what penalty could result from failure to achieve agreement by that deadline.

Measures designed to implement free movement of persons

Article	Content
62(2)EC	Measures on the crossing of external borders including border procedures, visa rules and countries (including both white and black lists), formats and procedures for issue.
62(3)EC	Conditions under which third country nationals made travel within the Union for up to three months.
63(1)(a)EC	Criteria and mechanisms for determining which Member State is responsible for considering an application for asylum submitted by a third country national within the Union’s territory.
63(2)(a)EC	Minimum standards for giving temporary protection to displaced persons from third countries who cannot return to their country of origin and for persons who otherwise need international protection.
31(e)TEU	Progressively adopting measures establishing minimum rules relating to the constituent elements of criminal acts and to penalties in the fields of organised crime, terrorism and illicit drug trafficking.

Freedom, Security and Justice Measures

The measures in relation to immigration and asylum the purpose of which is exclusively attached to the establishment of the area of freedom, justice and security are as follows:

Measures to implement an area of freedom, security and justice

Article	Content
62(1)	The absence of any controls on persons crossing internal borders.
63(1)(b)	Minimum standards on reception of asylum seekers.
63(1)(c)	Minimum standards with respect of qualification as a refugee.
63(1)(d)	Minimum standards on procedures for grants and withdrawing refugee status.
63(2)(b)	Promoting a balance of effort between Member States in receiving and bearing the consequences of receiving refugees and displaced persons.
63(3)(a)	Measures on immigration policy including conditions of entry and residence, and standards on procedures for issue of long term residence visas and residence permits including for family reunion.
63(3)(b)	Illegal immigration and illegal residence, including repatriation of illegal residents.
63(4)	Measures defining the rights and conditions under which nationals of third countries who are legally resident in a Member State may reside in other Member States.

In order to look at these powers, the European Group decided to divide them in two ways: by subject and by form of implementation. The intention of the project is to see how and to what extent in putting forward measures in this field rights of individuals must be engaged. The Joseph Rowntree Charitable Trust and the Barrow Cadbury Trust both generously funded the project. Susan Rowlands and Elspeth Guild have acted as the supervisors of the project.

We chose six fields of application of the new powers: asylum; family life; long resident third country nationals; borders; primary immigration and irregular migrants. We decided that each field needed to be treated separately but in a consistent manner, analysing the power, determining the obligations which it engages, draft a proposal for a directive with an explanatory memorandum which we can present to national parliaments, the European Parliament, the Commission and Council and others as our contribution to the discussion on application of the new powers of the European Community.

In all cases the focus and intent was to propose a framework of implementation for the powers which follows the Community's traditional approach: granting rights to individuals on the basis of which they may make choices about moving or remaining based on clear and precise criteria and the exclusion of unnecessary degrees of state discretion. One of the most difficult aspects of migration, whether forced or voluntary is the uncertainty which surrounds residence and work status. To alleviate this uncertainty we sought to rely on the Community's own system of a rights based approach.

We appointed a consultant, Steve Peers, reader in law at Essex University to draft each of the modules. We were of the view that it is critical for there to be continuity between the different modules so as to eliminate the chance of contradiction between the measures.

For each module we appointed a chair and expert panel to provide direction and expertise working closely with Steve on the draft in the field. The expert panel were comprised as follows:

1. *Asylum*: Chair Frances Webber;
Members: Buster Cox; Nick Hardwick; Barry Stoye; Clara Odofin;
Johannes van der Klaauw;
2. *Family life*: Chair Don Flynn;
Members: Robin Allen; Richard McKee; Nadine Finch; Nuala Mole;
Barbara Marshall;
3. *Irregulars*: Chair: Andrew Nicol QC;
Members: Nicola Rogers; Vicky Guedalla; Sue Shutter;
4. *Long Resident Third Country Nationals*: Chair: Ian Macdonald QC
Members: Nick Rollason; Simon Cox; Barabara Cohen;
5. *Borders*: Chair: Nick Blake QC
Members: Tim Eicke; Don Flynn; Alison Stanley;
6. *Primary Immigration*: Chair Peter Moss
Members: Lucy Pattullo; Hilary Belchak; Nathalia Berkowitz; Tony Haque;
Gail Elleman.

Each panel has now met. There have been three to four meetings of each panel to discuss the drafts. After the second draft, the project has held a seminar by invitation only to experts in the particular field not only from the UK but also from the continent. The modules on asylum, long resident third country nationals and family life are now complete and about to be published. The final three modules: borders, primary immigration and irregular migrants are almost ready. This will mark the end of the first phase of the project. The second stage will then begin: publication.

While the project has proceeded, we have been joined by the Dutch Standing Committee of Experts on Immigration (the Meijers Committee) one of the most prestigious non-governmental organisations in Europe in sponsoring the project. The Meijers Committee is also making available funds to assist with the publication of some of the modules. We will be publishing each of the modules separately so that they can be read and used by groups which may have an interest in only one aspect of the project rather than the whole range. However, we will also be publishing the whole project, all six modules, as a book with a well known publishing house. In this way the work will be available in libraries throughout Europe and available as a specialist resource to those active in the field.

The Brussels based lobbying group, the Migration Policy Group, whose director, Jan Niessen has worked closely with ILPA's European Group in the past, is taking on board the promotion of the project both with the Community institutions and in all 15 Member States. This will mark the third stage of the project, which has already begun and will continue for the next year. The modules set a foundation of a system of

European immigration and asylum law which we think is appropriate. It will be for MPG to make these views known to the public and policy makers in the field.

The project is not over, only its first phase is coming to an end. Its timing is extremely fortuitous as we are just about ready to come forward with our first proposals as the European Council's Conclusions from their first ever meeting devoted exclusively to justice and home affairs issues in Tampere 15 & 16 October 1999 are beginning to be considered in depth. As yet neither the Commission nor the Member States have put forward any proposal to give effect to the new powers. We are confident that the work which we have undertaken will provide an important foundation upon which to propose and campaign for a new immigration and asylum law in Europe.

This has been a very ambitious project, as I mentioned at the beginning. It has taken up many resources both of the ILPA office and of those who have been most closely involved with it. Particular thanks must be given to all of the chairs and members of the panels who have donated their valuable time to this project, reading, thinking about and commenting on each draft of the text. Susan Rowlands for her unending patience and wise council is an indispensable member of the group. Steve Peers has impressed all of us hugely with his boundless energy, knowledge, intelligence and sensitivity to the issues, but most of all the speed with which he has produced excellent documents. A special thanks is due to Yani Mitchell on whose shoulders has fallen most of the organisational work which she has undertaken extremely efficiently and cheerfully.

Title IV EC

Visas, Asylum, Immigration and Other Policies Related to Free Movement of Persons

Article 61

In order to establish progressively an area of freedom, security and justice, the Council shall adopt:

- (a) within a period of five years after the entry into force of the Treaty of Amsterdam, measures aimed at ensuring the free movement of persons in accordance with Article 14, in conjunction with directly related flanking measures with respect to external border controls, asylum and immigration, in accordance with the provisions of Article 62(2) and (3) and Article 63(1)(a) and (2)(a), and measures to prevent and combat crime in accordance with the provisions of Article 31(e) of the Treaty on European Union;
- (b) other measures in the field of asylum, immigration and safeguarding the rights of nationals of third countries, in accordance with the provisions of Article 63;

...

Article 62

The Council, acting in accordance with the procedure referred to in Article 67, shall, within a period of five years after entry into force of the Treaty of Amsterdam, adopt:

- (1) measures with a view to ensuring, in compliance with Article 14, the absence of any controls on persons, be they citizens of the Union or nationals of third countries, when crossing internal borders;
- (2) measures on the crossing of the external borders of the Member States which shall establish:
 - (a) standards and procedures to be followed by Member States in carrying out checks on persons at such borders;
 - (b) rules on visas for intended stays of no more than three months, including:
 - (i) the list of third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement;
 - (ii) the procedures and conditions for issuing visas by Member States;
 - (iii) a uniform format for visas;
 - (iv) rules on a uniform visa;
- (3) measures setting out the conditions under which nationals of third countries shall have the freedom to travel within the territory of the Member States during a period of no more than three months.

Article 63

The Council, acting in accordance with the procedure referred to in Article 67, shall, within a period of five years after the entry into force of the Amsterdam Treaty, adopt:

- (1) measures on asylum, in accordance with the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees and other relevant treaties, within the following areas:
 - (a) criteria and mechanisms for determining which Member State is responsible for considering an application for asylum submitted by a national of a third country in one of the Member States,
 - (b) minimum standards on the reception of asylum seekers in the Member States,
 - (c) minimum standards with respect to the qualification of nationals of third countries as refugees,

- (d) minimum standards on procedures in Member States for granting or withdrawing refugee status;
- (2) measures on refugees and displaced persons within the following areas:
- (a) minimum standards for giving temporary protection to displaced persons from third countries who cannot return to their country of origin and for persons who otherwise need international protection,
 - (b) promoting a balance of effort between Member States in receiving and bearing the consequences of receiving refugees and displaced persons;
- (3) measures on immigration policy within the following areas:
- (a) conditions of entry and residence, and standards on procedures for the issue by Member States of long term visas and residence permits, including those for the purpose of family reunion;
 - (b) illegal immigration and illegal residence, including repatriation of illegal residents;
- (4) measures defining the rights and conditions under which nationals of third countries who are legally resident in a Member State may reside in other Member States.

Measures adopted by the Council pursuant to points 3 and 4 shall not prevent any Member State from maintaining or introducing in the areas concerned national provisions which are compatible with this Treaty and with international agreements.

Measures to be adopted pursuant to points 2(b), 3(a) and 4 shall not be subject to the five year period referred to above.

Article 64

1. This Title shall not affect the exercise of the responsibilities incumbent upon Member States with regard to the maintenance of law and order and the safeguarding of internal security.
2. In the event of one or more Member States being confronted with an emergency situation characterised by a sudden inflow of nationals of third countries and without prejudice to paragraph 1, the Council may, acting by qualified majority on a proposal from the Commission, adopt provisional measures of a duration not exceeding six months for the benefit of the Member States concerned.

...

Article 67

1. During a transitional period of five years following the entry into force of the Treaty of Amsterdam, the Council shall act unanimously on a proposal from the

Commission or on the initiative of a Member State and after consulting the European Parliament.

2. After a period of five years:
 - the Council shall act on proposals from the Commission; the Commission shall examine any request made by a Member State that it submit a proposal to the Council;
 - ...
3. By derogation from paragraphs 1 and 2:
 - measures referred to in Article 62(2)(b)(I) and (iii) shall, from the entry into force of the Treaty of Amsterdam, be adopted by the Council acting by a qualified majority on a proposal from the Commission and after consulting the European Parliament;
 - measures referred to in Article 62(2)(b)(ii) and (iv) shall, after a period of five years following the entry into force of the Treaty of Amsterdam, be adopted by the Council acting in accordance with the procedure referred to in Article 251.

Article 68

1. Article 234 shall apply to this Title under the following circumstances and conditions: where a question on the interpretation of this Title or on the validity or interpretation of acts of the institutions of the Community based on this Title is raised in a case pending before a court or tribunal of a Member State against whose decision there is no judicial remedy under national law. That court or tribunal shall, if it considers that a decision on the question is necessary to enable it to give judgment, request the Court of Justice to give a ruling thereon.
2. In any event, the Court of Justice shall not have jurisdiction to rule on any measure or decision taken pursuant to Article 62(1) relating to the maintenance of law and order and the safeguarding of internal security.
3. The Council, the Commission or a Member State may request the Court of Justice to give a ruling on a question of interpretation of this Title or of acts of the institutions of the Community based on this Title. The ruling given by the Court of Justice in response to such a request shall not apply to judgments of courts or tribunals of the member States which have become *res judicata*.

REFUGEE SUB COMMITTEE REPORT FOR 1998-1999

The work of the Sub-Committee has been dominated by the new Asylum Bill and given the scope of the proposed changes the Sub-Committee's work in this area was undertaken by a "task force" on the new Asylum Bill and our thanks must go to the very considerable efforts put in by all of the convenors as well as the co-ordinators Mike Kaye and Alison Harvey who have managed the task of holding things together in a Bill which will have such a significant impact upon the work of all of our members. Although it is difficult to single out particular individuals, the work of Rick Scannell and Sue Shutter must be acknowledged. Our thanks must also go to the dedication and very hard work put in by so very many members who input fresh ideas and proposals for amendments and undertook the work of drafting to meet tight time limits to ensure that ILPA would be in a position to comment critically on each element of the Bill.

The last year has also witnessed the launch of the ILPA Project "Breaking Down the Barriers" which examined the day to day running of the immigration service and where potential conflicts between the immigration service and representatives were most likely to occur as the perception amongst some of the immigration service was that asylum issues merely clogged up their workload. The identification of these areas of dispute is likely to reduce these potential areas of tension in the future as the immigration service appreciate the legitimate role played by representatives in putting forward their clients' cases. It is hoped that dialogue at this level may also reduce the likelihood in future of decisions by some ports to introduce unilaterally "practice directions" as to the manner in which representatives could attend and be present at interviews. It may be optimistic to assume that such incidents will never occur again, but there now exist fora within which such issues may at least be aired.

Mark Henderson has continued to follow up the work initiated last year on the introduction of a Documentation Centre for the conduct of appeals whereby to avoid representatives and HOPOs turning up to appeals laden with several bundles each, that the information be collated centrally so that the background evidence can be more or less agreed in advance of a hearing with common bundles.

Vicky Guedalla has undertaken a considerable amount of work throughout the year concentrating on the impact of the dispersal and funding arrangements under the new proposals and the consequent problems that are likely to be associated with this. This work has included representing ILPA (together with our Chair Andrew Nicol) in giving evidence before the Special House of Commons Committee on the Bill early in the year.

Buster Cox and Fran Webber represented the Sub-Committee in discussions on the European Project on the Amsterdam Treaty compiling a draft directive on immigration and asylum seeking to set a standard to be aspired to Europe wide by which the actual policies implemented by the EU could be assessed to see how far apart the proposals and the implemented policies were.

There have been a number of members meetings in which we would hope that all members have felt free to contribute to the debate and get involved in issues which affect all of us.

Finally, as with previous years, the Sub-Committee would wish to pay tribute to the excellent administration of our General Secretary Susan Rowlands and her team who have to undertake the monumental task of co-ordinating all of the work which members and Sub-Committees contribute to to ensure that the end product is accessible to all members principally through the mailings but also by the very many telephone enquiries handled by the office staff on a daily basis.

LEGAL AID SUB-COMMITTEE REPORT

The last year has been one in which members have been anticipating great changes both in the ways in which publicly funded legal services in the immigration field are delivered and in the determination system within which those services will be required. It has also seen new forms of contact between the LAB and the Home Office in ways, which have not always been welcome or fruitful to members and their clients. On a more positive note, the expansion of the advice and assistance regime to include representation is a very important and welcome advance.

As the year progressed, the shape of the new asylum determination system under the 1999 Act has become a little clearer although the process has identified a breath-taking lack of communication between the various government departments and also within the Home Office. ILPA has participated with other organisations in trying to identify how services can and will be delivered to the clients within that system. Faced with government inactivity on the subject, there was a seminar early in the year within the sector for providers of services to seek to find common ground to put to government. This was followed by a seminar with government representatives at which the issues were further explored. It has to be said that even now the government is still remarkably unclear about the relationship between dispersal, case determination and the provision of advice.

The year began with great concerns over the effect of exclusive contracting upon the availability of immigration advice, particularly when dispersal was factored in. The headlong rush of providers to apply, within the course of the year, firstly for franchises and then for exclusive contracts has made it a busy year for many of us. Questions remain about whether enough providers will obtain franchises, whether this will be achieved without a diminution of standards, and whether the advice will be available in the right place at the right time. Meanwhile many providers are starting to worry about what life will be like under firstly a capped budget from January 2000, and then later when average case costs are introduced.

The LAB has produced a number of important documents over the year, some specifically on immigration and others on wider issues but with relevance to immigration providers. Early in the year, ILPA and others contributed to the work of the Regional Legal Service Committees, and the particular difficulties they found in assessing localised demand for immigration advice. The consultation on the future of the civil advice and assistance spawned a separate document about the future of immigration advice, which was later in the year accepted by the LCD. In the course of the year ILPA commented on the various documents at length and to fairly good effect. We also provided information from a survey of members to the LAB. The decision by the LAB to press for representation to be included in the scheme was a long-awaited for and very welcome development, as was the decision by the LCD to accept the recommendations. ILPA remains concerned about aspects of the merits test and has very recently made representations in this respect.

The LAB introduced new requirements for the supervision of unqualified advisers undertaking various types of immigration work. These have now been incorporated into

the standards for immigration under the exclusive contract. More controversially it introduced forms for non franchised firms attending interviews in which the conducting immigration officer certified the length of the interview. ILPA made representations against the form of this change, a correspondence that is continuing.

Towards the end of the year it became clear that the new level of Home Office /LAB co-operation had resulted in their joint decision that there were certain interviews at which [publicly funded] legal representation was no longer required. This controversial change, made without consultation is again the subject of representations from ILPA to the LAB and the Home Office, and is in any event unlikely to survive given the rash of pilot schemes involving earlier and earlier interviews and faster and faster decisions.

Finally in the summer a number of ILPA members were subjected by the London area office, to drastic action in the form of a 'vendor hold', which blocked payments on all advice and assistance claims and offered a % payment instead. ILPA held a members meeting on the issue particularly to look at the maladministration of the measures. As a result we entered into correspondence with the area office about their practice in relation to some of those cases and their policy in the future. It is hoped that as a result similar problems will not arise in the future, if the vendor hold measure is again used.

GENERAL SECRETARY'S REPORT

ILPA'S ACTIVITIES

Staff

General Secretary: Susan Rowlands
Administrator: Josephine Brain
Office Co-ordinator: Yani Mitchell (from March 1999)

From September 1999:

Administrator: Josephine Brain and Lucy Glazebrook

Training programme

During the period from December 1998 - December 1999, ILPA organised forty training sessions. Most were held in London at the ILPA offices. Courses that were particularly well attended were held in alternative Central London venues. Some courses had to be duplicated as the numbers attending were too great to accommodate in the ILPA office, but bookings were made too late for another venue to be found.

All ILPA courses are accredited by the Law Society and the Bar Council.

The courses are intended to cover the range of law, practice and procedure members are involved in. Many courses have been arranged in response to members' suggestions.

The speakers are thanked for their contributions:

Peter Alfandary	Warner Cranston
Tim Barnden	E Edwards Son & Noice
Nicholas Blake QC	2 Garden Court Chambers
George Brown	Greater Manchester Immigration Aid Unit
Christine Bustin	Kingsley Napley
Jane Coker	Coker Vis Partnership
Heaven Crawley	University of Oxford
Matthew Davies	Wilson & Co
Sophie de Bellissen	Warner Cranston
Laura Devine	Eversheds
Gareth Edwards	Eversheds
Tim Eicke	Essex Court Chambers
Judith Farbey	Plowden Buildings
Nadine Finch	Doughty Street Chambers
Laurie Fransman	2 Garden Court Chambers
Helene Gacon	Avocat au Barreau de Paris
Catherine Gannon	Baker & McKenzie

Louis Gentile	UNHCR
Jim Gillespie	Enfield Chambers
Lois Goodson	DfEE - Overseas Labour Service
Vicky Guedalla	Deighton Guedalla
Elsbeth Guild	Kingsley Napley
Helen Hadfield	DfEE - Overseas Labour Service
Vanessa Hall-Smith	The Simkins Partnership
Tony Haque	Baker & McKenzie
Alison Harvey	Medical Foundation for the Care of Victims of Torture
Lily Hazemi	Glazer Delmar
Sophie Henderson	Plowden Buildings
Mark Henderson	Doughty Street Chambers
Raza Husain	2 Garden Court Chambers
Catriona Jarvis	Immigration Appellate Authority
Trevor Jones	TWES Unit - Overseas Labour Service
Peter Jorro	Refugee Legal Centre
Monica Kurnatowska	Baker & McKenzie
Fiona Lindsley	Birnberg Peirce & Partners
Jawaid Luqmani	Luqmani Thompson & Partners
Alasdair Mackenzie	Asylum Aid
Chris Magrath	Magrath & Co
Pierre Makhlof	Hackney Community Law Centre
Richard McKee	Immigration Advisory Service
Werner Menski	School of Oriental and African Studies
Nuala Mole	AIRE Centre
Peter Moss	Bates, Wells & Braithwaite
Urvashi Naidoo	Kingsley Napley
Dr Mark Newman	Pathfinder Mental Health Services
Andrew Nicol QC	Doughty Street Chambers
Tony Paterson	A J Paterson Solicitors
Chris Randall	Winstanley Burgess
David Rhys-Jones	Glazer Delmar
Jeremy Rintoul	E Edwards Son & Noice
Nicola Rogers	1 Pump Court Chambers
Rachel Rogers	The Law Society
Nicolas Rollason	Kingsley Napley
Rick Scannell	2 Garden Court Chambers
Duran Seddon	2 Garden Court Chambers
Sue Shutter	Researcher
Graeme Smith	Bindman & Partners
Martin Soorjoo	14 Tooks Court Chambers
Alison Stanley	Bindman and Partners
Karen Sturtivant	Sturtivant & Co
Sue Taylor	TWES Unit - Overseas Labour Service
Philip Turpin	Linnels
Joan Vis	Coker Vis Partnership
John Walsh	Plowden Buildings
Dan Wilsher	Powell & Co

ILPA Training Courses December 1998 – November 1999

Dates and Times	Description	No. Attending
2 December 1998	The Definition of Refugees	20
11 January 1999	Advanced European Community Law	24
20 January 1999	Introduction to Immigration Appeals (Manchester)	cancelled
4 May 1999	Advising on Immigration in Police Stations (Manchester)	9
14 April 1999	Home Office Policy, Concessions & Exercise of Discretion Outside the Immigration Rules	81
27 January 1999	Family and Immigration Law: Part I	15
10 February 1999	Family and Immigration Law II	23
3 March 1999	Maintenance and Accommodation: An Update	38
10 March 1999	Returns to Safe Third Countries: Dublin Convention and Other Provisions	44
17 March 1999	Asylum Appeals	40
20 April 1999	Employment Law for Immigration Practitioners	12
28 April 1999	Basic Immigration Law	22
11 May 1999	Effective Use of Psychiatric Evidence in Asylum and ELR Applications	17
18 May 1999	Recognition of Foreign Marriages and Divorces	10
26 May 1999	Basic Business and Employment Immigration Law	23
1 June 1999	Expert Evidence, Asylum Applications and Appeals	26
8 June 1999	Security of Residence and Expulsion of Aliens in Europe	19
16 June 1999	Immigration Law and South Asian Law and Culture	14
22 June 1999	The Role of Representatives at Interview	40
28 June 1999	French Asylum and Nationality Law	14
30 June 1999	Appeals to the Immigration Appeals Tribunal	36
6 July 1999	Mental Health and Immigration	30
13 July 1999	Drafting Grounds for Judicial Review or Appeal	37
14 September 1999	Basic Immigration Law I	38
21 September 1999	Basic Immigration Law II	34
28 September 1999	Basic Immigration Law III	34
5 October 1999	Immigration and Taxation	26
19 October 1999	Training and Work Experience Scheme Permits: Getting it Right	36
21 July 1999	U S Asylum Law	cancelled
23 September 1999	Advanced Work Permit Applications	38
30 September 1999	Drafting Grounds for Judicial Review or Appeal (repeat)	35
25 October 1999	Appeals to the Immigration Appeals Tribunal	36
18 November 1999	Applications for Children Outside the Immigration Rules	35
24 November 1999	Immigration Law and Sports and Entertainments	31
27 October 1999	Basic European Community Law	33
3 November 1999	Introduction to ECHR Law	28
9 November 1999	Hotspots I: Third Country National Family Members of Community Nationals	36
10 November 1999	Hotspots II: Self-Employed Nationals of Central and Eastern European Countries	35
15 November 1999	Hotspots III: Rights of Turkish Workers in Community Law	14
12 and 13 November 1999	The Immigration and Asylum Act: Implications for Practitioners	81

Members' meetings

The ILPA Sub-Committees have been responsible for convening 24 meetings during the year. In addition to the current business of the Sub-Committees, special meetings were convened on:

- I. Approaches to Trafficking.
- II. Legal Aid Board proposal's and developments (two meetings)
- III. Regularisation of Domestic Workers
- IV. The Immigration and Asylum Bill

Melanie Plimmer and Amanda Watson have been responsible for convening monthly meetings for ILPA members in Manchester. (See "Summary of Activities of ILPA North".)

The Immigration and Asylum Bill 1999 and associated measures

ILPA's work on the Bill has been co-ordinated by Rick Scannell. Many members have attended working meetings to draft the initial briefings and to contribute to the drafting of amendments and short briefings throughout the passage of the Bill. Their contribution was invaluable. Special thanks are due to the co-ordinators of the individual sections of the Bill: Sue Shutter, Chris Randall, Jeremy Rintoul, Rick Scannell, Andrew Nicol QC, Vicky Guedalla and Nadine Finch. Mike Kaye (Refugee Council) and Alison Harvey (Medical Foundation) were responsible for co-ordinating agencies' responses and persuading the ILPA co-ordinators to meet very short deadlines. CPAG, Public Law Project and Shelter made valuable contributions to ILPA's submissions.

The co-ordinators of the sections are preparing an annotated version of the Bill for publication by the Common Law Review.

Jim Gillespie, Alasdair Mackenzie and Buster Cox contributed on behalf of ILPA to several meetings convened by the Lord Chancellor's department on the Procedure Rules. Vicky Guedalla represents ILPA on the Stakeholders group of the Asylum Support Project (now Directorate). Chris Randall and Susan Rowlands have attended meetings on the pilot projects for asylum applications to meet the 2 + 4 commitment.

Liaison with other organisations

ILPA is represented by Susan Rowlands at meetings of the Immigration Advisory Group of the Commission for Racial Equality, the Protection Working Group of the Refugee Council, the Immigration Sub-Committee of the Law Society, the IND After-entry User Panel.

The Taylor House User Group meetings are attended by ILPA members and Susan Rowlands. The Asylum Rights Campaign and Providing Protection steering group members are attended by Chris Randall. Elspeth Guild and Susan Rowlands attend meetings, organised by the Refugee Council, with Home Office officials on European

issues. Susan Rowlands represents ILPA at ECRE biannual meetings and Chris Randall at ELENA meetings. As part of the Tampere fringe meeting, Susan introduced the ILPA/MPG project on the Amsterdam Treaty.

Andrew Nicol QC and Nicholas Blake QC are representing ILPA on the Bar Council committee considering the accreditation of immigration barristers.

The work of the Refugee Women's Legal Group is carried forward by a number of ILPA members. They are currently promoting the Gender guidelines on the Determination of Asylum Applications in Europe and preparing a new edition of *Women Asylum Seekers: A Legal Handbook*. Susan Rowlands and Heaven Crawley convened workshops on the Guidelines at the ECRE biannual meeting in May 1999. (See "Refugee Women's Legal Group Report").

Tim Eicke organised a joint meeting for ILPA with the European Bar Association at which Nicholas Blake QC and Christopher Vajda QC spoke; the meeting was chaired by Judge David Pearl.

Jane Coker continues to represent ILPA on the Refugee Health Consortium, promoting the report on the Health needs of Refugees and following up the implementation of its recommendations.

Nadine Finch and Tim Barnden have initiated a series of meetings to draw up Guidelines for best practice in relation to clients with mental health problems.

Jane Coker and Nadine Finch have contributed to the report of the Cross Border Movement of Children Working Group and will take part in the conference on this subject following publication of the report. The working group was established by the Official Solicitor and the Institute of Advanced Legal Studies.

Susan Rowlands has contributed to the preliminary discussions and to the seminar on 'Improving the Quality of Immigration Advice and Representation' organised by the Lord Chancellor's Advisory Committee on Legal Education and Conduct (ACLEC), the minutes and report of which have been published.

Launch of Breaking down the Barriers

The ILPA report on asylum interviews at ports was launched at the House of Commons on 7 July 1999. It was extremely well attended by ILPA members and other invitees. The launch was chaired by Judge David Pearl and the speakers were Elahe Panahi of the Iranian Cultural Centre; Peter van der Vaart, Deputy Representative, UNHCR; Jonathan Potts, Director, Asylum and Appeals Directorate, IND; Fiona Mactaggart MP; Andrew Nicol QC.

Many ILPA members, Home Office officials, representatives of community organisations and refugees contributed to the report. Steering group members were Jawaid Luqmani, Luqmani Thompson; Susan Rowlands; Philip Turpin, Linnells; and Professor Megan Vaughan, Nuffield College. Heaven Crawley was the researcher.



Immigration and Nationality Law and Practice

The editing of ILPA's quarterly journal is conducted by an editorial panel, headed by Jim Gillespie. The panel is keen to continue to improve and develop the quality of the Journal. Anyone wishing to contribute to the Journal or assist with the editing of it should contact Jim Gillespie at ILPA.

Publications

Breaking Down The Barriers: A Report on Asylum Interviews at Ports
Heaven Crawley for ILPA, June 1999 (ILPA)

A Practitioners' Guide to the EC-Turkey Association Agreement
Nicola Rogers for ILPA, November 1999 (Kluwers)

Funders

ILPA is indebted to the Joseph Rowntree Charitable Trust and the Barrow Cadbury Trust for financial support for research and publication of the Immigration Service Project (Breaking Down the Barriers), the Human Rights Act Report and the Amsterdam Treaty Project; to the Lord Ashdown Trust for funding the Refugee Health Consortium. The support of the Immigration and Nationality Research and Information Charity is gratefully acknowledged.

ILPA mailings

ILPA members have been sent fifteen mailings this year. They have included letters and information received by ILPA on Government proposals, consultations, procedure and policy as well as relevant items forwarded to ILPA by members. UNHCR has provided members with numerous important reports and statements on countries of origin of asylum seekers.

The European Sub-Committee has provided the invaluable quarterly Update on European matters that is sent to ILPA's European contacts as well as to members.

ILPA acknowledges the generosity of members who assist with copying the materials for distribution.

ILPA IT, design and systems

ILPA has upgraded two computers which have been networked with an existing computer. Two operate as "communication stations" for e-mail and internet access.

Josephine Brain has been responsible for working with consultants to replace the old DOS-based Paradox database with a new year 2000-compatible Access system which is easier to use and more versatile. Amongst other things, the new database will facilitate a better design of reports such as the ILPA Directory.

Josephine has also acquired a domain for ILPA: new e-mail addresses and a website (www.ilpa.org.uk). The web pages currently hold information on membership, courses, publications, and some of the association's activities. We hope to add considerably more material including the Directory during the year 2000.

ILPA is extremely grateful to the Joseph Rowntree Charitable Trust for a grant towards some of this work.

Josephine Brain has also been working with Pat Kahn on redesigning new Information for Members, Training Programmes and other ILPA leaflets.

Yani Mitchell's skills have been invaluable in setting up procedures for running new programmes and dealing with viruses; she strives to update the working methods and skills of all staff.

In order to comply with the requirements of the new Articles in dealing with membership and the AGM, ILPA required and gratefully received assistance from Antoinette Jucker, Sonnenschein, and Simon Howley, CMS Cameron McKenna.

Work in progress

Compilation of ministerial statements on the Human Rights Act 1998. This report has been prepared by Katie Ghose and will be published early in 2000.

Children, family and immigration law. The editorial group turned its attention to the Bill but will now focus again on this subject.

Best practice guide on asylum applications 3rd edition. This report has been delayed by the introduction of legislation and new procedures.

Amsterdam Treaty Project. A detailed report on this project is annexed to the European Sub-Committee report.

Making Rights Real Handbook: challenging racism and racial discrimination using the Human Rights Act. This handbook is being prepared by the Discrimination Law Association/CRE/1990 Trust and ILPA.

Compilation of ministerial statements on the Immigration and Asylum Act 1999. This report will be commissioned shortly.

SUMMARY OF ACTIVITIES OF ILPA NORTH

ILPA North meetings have been taking place continuously on a regular basis in Manchester for the last 2½ years. The meetings have always taken place at the Chambers of Ian Macdonald in the centre of Manchester and attracts members particularly from not only Manchester but also Liverpool, Rochdale, Sheffield, Leeds and Humberside. The meetings are co-ordinated by myself and Amanda Weston (both tenants at the Chambers of Ian Macdonald QC) and we are assisted by Paul Morris of South Manchester Law Centre. Meetings currently take place on the third Wednesday of every month from 6pm to 8pm.

The meetings vary in form from month to month. More recently, we have started to set agendas and where appropriate minutes are taken and then sent out to members. Meetings generally involve latest developments in the law, policy changes, proposed changes to law and policy, the IAA in Manchester and Leeds, and shares experiences of the immigration service and its officers in the North. Some meetings also include informal seminars such as a recent seminar on the Human Rights Act 1998 and its impact on immigration and asylum and another one on women asylum seekers.

In light of the proposed changes relating to the dispersal of asylum seekers to "cluster areas" particularly in the North, members envisage a much greater asylum workload. It has therefore been agreed by members that further monthly meetings and training is essential.

At present, the administration associated with the meetings and seminars is undertaken by Amanda and I and we also lead the seminars. We are happy to continue with this arrangement but would be grateful for some funding simply to cover refreshments at the meeting (particularly in light of the long distances that members travel in order to attend meetings).

I have recently discussed the activities of ILPA North with Susan Rowlands who shall be attending the next meeting on 20th October 1999 at 6pm. We have agreed that I shall liaise with her the day before and after each meeting in order to secure greater co-ordination of our activities. I also intend to provide Susan with a copy of the minutes of each meeting from the next meeting onwards.

*Melanie Plimmer
Chambers of Ian Macdonald QC
Manchester*

17th September 1999

REFUGEE WOMEN'S LEGAL GROUP REPORT

Guidelines

Following publication and widespread distribution the *Guidelines* have been used extensively by practitioners both here in the UK and abroad. Arrangements are underway to put them on the web with a link through the ILPA page.

Reference is being made to the *Guidelines* in the Georgetown Journal (USA publication, by Audrey Macklin). They are being published by Harvard Law School as part of a project on gender guidelines throughout the world.

All the adjudicators have been sent a personal copy, as have the judges in *Shah and Islam*. A copy of the *Guidelines* has been sent to the RCJ library, Middle and Inner Temple libraries, Grays, Lincoln, Law Society and Bar Council library.

Meetings have been held with the Home Office Policy Unit where it was indicated verbally that they did not have 'many problems' with them but did not see the need for guidelines *per se*.

The *Guidelines* were referred to in *Shah and Islam* albeit with the wrong year!

Home Office Guidelines

We have met with the Home Office to discuss incorporation of gender guidelines in their ADI's. Discussions continue following some fairly hefty amending by us, rejection by them etc. But at least talks are proceeding and we may get a little useful information incorporated.

Information pack

A basic information pack was produced early in the year but this has now been superseded. We produced a newsletter in April and we send copies of the *Guidelines* where we think this will assist. We try to respond to all requests for help but we are finding that we get more and more...

Training/Speaking

We have tried to incorporate gender issues into more mainstream training. There has been a tendency amongst practitioners to think they know 'about women' and so don't have to look at issues from a gender perspective. Training is now therefore 'slipped in' so that practitioners are taken unawares but assimilate information without necessarily being aware of it. There is however a long way to go with some very experienced practitioners still telling women clients who are the subject of sustained domestic violence in their country of origin that such matters are 'personal' and thus not investigating properly.

We have been asked to speak at a variety of places and try to either send a speaker or at least send information. Speaking events include Irish Refugee Council, Women's International Democratic Federation, CIPU, ECRE conference in Prague, Refugee Advice Centre in Finland, UNHCR conference in Dublin.

Liberty Human Rights Award

We were nominated in 1998 and have been nominated again in 1999.

Intervention

Consideration was given to intervening in *Shah and Islam* but we decided on balance not to do so. We instructed the PLP to act for us in an intervention in the Court of Appeal but the Home Office conceded! Obviously frightened of us!

The Bill/Act

A submission was made specifically on how the bill failed women.

Handbook no 2

Money has been raised, including from individual barristers and solicitors (for which many thanks) and handbook no 2 is underway. We anticipate it will be published in April 2000 and will include commentary on the vast developments that have taken place since the first handbook was published - which has sold out.

Regular meetings

We continue to meet regularly on the second Thursday of every month at the ILPA offices at 6.00pm until about 8.0pm. You are very welcome to come.

