

ILPA

IMMIGRATION LAW PRACTITIONERS' ASSOCIATION

PRESIDENT: IAN MACDONALD QC

John L Walsh

ILPA Annual Report

1999/2000



Printed for ILPA by CMS Cameron McKenna

ILPA • Lindsey House • 40/42 Charterhouse Street • London EC1M 6JN • Tel: 020 7251 8383 • Fax: 020 7251 8384
E-Mail: info@ilpa.org.uk Website: www.ilpa.org.uk

THE IMMIGRATION LAW PRACTITIONERS' ASSOCIATION LIMITED IS A COMPANY LIMITED BY GUARANTEE. REGISTERED IN ENGLAND AND WALES.
REG No 2350422. REG OFFICE 12 GLENEAGLES COURT, BRIGHTON ROAD, CRAWLEY, WEST SUSSEX RH10 6AD

Index

Chair's Report	2
The Executive Committee & Sub-committees	4
Treasurer's Report	6
General Secretary's Report	7
European Sub-committee Report	18
Employment & Business Sub-committee Report	34
Family & General Immigration Sub-committee Report	36
Legal-Aid Sub-committee Report	38
Refugee Sub-committee Report	40
ILPA North	41
Refugee Women's Legal Group	42
Housing & Immigration Group	44

Chair's Report

Last year I reported on the lobbying which ILPA had done as the Immigration and Asylum Bill progressed through Parliament. The Bill was passed on 11th November 1999. Far from bringing an end to our work in relation to the legislation, it has just marked a new phase. We have been engaged in an intensive round of seminars, training sessions and meetings on the implications of the changes for immigration clients and their representatives. Not all of the Act is yet in force but it has already brought about the introduction of nationally funded vouchers for (some) asylum-seekers and a complete revision of the immigration and asylum appeals process. An Immigration Services Commissioner has been appointed and the process of regulating previously unregulated immigration advisors has begun.

The 1999 Act was striking for the vast number of issues which were delegated for later decision by subsidiary legislation. ILPA has participated whenever the government has consulted on these matters. We are grateful for the hard work which many members have put into preparing these submissions. It is frustrating for them and us when so many of the proposed changes are not adopted but alterations are sometimes achieved and sometimes the process of consultation can helpfully refine the intended purpose of the new measures.

The introduction of the new appeals regime coincided with the commencement of the Human Rights Act. Immigration and asylum are regularly cited as areas where the HRA is likely to have a very substantial impact. The prohibition on expulsion where there is a real risk of inhuman or degrading treatment and the right to respect for family life are going to become recurring themes in our work. It will be a relief to be able to appeal to Convention rights directly rather than dancing around the matter in the way that was necessary before 2nd October. Again ILPA has a major role to play in educating our members and exploring the possibilities which the HRA opens up.

For the large number of our members whose incomes are derived from public funds the changes in legal aid have demanded anxious attention. Although there have been welcome improvements (notably the introduction of Controlled Legal Representation for hearings before the Appellate Authorities), the detail of the move to the new system of contracting with the Legal Services Commission has been baffling and, for some, a source of a great deal of worry. ILPA has not been able to bring about a solution to all the objections raised, but at several members' meetings (some packed to the rafters) the LSC were confronted with problems of whose existence or intensity they seemed previously unaware. This has led to changes and we have continued to have detailed discussions with the LSC over its General Civil Contract, its Funding Code and its initiatives to expand the provision of good quality immigration advice.

In that context we are close to concluding an agreement with the LSC for ILPA to provide a substantial programme of training to paralegals in solicitors' firms outside London. This will be in addition to our regular programme of training and seminars which sometimes, although not very often, includes events outside London. The dispersal of asylum-seekers has brought into acute perspective the shortage of immigration advisers and the general concentration of those that do exist in London. This project will be a big challenge for the Association, but we think that the benefits to dispersed asylum-seekers and to our members who are outside London will make it

worthwhile. As we were conscious that the bulk of our regular training events take place in the capital, the EC agreed that it would be appropriate that for London course, members who had to come from some distance away would be given a small discount.

The wider political debate on immigration has shifted during the course of the year. At the beginning of the year it was dominated by spectres of enormous numbers of bogus asylum-seekers. By the end of the year, the government realised that in many fields the UK could not supply the demand for skilled workers and that it needed to compete positively in the global market place for entrepreneurial talent. In the summer ILPA was a co-organiser of a pair of lectures about the nature of the immigration debate where the influence of labelling was discussed. Perhaps by next year “economic migrant” will have become a badge of pride rather than a term of abuse.

Our business and employment sub-committee has worked hard at translating this more benign attitude to at least certain types of immigration into a practical framework. It has worked with the Department for Trade and Industry, the Home Office and Department for Employment and Education in developing a new immigration category of Innovator and the wider scope for switching into employment permitted categories. It has cautioned ministers about adopting new systems which are too open to abuse and thereby creating hostages for the next wave of xenophobic sentiment.

ILPA has been particularly aware that the centre of immigration policy is moving inexorably in the direction of Brussels. The Amsterdam Treaty gave broad new powers to the community in the fields of immigration and asylum. While the Commission and Council had only begun to think about how to use these new powers, ILPA came up with its own Amsterdam Proposals. These were draft directives in several of the new fields and were accompanied by a closely reasoned position. The Commission is not very used to consultations with NGOs but with these proposals and with several other submissions that have been drafted by our European Committee we have established a reputation as an organisation which deserves respect.

The pace of change shows no sign of lessening. There are still important parts of the 1999 Asylum and Immigration Act which have yet to be fully implemented. One of these is the registration and exemption system for immigration advisers who are not solicitors or barristers. This should in turn prompt debate within ILPA as to whether our categories of membership should be expanded to include those who will come under the regulatory wing of the Immigration Services Commissioner.

This report is far from comprehensive. The reports which follow from ILPA’s sub-committee’s, the officers and the General Secretary provide more detail about the Association’s activities over the last year. They show what a tremendous amount of hard work has been done. We have been reliant on members who have been exceedingly generous in giving us their time when their own practices and work have been all the more demanding because of the very same changes. Equally we can only operate at all because of the skill, knowledge and commitment of Susan Rowlands,

Yani Mitchell Josephine Brain and Lucy Glazebrook who have worked so hard in the ILPA office.

Andrew Nicol QC

The Executive Committee

Ian Macdonald QC – President
Andrew Nicol QC – Chair
Julia Onslow-Cole – Secretary
Philip Barth – Treasurer
Nadine Finch
Laurie Fransman
Raza Husain
Jawaid Luqmani
Richard Mckee
Chris Randall
Rick Scannell
Sue Shutter
Pierre Makhoul (co-opted)
Nicola Rogers (co-opted)

Sub-Committee's

European Sub-Committee Convenor	Elsbeth Guild
Employment and Business Sub-Committee Convenors	Julia Onslow-Cole Philip Barth Philip Trott
Family and General Sub-Committee Convenor	Richard McKee
Refugee Sub-Committee Convenors	Chris Randall Jawaid Luqmani
Legal Aid Sub-Committee Convenors	Chris Randall Jawaid Luqmani
Membership	Julia Onslow-Cole Jawaid Luqmani
Personnel	Andrew Nicol QC Philip Barth Julia Onslow-Cole Jawaid Luqmani

Treasurer's Report

For the year ended 31 March 2000, our income increased to £234,771 (1999: £177,500), we achieved a surplus of nearly £28,721 (1999: £5,506) and our reserves increased to £70,530 (1999: £41,809). Our membership has grown to nearly 1000 and the number of training courses we ran was 25% more than the previous year. Although there have been modest increases in course fees and targeted increases in membership subscriptions, the improvement on the previous year is principally due to the increase in the number of members and training courses which we ran. This has been achieved without any increase in staff levels.

We have grown substantially and the activities of our Executive Committee and our sub-committees have hugely expanded. We are also about to embark on a major new challenge – the LSC-funded training programme which we will be delivering over the next two years, in addition to our regular programme. It is unlikely to contribute to reserves, but will make increased demands on management and administration, which already has to cope with the organisation of more training courses and a higher level of membership.

As a non-profit organisation, with an Executive Committee fulfilling sometimes-onerous duties on a voluntary basis, our financial wellbeing benefits only one group of persons – our members. It is therefore in everyone's interests that our organisation has all necessary support, both financial and professional, to ensure that:

- Our collective voice, as professional specialists in both the publicly funded and the private sectors, continues to be heard at the highest level, both in Great Britain and Europe;
- Our training courses are the best and most informative;
- Our sub-committees and those who work with them can drive forward their agendas; and
- Our monthly mailings continue to be an essential tool for the study and practice of immigration law.

We are therefore planning to make sure that we have a fully resourced management and administrative infrastructure in place. We are recruiting an additional member of staff for the administration team and making sure that we have all necessary technology.

We will continue to seek the right balance between the need to keep course costs and membership fees affordable whilst ensuring that we have sufficient resources to enable us to pursue our objects and provide a comprehensive and professional service to our members.

Philip Barth

General Secretary's Report

ILPA's Activities

Staff

General Secretary:	Susan Rowlands
Administrators:	Josephine Brain Lucy Glazebrook
Office co-ordinator/ Assistant to General Secretary:	Narayani Mitchell

Training programme

ILPA has organised 61 training sessions during the year since the 1999 AGM. Most were held in London, many at the ILPA office. As in previous years, some courses have had to be duplicated due to demand for places. This year many more courses were held outside London to meet the needs of firms expanding or establishing immigration departments.

Participation at many courses has been funded by the Legal Services Commission: particularly those dealing with asylum casework and appeals. These have been held in London, Wakefield, Newcastle, Manchester and will be held in Cardiff.

ILPA members have been extremely helpful in providing venues for courses – sometimes at short notice.

The Law Society, the Bar Council and the Institute of Legal Executives accredit all ILPA courses. ILPA courses are intended to cover the range of law, practice and procedure members are involved in. Most courses are proposed by sub-committees; members' suggestions for courses are welcomed.

The following speakers are thanked for their contributions:

Speaker	Organisation/ firm at time of course
Sally Adams	Kingsley Napley
Navi Ahluwalia	The AIRE Centre
Peter Alfandary	Warner Cranston
Robin Allen QC	Cloisters Chambers
Hamish Arnott	Prisoners Advice Service
Tim Barnden	Gill & Co
Philip Barth	Mishcon de Reya
Tim Baster	Bail for Immigration Detainees
Hilary Belchak	Kingsley Napley
Nathalia Berkowitz	IAA Legal & Research Unit
Nicholas Blake QC	2 Garden Court Chambers
Mungo Bovey QC	Advocates Library, Edinburgh & Tooks Court
Eileen Bye	Scudamores Solicitors
Rebecca Chapman	Tooks Court Chambers
Mick Chatwin	JCWI
Barbara Cohen	Commission for Racial Equality
Jane Coker	Coker Vis Partnership
Liane Cooney	CMS Cameron McKenna

Jonathan Cooper
Simon Cox
Buster Cox
Martyn Craske
Dr Heaven Crawley
Sophie de Bellissen
Tim Eicke
Judith Farbey
Paul Ferrell
Nadine Finch
Laurie Fransman QC
Jim Gillepsie
Vicky Guedalla
Elsbeth Guild
Stephanie Harrison
Phil Haywood
Mark Henderson
Murray Hunt
Peter Jorro
Alison Lamb
Steve Lamb
Patrick Lewis
Ian Lewis
Fiona Lindsley
Jawaid Luqmani
Ian Macdonald QC
Alasdair Mackenzie
Nuala Mole
Peter Moss
Clinton Nield
Julia Onslow-Cole
Stephen Orange
Anne Owers
Lucy Patullo
Mark Philips
Melanie Plimmer
Chris Randall
Jeremy Rintoul
Nicola Rogers
Nick Rollason
Roy Saxby
Rick Scannell
Duran Seddon
Ben Sheldrick
Sue Shutter
Graham Smith
Hugh Southey
Alison Stanley
Keir Starmer
Hugo Storey
Anne-Marie Tootell

Justice
Doughty Street Chambers
Renaissance Chambers
Overseas Labour Service
ILPA researcher
Warner Cranston
Essex Court Chambers
Tooks Court Chambers
McFadden Pilkington & Ward
Doughty Street Chambers
2 Garden Court Chambers
Enfield Chambers
Deighton Guedalla
Kingsley Napley
2 Garden Court Chambers
Refugee Legal Centre
Doughty Street Chambers
4-5 Gray's Inn Square
Refugee Legal Centre
Independent Consultant
Overseas Labour Service
2 Garden Court Chambers
Renaissance Chambers
Birnberg Peirce & Partners
Luqmani Thompson and Partners
2 Garden Court Chambers
Asylum Aid
AIRE Centre
Bates, Wells & Braithwaite
INPD, IND
CMS Cameron McKenna
CMS Cameron McKenna
Justice
CMS Cameron McKenna
Tyndallwoods
Chambers of Ian Macdonald QC
Winstanley Burgess
E Edwards Son & Noice
AIRE Centre
Kingsley Napley
Overseas Labour Service
2 Garden Court Chambers
2 Garden Court Chambers
Magrath & Co
Parliamentary Researcher
Bindman and Partners
Tooks Court Chambers
Bindman and Partners
Doughty Street Chambers
Immigration Appeals Tribunal
Wilson & Co Solicitors

Philip Trott
Philip Turpin
Mavelyn Vidal
John Walsh
Frances Webber
Andrew Walmsley
Amanda Weston
Ray Wilton
Sarah Woodhouse
Officials from the US Embassy

Bates, Wells & Braithwaite
Arnold de Feu Solicitors
Refugee Legal Centre
Doughty Street Chambers
2 Garden Court Chambers
ICD, IND Liverpool
Chambers of Ian Macdonald QC
Business Casework Unit, ICD, IND
Birnberg Peirce & Partners

ILPA Training Courses December 1999 - November 2000

Dates and Times	Course Title	No. Attending
2 December 1999	Immigration Law and Habeas Corpus (London)	30
7 December 1999	HIV / AIDS and Immigration (London)	27
20 January 2000	UK, Irish & EU Immigration Law: their interaction (London)	16
28 & 29 January 2000	The 1999 Immigration and Asylum Act: Implications for Practitioners (Manchester)	54
2 February 2000	Conducting Asylum Appeals (London)	56
3 February 2000	Appeals under the 1999 Act (London)	65
8 February 2000	Advanced Business Immigration Law (London)	60
10 February 2000	The Human Rights Act Part I: Introduction & Mechanics (London)	46
29 February 2000	How to Run an Immigration Contract (London)	53
1 March 2000	The Human Rights Act Part II: Implications for Appeals to the IAA (London)	39
2 March 2000	How to Run an Immigration Contract (Manchester)	26
7 March 2000	Home Office Policy: Concessions and the Exercise of Discretion outside the Immigration Rules (London)	52
14 March 2000	Hotspots In Implementing EC Law I: How to deal with delay in EC applications (London)	18
16 March 2000	US Immigration and Nationality law: Practical guidelines (London)	14
21 March 2000	HR Act Part III: Application of Articles 3, 8 & 14 of the European Convention – BASIC (London)	35
22 March 2000	Hotspots In Implementing EC Law II: Appeal Rights & Remedies for EC Nationals (London)	11
27 March 2000	Basic Immigration Law (London)	38
28 March 2000	Social Security Benefits for Asylum Seekers, Illegal Entrants & Over-stayers (London)	59
29 March 2000	Hotspots in Implementing EC Law III: EEA Family Permits (London)	20
4 April 2000	Basic Business & Employment Immigration Law & Practice I: Work Permits (London)	31
6 April 2000	The Role of Representatives at Interview (London)	36
11 April 2000	Basic Business & Employment Immigration Law & Practice II: business, sole rep's, investor and retired persons of independent means applications (London)	37
12 April 2000	HR Act Part IV: Application of Articles 3 8 & 14 of the Eur. Convention-ADVANCED (London)	28
9 May 2000	Judicial Review in Immigration Cases	36
10 May 2000	Employment and Business Related Immigration (London)	82
16 May 2000	How to make a bail application (London)	17
23 May 2000	Stateless persons and denial of citizenship and entry for asylum seekers (London)	14
31 May 2000	Family Settlement (with special reference to South Asia) (Manchester)	16
6 June 2000	Basic asylum, making applications and lodging appeals (London)	29
19 June 2000	Recent Nationality Developments (London)	40

21 June 2000	HR(5) The Human Rights Act and one-stop immigration appeals (London)	53
22 June 2000	Basic Immigration Law (London)	32
27 June 2000	The rights of immigration prisoners and detainees (London)	10
3 July 2000	Basic asylum: making applications and lodging appeals (Wakefield)	41
4 July 2000	Introduction to using the internet to research country information and asylum law (London)	17
11 July 2000	Marriage applications and the 'intention to live together' test (London)	17
18 July 2000	The difference between employment and self-employment in community law (London)	15
19 July 2000	How to supervise under a legal aid contract (London)	35
25 July 2000	Completing Statement of Evidence Forms (London)	55
10 August 2000	Update on developments in immigration and asylum law (Manchester)	41
6 September 2000	Social Security Benefits for Asylum-Seekers, Illegal Entrants and Overstayers (London)	34
7 September 2000	Completing Statement of Evidence Forms (London)	46
11 September 2000	Basic Asylum Law: Making Applications and Lodging Appeals (Newcastle)	28
12 September 2000	Update on Developments in Immigration & Asylum Law (London)	54
16 September 2000	One-Stop Appeals (Manchester)	25
23 September 2000	One-Stop Appeals (London)	73
25 September 2000	New Perspectives in EU Immigration & Asylum Law, I: Schengen Visas (London)	33
10 October 2000	New Perspectives in EU Immigration & Asylum Law, II: The Dublin Convention & Moving Asylum Seekers around Europe (London)	35
11 October 2000	Representation at Asylum Appeals (Manchester)	48
17 October 2000	Basic Immigration Law I (London)	37
17 October 2000	Completing SEF Forms (Manchester)	40
18 October 2000	Completing SEF Forms (Newcastle)	22
24 October 2000	Basic Immigration Law II (London)	34
25 October 2000	Representation At Asylum Appeals (London)	21
31 October 2000	The New Home Office Innovator Scheme: A Pilot Scheme for Entrepreneurs (London)	64
31 October 2000	New Perspectives in EU Immigration & Asylum Law, III: Racial Discrimination, immigration & Community Law (London)	28
1 November 2000	Basic Immigration Law III (London)	35
7 November 2000	Judicial Review (Birmingham)	21
8 November 2000	Discussion Seminar: Developments to the Work Permit Scheme (London)	89
22 November 2000	Judicial Review (Manchester)	31
24 November 2000	Update on the Human Rights Act and the Incorporation of the ECHR in Scotland & England (London)	54

Members' meetings

ILPA members were invited to attend meetings of the Sub-Committees. The number convened by the sub-committees were:

European	8
Family and General	9
Business and Employment	7
Legal Aid	4
Refugee	3

Members were also invited to meetings on:

- The Regularisation Scheme – two meetings
- The EEA order
- The Savas judgement
- JCWI/ILPA lecture on 'British immigration policy – can we move beyond the legacy of racism?'
- ILPA/ABA meeting on 'Asylum law and practice in the UK' and 'Unlawful civil detention of immigrants in the US'.
- ILPA/Law Society meeting on 'Flexibility: entry clearance as leave to enter'.

Melanie Plimmer and Amanda Weston have been responsible for convening monthly meetings for ILPA members in Manchester.

Liaison with IND and other organisations

Andrew Nicol QC and Nick Blake QC are on the Board of the Bar Council's Immigration Accreditation Scheme.

Together with members of ILPA, Susan Rowlands attends meetings of the Taylor House Users Group. Chris Randall, Jawaid Luqmani and Pierre Makhoulf liaise with the Asylum Rights Campaign (ARC); Nicola Rogers represents ILPA at the ARC European Sub-Group. Pierre Makhoulf, Jawaid Luqmani, Jane Coker and Susan Rowlands represented ILPA at meetings convened by the Home Office, the Advice Services Alliance and the Office of the Immigration Services Commissioner on both the details of the ISC's regulatory scheme and the implications of it. Susan Rowlands represents ILPA at meetings of the Immigration Advisory Group of the Commission for Racial Equality, the Immigration Law Committee of the Law Society, and meetings convened by the London Regional Services Committee of the Legal Services Commission.

Jim Gillespie represented ILPA at meetings convened by the Lord Chancellor's Department on the Immigration and Appeals (Procedure) Rules. He is now attending meetings on the revision of the Procedure Rules. Rick Scannell prepared a response on the Immigration and Asylum Appeals (One Stop Procedure) Regulations.

A seminar on Complementary Protection was held on 6 December, convened by ILPA with the International Association of Refugee Law Judges.

Raza Husain, Jane Coker, Laurie Fransman and Judith Farbey have represented ILPA at meetings of the Judicial Review Pre-action Protocol working group.

Jane Coker and Nadine Finch presented training for guardians ad litem and prepared guidelines for publication; they also contributed to the workshops and publication on Cross Border Movement of Children organised by the Institute of Advanced Legal Studies.

Susan Rowlands represents ILPA on the After-Entry IND User Panel, the IND Asylum Process Stakeholders Group, the JECU User Panel, she has been invited to join the Asylum Support Adjudicators' User Group, which will meet for the first time in December 2000.

Julia Onslow Cole represents ILPA on the Overseas Labour Service's User Panel; Philip Barth and Philip Trott are ILPA's representatives on the Business User Panel of IND.

Chris Randall is the UK representative on ELENA, the European Legal Network on Asylum; and Susan Rowlands represents ILPA at ECRE biannual meetings.

Nicola Rogers, Steve Peers and Nick Rollason represent ILPA at the IND meetings on: Immigration & Asylum: Developments in Europe.

Meetings with Barbara Roche MP, Minister of State for Immigration, and Margaret Hodge MP, Parliamentary Under-Secretary, Dept for Education and Employment, were attended by Andrew Nicol QC, Rick Scannell, Jawaid Luqmani, Chris Randall, Philip Barth, Philip Trott, Julia Onslow Cole and Susan Rowlands.

Meetings with Bill Branden, Deputy Director, Integrated Casework Directorate, IND – and ILPA liaison - were attended by Jane Coker, Julia Onslow-Cole, Vicky Guedalla, Matthew Davies, Nick Rollason and Susan Rowlands.

ILPA members continue to meet to draw up guidelines for best practice in relation to clients with mental health problems; these meetings are convened by Tim Barnden and Nadine Finch. Members are also involved in the Housing Immigration Group.

All ILPA's work is informed by the contributions of many members, who copy ILPA in on correspondence, submit information on policy and practice observed, and bring their concerns to the attention of the Executive, Sub-Committees and staff. There are too many to thank individually but it is important to acknowledge that without their input the work of the Executive Committee and staff would be less effective.

Mailings

ILPA members received 12 mailings during the last year. Members have expressed their appreciation of the new design of the information sheets and astonishment at the amount of information circulated.

The European update continues to inform both ILPA members and ILPA's European contacts about developments in law and policy.

ILPA Journal

Immigration and Nationality Law and Practice published by Tolleys.

Jim Gillespie heads the editorial panel responsible for editing ILPA's quarterly journal. Anyone wishing to contribute material for the Journal or assist with the editing of it should contact Jim Gillespie at ILPA.

Responses to consultation and submissions

European Issues

Response to the EU Presidency Conclusions of the Tampere European Council 15th and 16th October 1999

January 2000

Submissions on the EU Charter of Fundamental Rights to the House of Lords Select Committee on the European Union (Sub-Committee E)

April 2000

Commission Working Paper - Revisiting the Dublin Convention

June 2000

Comments on the draft report for the European Parliament Civil Liberties and Human Rights Committee on the proposed directive on Family Reunion.

July 2000

Response to the European Commission's Proposal for a Directive on the Right to Family Reunification

July 2000

Response to the United Nations High Commission for Refugees "Three Circles" Consultation

September 2000

Response to the European Commission's Proposal for a Directive on Minimum Standards of Temporary Protection in the Event Of A Mass Influx

October 2000

Submissions to the House of Lords Select Committee on the European Union: French Presidency Proposals

October 2000

Immigration and Nationality Directorate

Financial Bonds for Visitors: response to consultation paper

December 1999

Response to Home Office consultation document on the main Asylum Support Regulations

January 2000

Comments on Detention: New forms and procedures

January 2000

Comments on Immigration (Regularisation Period For Overstayers) Regulations 2000

January 2000

Comments on Immigration (PACE Codes of Practice) Direction 2000

February 2000

Comments on the introduction of 'Statement of Evidence' forms

March 2000 and other correspondence

Comments on Immigration (Leave to Enter and Remain) Order 2000

April 2000

Comments on Information Leaflets for Detainees
May 2000

Comments on Immigration and Asylum Appeals (One Stop Procedure) Regulations 2000
June 2000

Comments on Draft Protocol for Representatives
July 2000

Comments on revision of Application Forms
July 2000

Response to consultation paper on the refusal of entry on grounds of criminal convictions.
July 2000

Comments and briefings on Immigration Appeals (Family Visitors)
Regulations 2000
August 2000 and others including November 2000

Comments on the 'transitional provision' arising from Commencement Order no. 6 of the
Immigration and Asylum Act 1999
September 2000

Comments on Draft Explanatory Note for SEF's
November 2000

Lord Chancellor's Department
Review Of The Crown Office List
May 2000

Comments on The Immigration and Asylum Appeals (One Stop Procedure) Rules 2000 (2
drafts)
April & June 2000

Comments on The Immigration and Asylum Appeals (One Stop Procedure) Regulations 2000
June 2000

Comments on Special Immigration Appeals Commission (Procedure) Rules
July 2000

Comments on Immigration Services Tribunal Procedure Rules
September 2000

Comments on the 'Leggatt' Review of Tribunals
September 2000

Legal Services Commission
Comments on amendments to the General Civil Contract
June 2000

Comments on Counsel's fees for CLR in immigration
October 2000

Comments on the proposed changes to the General Civil Contract
October 2000

Law Society

Comments on paper - "Networks for Solicitors"
February 2000

Business and Employment issues

The Review of The Work Permit Scheme
March 2000

Comments on proposals to make immigration provision for Innovators
April 2000

Comments on the introduction of the 'Highly Talented People' category
November 2000

Immigration Services Commissioner's Consultations

Ongoing comments and responses on the Commissioner's code, rules, levels of advice relating to the regulation of immigration advisers
From February 2000

Oral Evidence

Nadine Finch and Nicola Rogers gave oral evidence to the Home Affairs Committee on Controls at Borders; Nicola Rogers briefed the Committee on post Tampere developments in Immigration and Asylum law and gave evidence with Jill Frances to the House of Lords Subcommittee E on the EU Charter of Fundamental Rights.

Publications

The Amsterdam Proposals: The ILPA/MPG proposed directives on immigration and asylum, Steven Peers (ILPA)

The Amsterdam Proposals or how to influence policy debates on immigration and asylum, Jan Niessen and Susan Rowlands (eds.), (ENAR, ILPA and MPG)

The Human Rights Act 1998: A compilation of ministerial statements made on behalf of the government during the Bill's passage through parliament, Katie Ghose (ILPA)

Funders

ILPA is grateful to the Joseph Rowntree Charitable Trust and the Barrow Cadbury Trust for funding the research and publications listed above. A contribution from Wilson & Co to the HRA report and the continued support of the Immigration and Nationality Research and Information Charity are gratefully acknowledged.

Training of asylum caseworkers - Project funded by the LSC

ILPA is about to embark on a major training project, funded by the Legal Services Commission, to increase the number of skilled asylum caseworkers in the regions. The project has been developed by Chris Randall and Susan Rowlands with considerable input from Barry Stoye, Mark Philips, David Gray, George Brown, Peter Simm. The two-year

project will involve the employment of three people; details of the project and the positions to be filled will shortly be available from the ILPA office.

Work in progress and planned

Challenging racism using the Human Rights Act (DLA, CRE, 1990 Trust and ILPA) – in preparation.

ILPA/RIS Asylum seekers: a guide to the law for non-specialists - in preparation.

Guidelines for Guardians ad litem (prepared by Jane Coker and Nadine Finch, awaiting publication)

Best Practice Guide to human rights and asylum appeals – 2nd edition (with the Law Society and Refugee Legal Group) – in preparation

Family and immigration law – for immigration practitioners – in preparation

Ministerial statements made during the passage of the Race Relations (Amendment Bill) and ministerial exemptions

Best Practice Guide to asylum applications - 3rd edition

Ministerial statements made during the passage of the Immigration and Asylum Act 1999.

Research project to assess the impact of the Schengen visa regime on the movement of third country nationals resident in the United Kingdom.

Thanks

On behalf of ILPA, Susan Rowlands would like to thank colleagues from the following UK organisations for their assistance during the last year; she has relied on their support and co-operation: Amnesty (British Section), Asylum Aid, CRE, IAS, JCWI, LAG, Law Society Immigration Law Committee, Medical Foundation, NACAB, Refugee Legal Centre, Refugee Council, RLG, RWLG, UNHCR.

Enormous thanks also go to Josephine Brain, Narayani Mitchell and Lucy Glazebrook whose skills - particularly in multi-tasking – and commitment have been greatly tested this year. Thanks to Helen Dewar, who continues to organise our library.

Thanks are due to Yani for compiling this report and to CMS Cameron Mackenna for printing it.

European Sub-Committee

The ILPA European Group is one of the most active subcommittees of ILPA. It has been in existence for more than ten years. Its role within the structure of ILPA is to monitor and comment on developments at political and legal levels in the European Union and the Council of Europe. It meets once every 4-6 weeks, bringing together practitioners and academics to discuss developments, present reports on activities and formulate policy positions to be proposed to the ILPA executive for ILPA to take on European developments. It also proposes training courses on issues of European law to take place within the context of ILPA's training programme and special conferences on subjects of great concern.

In order to keep the ILPA membership informed of developments at the European level, on a quarterly basis the group is responsible for producing the ILPA European Updates, an A5 format newsletter which is set to all ILPA members providing a quick outline of the important developments at EU level in the political, legislative and judicial fora.

Membership of the Group is open to all ILPA members. However, those who wish to receive the documentation and minutes of the Group are expected to attend the meetings and to participate in the work of the Group. There are approximately 30 persons who are active in the Group, of which about one third attend at each meeting. One of the special features of the Group is that its primary function is not simply information exchange. This Group devotes most of its time to the formulation of proposals and responses in the field of immigration and asylum at European level. In doing so it works closely with the ILPA asylum subcommittee on asylum related issues. Buster Cox is the member of that sub-committee who is designated as liaison person with the European Group. The European Group also works closely with the family subcommittee, Richard McKee providing the main coordination between the two groups.

The group is chaired by Elspeth Guild and Nicola Rogers is the liaison person with the ILPA Executive. Nick Rollason is responsible for the documentation of the Group while Steve Peers and Ryszard Cholewinski provide invaluable assistance in tracking legislative proposals and keeping the group informed of up-coming issues. Without the dedication, enthusiasm and hard work of these persons, the Group would have been unable to maintain the position of ILPA as the foremost commentator in the UK on European issues in the field. Special thanks are also due to Don Flynn who provides a critical link with JCWI and works very hard for the Group, Alison Hunter for her excellent work on refugee issues, Nathalia Berkowitz whose capacity in research is most impressive, Peter Moss whose experience and wisdom add an important dimension to the Group's work.

The Group has close links with sister NGOs in the UK, specifically Justice, the Medical Foundation, ARC, and the British Institute of Human Rights; we also have close links in other Member States, in particular with the Meijers Committee in the Netherlands, GISTI in France and MPG in Brussels.

Finally, in addition to the daily work of the European Group, it also undertakes major research projects for which outside funding it sought. Over the past two years its focus has been on the Amsterdam Proposals – a project of drafting legislative proposals for the EU on all major themes of immigration and asylum. The Proposals, prepared by Steve Peers, were published in 1999 and in 2000 with MPG the emphasis has been on lobbying for their adoption (see section 3). Over 2000, the group has been preparing a project on borders and

their control – looking at the new competences for border control of the European Community and what they mean for people living in the UK or seeking to come here. We are currently awaiting the outcome of two funding applications for a project on this subject.

Scoreboarding Project

In January 2000, ILPA's European Group agreed upon a uniform methodology in assessing the European Commission's proposals relating to asylum and migration under the new Title IV of the EC Treaty. We decided to adopt a scoreboarding technique which assumes a very different emphasis from the scoreboard that has been put into place by the Commission,¹ which aims to identify the measures in the fields of asylum and migration that need to be adopted, the timetables for their adoption in accordance with those set out in the Amsterdam Treaty and the joint Council/Commission work programme, and the current state of play. Our approach analyses and comments on Commission proposals by assessing their conformity with human rights standards and commitments to citizens and third country nationals that the Community has itself identified as being of particular importance.

Our scoreboarding technique ranks the proposed measure overall (on a scale of 1-40) and in respect of the following four areas (each ranked on a scale of 1-10): (1) compliance with the European Convention on Human Rights; (2) compliance with other international treaties; (3) compliance with principles of EU migration and asylum policy; and (4) safeguarding and strengthening rights at the national level. A detailed commentary on each section then follows, together with conclusions and an annex outlining proposed amendments, which are broadly in conformity with earlier positions taken by ILPA in respect of the emerging EU asylum and migration policy under Title IV of the EC Treaty.² To date, we have produced detailed comments in response to the following two Commission proposals:

- Proposal for a Directive on the right to family reunification; COM (1999) 638 final of 1 December 1999.³
- Proposal for a Directive on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof; COM (2000) 303 final of 24 May 2000.

Each response is sent to the European Council, Commission and the relevant committees and to interested MEPs of the European Parliament. Domestically they are sent to the House of Lords and the House of Commons Select Committees on the European Union, the Home Office, the UK Ministers, interested MPs; they are also distributed to other on-governmental organisations both in the UK and abroad. Responses are also normally published in ILPA's European Update. An indication of the seriousness with which our responses have been received is reflected in a letter dated 10 August 2000 sent to Andrew Nicol QC from Antonio Cavaco, from the Office of Commissioner Vitorino, commenting in some depth on our response to the Commission's proposal for a Council Directive on the right to family reunification. We also regularly receive written responses on behalf of the Home Office, and invitations to make further submissions to the Select Committees (see below section 3).

¹ *Scoreboard to Review Progress on the Creation of an Area of "Freedom, Security and Justice" in the European Union*, COM (2000) 167 final of 24 March 2000.

² S. Peers, *The Amsterdam Proposals: The ILPA/MPG proposed directives on immigration and asylum* (2000).

³ This proposal has since been amended by the Commission in response to amendments suggested by the European Parliament. See COM (2000) 624 final of 10 October 2000.

We are currently formulating our response to another important Commission proposal on minimum standards on procedures in Member States for granting and withdrawing refugee status (COM (2000) 578 final of 20 September 2000), with a view to finalising a draft at the beginning of December 2000. We plan to respond in the same way to all future significant Commission proposals in the asylum and migration field

Consultation with Officials and other NGOs

ILPA's European Group submitted both written and oral evidence to both the House of Lords' Select Committee and the Home Affairs' Committee of the House of Commons on a number of occasions over the last year. In the spring, the Group submitted written and oral evidence on the proposed EU Charter of Fundamental Rights, which is likely to be adopted in Nice at the end of this year.

In the summer the Group participated in giving oral evidence to the Home Affairs' Committee on port control and in particular the operation of the Dublin Convention. During the year the Group also prepared a written submission to the House of Lords' Select Committee on the four so called "Fortress Europe" proposals suggested by the French Presidency of the Council of the European Union concerning carriers' liability, "facilitation" of illegal entry and residence, penalties for such facilitation and the mutual recognition of expulsion orders made by a different EU Member State. In November this year the Group gave evidence at a Home Affairs' Committee seminar on developments at EU level in the asylum and immigration field since the Tampere Summit. We hope that these Committees continue to invite us to contribute as we feel it is an important way of putting forward ILPA's views on the rapidly changing face of EU immigration and asylum law.

ILPA attends a quarterly meeting with the Home Office on EU developments and participates in the ARC – EU working group, which is a useful forum for discussion with other NGOs such as Amnesty International, the Refugee Council, the Refugee Legal Centre and the Medical Foundation on EU developments.

The European Group has been active in launching the ILPA/MPG Amsterdam Proposals in Brussels, and discussing them with both other NGOs and the Commission. Discussion with the Home Office on the proposals has begun.

A large part of the European Group's work is devoted to responding to the Community institutions. In addition to the Scoreboarding work outlined above, this year the Group prepared a detailed paper on the Tampere Summit held in October 1999 which was devoted to Justice and Home Affairs issues. In addition we responded to a Commission working paper on the Dublin Convention with the valuable assistance of Buster Cox.

Main Concerns and Responses of the Group to UK Implementation

ILPA's European Group has been responsible for monitoring the practical application of Community law in the field of free movement in the United Kingdom. Particular issues which have been dealt with in the last year have included:-

- Delay

Delay continues to be a major problem at the Home Office. Applications continue to take in excess of six months to complete, in breach of the UK's obligation under Article 5 of Directive 64/221. Members of the subcommittee have continued to assist individuals and

their representatives making complaints to the Home Office and to the European Commission with regard to delay. By IND's own admission, the average times for processing applications are approximately 6-8 months, although some applications will take considerably longer.

At a recent meeting with IND, the European Directorate confirmed that new procedures were being put in place to provide the EC CMUs with their own initial consideration unit. The group also agreed to look at their procedures for dealing with personal applicants and procedures for submission and return of passports.

- Access to ILR

Access to ILR continues to be a problem for spouses of EEA nationals. A number of cases brought in the UK (*Zegraba*, *Sahota* and *Boukssid*) clarified the UK's own policy in respect of both EEA nationals and those returning under the Surinder Singh rules. The ECJ's rejection of the arguments put forward in *Kaba* means that the problem of access to ILR will continue. However, a further reference to the ECJ in the case of *Kaba* we understand will shortly be made which may revisit this issue.

Another problem remains that, whilst spouses and family members of third non-EU nationals living in the UK work permit employment or business categories can obtain ILR in line with the principal (irrespective of the length of their residence in the UK), spouses and family members of EEA nationals must themselves complete four years residence before becoming eligible. This issue has been raised with the Home Office. It is the Group's view that if the family members of EEA nationals are in a far worse position than all other third country nationals coming to the UK for work or business and that this is both discriminatory and goes against the principle of providing for the EEA family's full integration into the UK. Further policy guidance is likely in this matter and will be provided to all members.

- Association Agreements

The European Group has continued to correspond with the Home Office on the UK's application of the EC/ CEEC Association Agreement. Following representations made by committee members and other practitioners, the Home Office have dis-applied the requirement for submitting audited accounts of the business on the basis that this requirement was discriminatory. A number of queries relating to the application of the Agreement in the UK have not been responded to. Policy guidance seems to have been put on hold pending the ECJ's final judgement in the four lead cases in this area.

The Group will keep members informed as to the outcome of those decisions and any action which members should be taking to protect their clients interest.

The problems with the practicalities of making visa applications under the Association Agreements have been raised by the Group. This remains a major area of concern, as does the proposed re-imposition of a visa requirement on all Polish and Czech nationals.

Following the decision in *Savas*, the European Group wrote to the Home Office for clarification as to the impact of the judgement from the UK perspective but has received no response. Urgent clarification is now being sought.

- Border Checks

The issue of checks carried out on EEA nationals and their family members as part of carriers obligations under the Carriers Liability Act also came under scrutiny following the disclosure of guidance given by the Home Office to carriers in the case of *ex parte Hoverspeed* in 1999. That guidance made it quite clear that Dutch nationals “not of typical Dutch appearance” could have their documents checked. This raises serious concerns about discrimination against EEA nationals and the targeting of ethnic minorities in the context of free movement. Further information is being sought on this issue and the results of the investigations will be provided to members.

Training Courses and Seminars Sponsored by the Group

ILPA’s European Group is keen to share its information with the wider ILPA membership. Hence we have held a series of training courses on the Hotspots in Community Law during the course of the years which were very well received.

We have also held two members meetings to share ideas and discuss important developments with ILPA members firstly on the European Court of Justice’s judgment in *Savas* and the New EEA Regulations 2000. The judgment in *Savas* clarifies that the standstill clause in relation to self employed persons in the EC-Turkey Association Agreement means that the 1972 Immigration Rules apply in relation to businessmen wishing to enter or remain in the UK today. The 1972 Rules are undoubtedly more favourable than the present immigration rules and it remains to be seen how the Home Office will give effect to this.

Proposed Schengen Project

In March 2000, ILPA European Group members (Elspeth Guild and Ryszard Cholewinski), in collaboration with Don Flynn of JCWI and Liza Schuster (a researcher from South Bank University (currently at LSE)), began work on drafting a funding proposal for a research project assessing the impact of the Schengen visa regime on the movement of third country nationals resident in the United Kingdom.

The project, entitled “Crossing Borders: Schengen, Security and Third Country Nationals” seeks to examine the law and practice pertaining to the Schengen visa system and its consequences for third country nationals and persons from ethnic minority communities wishing to travel within the European Union. We consider this proposed work to be important because of the central role which the Schengen visa regime is assuming as an instrument for the control and management of immigration to and within the European Union. The proposed research consists of three parts: (i) consultation with representative third-country national and ethnic minority organisations with a view to identifying their principal concerns and to integrate the information obtained into our future work; (ii) a legal analysis of the procedures and conditions for issuing Schengen visas by the relevant authorities in EU member states, both in the UK (by embassies or consulates) and elsewhere; and (iii) an empirical investigation assessing the impact of the Schengen visa regime on third country nationals resident in the UK from the perspective of their ethnicity and professional status.

In May 2000, an application for project funding was submitted to JCRT and Barrow-Cadbury Trusts. In response to a further request from the prospective funders, we re-submitted a condensed version of the proposal in September 2000. The feedback that we have received thus far suggests that this is a timely proposal, which has generated considerable interest.

Although we are unlikely to obtain funding before 2001 because existing funds have already been committed, we do expect to be invited by the Trustees in due course to explain the proposed research project to them.

Proposals made under Title IV EC - Immigration and Asylum
 Proposals for Community Legislation under Title IV EC
 Immigration and Asylum

Title of Document	Date	Initiator	OJ Ref	Comments	Legal Base	Position of UK, Ireland and Denmark	NGO and other comment
Regulation: Eurodac	26.5.99	Commission	COM (1999) 260; revised COM (2000) 100 (15.3.2000)	This is a revised version of the former Third Pillar proposal for a supplementary convention to the Dublin Convention relating to the fingerprinting of asylum seekers (now including third country nationals apprehended in connection with irregular border crossing over the age of 14).	Article 62(2)(1)(a)	Ireland and UK have opted in. Denmark has requested a separate agreement.	EP report approved.
Regulation: uniform format for visas for unrecognised travel docs	9.9.99	Finland	Council Doc 10895/99	This relates to uniform format for visas outside of the Schengen short stay uniform visa	Article 62(2)(b)(ii)	Not known.	
Regulation: Airport Transit Visas	9.9.99	Finland	Council Doc 10867/99	This relates to airport transit visas which the ECJ held to be outside Community competence before the Amsterdam Treaty amendments. The	Article 63(3)(b)	Not known.	

				Commission still doubts Community competence – see staff working paper August 1999 on visas and Schengen incorporation.			
Regulation on Updating the Common Consular Instructions	18.11.99	Finland	OJ 2000 164/7	The proposal sets out a new system for the agreement of changes to the Consular Instructions.	Article 62(2) & (3)	Not known	
Regulation on readmission of third-country nationals as between Member States	11.1999	Finland	OJ 1999 C 353/6	This proposal sets up a system along the lines of the Dublin Convention, but (presumably) for third country nationals who are not asylum seekers, allocating responsibility for their expulsion.	Article 63(3)(b)	Not Known	
Directive: on the right to family reunification	1.12.99 revised proposal 10.10.00	Commission	COM (1999) 638; OJ 2000 C 116 E/66 Revised: COM (2000) 624	This is the first major proposal by the Commission in the field. It constitutes a half way house between rights to individuals and maintenance of some discretion over the assessment of criteria.	Article 63(3)(a)	Denmark, Ireland and the UK have opted out.	EP Legal Affairs; EP Report; ECRE; ILPA; JCWI; Meijers Committee
Regulation on countries whose nationals do or do not require a visa to enter the EU	26.1.00 revised proposal 21.9.00	Commission	OJ 2000 C 177/66 COM (2000) 577	This Regulation would replace the existing one of 1999 containing a list of countries whose nationals require visas to cross the Community external borders. This new proposal creates a Community mandatory “white” list of countries	Article 62(2)(b)(i)	UK has opted out.	

				whose nationals do not require a visa and a mandatory "black" list of countries whose nationals must have visas.			
Regulation on freedom to travel for non-visa nationals after three months	2.2000	Portugal	OJ 2000 C 164/6	This would allow the EC to conclude treaties with third states (notably the US) which allow their nationals longer than a 3-month stay in the Schengen territory	Article 62(3)	Not known	
Regulation on the procedure for updating the Common Manual on Border Controls		Portugal		Sets out new procedure for amending the Borders Manual, conferring power on the Council and the Member States.	Article 62(2)(a)	Not known	
Directive on minimum standards for giving temporary protection in the event of a mass influx.	24.5.00	Comm- ission	COM (2000) 303 final	The directive contains rules applicable to the treatment of asylum seekers whose flight has been designated by the Council as a mass influx.	Article 63(2)(a)	UK & Ireland opt in.	AI; ILPA House of Lords Inquiry
Regulation on freedom to travel for holders of long-term visas	6.2000	France	OJ 2000 C 200/4	This Regulation would give holders of long-term visas the right to freedom of travel pending issue of a residence permit.	Article 62(3)	Not known	
Directive on Mutual Recognition of Decisions Concerning Expulsion	30.6.00	France	OJ 2000 C 243/1	The proposal is designed to allow one Member State to rely on an expulsion order made by the latter against a third country national	Article 63(3)	Not known (but it builds on the part of the Schen	House of Lords Inquiry

				when the former is seeking to expel the individual.		gen acquis which the UK has opted into).	
Directive on defining facilitation		France	OJ 2000 C 253/1	Definition of what is facilitation for the purposes of the framework decision on strengthening penal framework against facilitation.	Article 61(a) and 63(3)(b)		House of Lords Inquiry
Directive on carrier sanctions	June 2000	France	OJ 2000 269/8	The proposal makes the carrying of third country nationals to the territory of a Member State where the individual lacks the necessary documents subject to fines of at least €2000.	[Article 62 EC]	Not known (but it builds on the part of the Schengen acquis which the UK has opted into).	Statewatch
Directive on minimum standards on procedures for granting and withdrawing refugee status	21.9.2000	Commission	COM(2000) yyy final				AI;

Measures other than Directives and Regulations

Title of Document	Date	Initiator	OJ Ref	Comments	Legal Base	UK, Ireland, Denmark
Decision: European Refugee Fund	14.12.99 adopted: 28.9.00	Commission	COM (1999) 686; OJ 2000 C 116 E/72 OJ 2000 L 252/12	The decision creates a system for dividing resources in proportion to the burden of expenditure of the Member States on asylum seekers through the creation of a fund.	Article 63(2)(b)	Ireland the UK have opted in; Denmark has opted out by default
Action Plan to improve control of immigration	July 2000	France	10017/00	Seeks to address problem of unwanted flows of persons; critique of CIREFI and proposals for improvement.	none	Not known
Decision on Updating the Common Consular Instructions	?	France	?		Article 62(2)(3)	Not known.
Framework Decision on preventing the facilitation of unauthorised entry and residence	30.6.00	France	OJ 2000 C 253/6	This proposal requires Member States to make intentional facilitation of unauthorised entry or residence an offence.		
<i>Common Declaration on abolition of residence permit requirement</i>	<i>28 July 2000</i>	<i>France/ Germany/ Spain and Italy</i>	<i>-</i>	<i>Closer co-operation decision of four Member States to abolish residence permits for EU nationals living on their territory.</i>		

Detailed Analysis of Some Measures⁴

Eurodac

This proposal transforms a Third Pillar proposal for a convention for the fingerprinting of asylum seekers into a Regulation. The convention was intended to supplement the Dublin Convention⁵ by providing information to the Member States on the identity and 'asylum claim' history of an asylum applicant. Negotiations on it first began in March 1996. As the UK Home Office explained in its memorandum of 2.12.1998 'The Eurodac Convention will create a computerised central database which will allow comparison of the fingerprints of asylum seekers across the European Union. This should prevent people having asylum applications considered in a number of different countries. If a fingerprint match is found as a result of comparison in Eurodac the Member States concerned will then enter into bilateral discussions under the terms of the Dublin Convention'. The convention was limited to the fingerprinting of asylum seekers over the age of 14. The proposal was subsequently extended to migrants crossing the border irregularly by a protocol proposed by the Austrian presidency in 1998. Under the protocol fingerprints were required to be taken of all third country nationals over 14 years apprehended in connection with the irregular crossing of a border from a third country and who is not turned back.

Both the draft convention and its protocol were the subject of much NGO criticism in its convention form both on grounds of principle (asylum seekers should not be treated as criminals) and on efficiency grounds (fingerprinting asylum seekers or irregular migrants is not going to make it easier to determine through which EU State they arrived in the Union, the stated objective in order to determine responsibility). A more practical problem is that it creates positive incentives for states not to fingerprint persons, as by doing so they might declare themselves the 'first' state for responsibility to take care of and determine the status of an asylum seeker or in respect of an migrant irregularly crossing the border, to pay for their return to a country of origin. As regards third country nationals apprehended in connection with irregular border crossings, the problems magnify. The convention proposal was frozen in 1998 and reintroduced by the Commission in May 1999 just after the entry into force of the Amsterdam Treaty.

The Commission proposal is substantially the same as the proposed convention and protocol. Although it is designed to 'assist in determining the Member State which is responsible pursuant to the Dublin Convention for examining an application for asylum lodged in a Member State and otherwise to facilitate the application of the Dublin Convention' applies to: (1) all applicants for asylum (over 14) whose fingerprints must be taken and sent to a Central Unit operated by the Commission; (2) persons apprehended in connection with the irregular crossing of an external border, since 'the detection of a match, indicating that an asylum applicant had previously entered a specific Member State, facilitates the application of Article 6 of the Dublin Convention'.⁶ (3) persons found illegally present within the territory of a Member State, if a Member State so chooses. This provision is to assist in determining whether an illegally present third country national is or has been an asylum seeker in another Member State. Thus all of the questionable categories and linkages remain. For instance what is an illegally present third country national (for instance does this include

⁴ Other proposals for legislation, in particular the French Presidency's new proposals, will be considered in future issues of the *European Update of ILPA*.

⁵ Relating to which Member State is responsible for the consideration of an asylum application and which entered into force on 1.9.97.

⁶ Explanatory Memorandum to the proposal.

a US national who has overstayed his or her tourist admission? Or to a Somalian who no longer has a travel document and thus is unable to account for the regularity or otherwise of his or her presence?). However, once this information is collected what are the chances that its use will not be extended to other types of checks? The cost of the system will create its own pressure for multiple use of the information collected.

The European Parliament's report on the proposal was approved on 9.11.99 (A5-0059/99) and the plenary vote accepting the proposal with amendments took place on 11.11.99. The JHA approved the draft at its meeting in December 1999 except for the territorial scope. The European Parliament must be re-consulted on changes to implementation, and in August 2000 the civil liberties committee approved a second report insisting on the same amendments which the EP had pressed for before.

Uniform Visa Format for Unrecognised Documents

A Community competence for visa formats already existed before the changes brought by the Amsterdam Treaty. The power was exercised through the adoption of a measure on a uniform format for visas which remains in force.⁷ This proposal, instead of building on that existing regulation, follows an approach more similar to the Schengen acquis. According to the preamble, the purpose is to have a commonly recognised visa which can be attached to a travel document which is not recognised by the Member State issuing the visa or given to a person without a travel document at all. Stress is put on the need for specifications to prevent counterfeiting and limitations on the personal information which could be included.

The proposal appears somewhat naive in that it supposes that Member States will be willing to issue visas for entry onto their territory to persons whose travel documents they do not recognise. Where a Member States admits a person in such a position to its territory it will of course be unclear whether it will be able to enforce the departure of the person after the permitted visit. It would appear more likely that the proposal results from the excuse, put forward by some Member States, that there is no mechanism for those states to admit family members of asylum seekers etc where they do not have a recognised passport. The problem, however, is not the legal mechanism for permitting admission but the lack of political will. It is here perhaps that the difference between the Third Pillar approach and Community law is most clear. While in the Third Pillar context, measures were not binding on Member States in the sense of permitting enforceability by individuals. Thus Member States could get away with excuses like the lack of valid passports to avoid having to implement common policies on responsibility for instance of family members of asylum seekers. In the Community law regime, however, should a regulation state that asylum seekers who are close family but waiting their asylum determinations in different Member States shall be permitted to combine their applications in one Member State and live together there, the mechanisms for implementing this are left to the Member States but in law must be sufficient to give effect to the regulation (or directive). Thus in the Community framework such a proposal looks ridiculous.

Airport Transit Visas

This proposal, again by a Member State, follows almost exactly the Third Pillar Joint Action on the subject⁸ and a proposal by the Austrian Presidency under the Third Pillar in 1998

⁷ 1683/95 OJ 1995 L 163/1.

⁸ 96/197/JHA OJ 1996 L 63/8.

which, if adopted would have replaced the original. Following an unsuccessful challenge by the Commission to the legal basis of the Third Pillar measure⁹ the ATV Joint Action remained in force. This measure, then, appears to transfer the Third Pillar measure into Community law under the new Title. However, in the Commission Staff Working Paper on the incorporation of the Schengen acquis the Commission takes the view that Title IV does not provide a legal basis for such a measure, according to the logic of the Court of Justice decision. The Court had held, in the ATV case, that the Member States were entitled to adopt the Joint Action in the Third Pillar as there was no Community competence over third country nationals who were only changing planes in a Community airport and not (in the Court's view) entering the internal market. The Commission believes that the powers included in Title IV did not change the position of the Community in this regard, although it could be argued that such powers have been granted by Article 63(3)(b), concerning illegal migration.

The European Parliament has not produced a report on the proposal yet nor voted on it. The Council appears to have given up discussion on the proposal at present.

Family Reunification

This is one of the most important measures introduced by the Commission in the new Title IV so far. It exhibits some steps forward in that it does create a right to family reunification for third country nationals lawfully in the EU Member States but it qualifies that right. Member States may impose (limited) waiting periods on family reunification and make it subject to support and accommodation requirements (a requirement as regards support at least which cannot be applied to Community migrant workers). The family members who may join a third country national are much more limited than those who may join a Community national. Within the proposal itself is discrimination – the rights of migrating Community nationals to family reunification contained in Regulation 1612/68 are extended to Community nationals who have not exercised a free movement right. Thus the group of 'privileged' persons will now include all Community nationals with third country nationals having lesser rights no matter how long they have lived and worked in the Union. The European Parliament has produced its report and the Commission has published a second version of the proposal taking into consideration the Parliament's position. Among NGOs which have commented are: ILPA prepared a Scoreboard; the Meijers Committee; Amnesty International. The House of Lords has considered and included comments about the proposal in its report.

European Refugee Fund

This proposal would create a fund to distribute resources to Member States depending on the numbers of asylum seekers to be found on their territory. According to the Commission's explanatory memorandum, a comprehensive approach to asylum involving solidarity is critical. The policy must include: (a) eligibility procedures that are accessible, effective and fair and reception arrangements that guarantee decent living conditions; (b) arrangements for the integration of refugees into the host society; (c) expulsion measures against persons not permitted to remain in the country where they have sought protection. The definition of persons to be covered by the fund includes refugees and persons applying for this status as well as displaced persons benefiting from temporary protection or seeking to so benefit. The fund would support: (a) conditions for reception including infrastructure, services for

⁹ C-170/96 *Commission v Council* [1998] ECR I-2763.

accommodation, material aid, social assistance and help with administrative formalities; (b) integration); and (c) voluntary repatriation. The responsible authority in each Member State may seek co-financing from the Fund to cover costs related to (a) – (c). The applications must be made in advance and 50% financing is the norm increased to 75% for Cohesion Fund participants (ie poor Member States). The resources would be distributed: 65% in proportion to the average number of asylum seekers over the preceding three year period and 35% in proportion to the number recognised as refugees over the preceding three year period.

According to the Commission the fund is needed as: ‘the burden borne by individual Member States in this area differs greatly from one to the next because of the different directions taken by flows of persons in search of protection and the uneven distribution of populations of refugees and displaced persons in the EU.’ The establishment of the fund would have a number of consequences then – it would constitute acceptance that there will be differences between Member States in numbers of asylum seekers and that efforts to move asylum seekers to equalise the ‘burden’ is not foreseen. Further, it will mean that the responsible authority (normally this will be the social affairs ministries responsible for the reception of asylum seekers) will need to project on the basis of the numbers of asylum seekers over the past three years its financial needs for the forthcoming year. The creation of a budgetary interest based on the numbers of asylum seekers coming to the state will in itself constitute a strong incentive for those departments and ministries responsible for the expense to maintain the level of asylum seekers arriving each year static. A drop in numbers will be a reduction of income from the Commission (and in poor Member States that can account for 75% of costs which can include infrastructure such as house construction). Further the prime of 35% of the fund allocated on the basis of numbers of persons granted refugee status creates a financial interest in recognising asylum seekers as refugees. If a Member State has a very low recognition rate it will not be eligible for as much money from this part of the fund as those Member States with higher recognition rates. No money would be available for coercion in repatriation of rejected asylum seekers. Only repatriation schemes ‘without compulsion’ would be eligible for funding.

Thus as drafted, the Refugee Fund Decision would create a substantial financial interest for the social affairs ministries as regards asylum seekers. This interest would include keeping the numbers of asylum seekers coming to the state stable so as to avoid problems of miscalculation or the need to repay funds if numbers drop substantially; a generous approach to recognition of asylum seekers as refugees; the development of voluntary repatriation schemes for unsuccessful asylum seekers (as the fund would not assist with the high costs of force repatriation).

This proposal has all the hallmarks of a familiar Commission approach to social problems – the creation of a fund available to ministries which are traditionally supportive of Community action (but less so to antagonistic ministries and departments) to develop financial interests in the creation of a status quo at a level which would reduce what may be seen as unhelpful social friction.

The European Parliament has produced its report on the Decision (A5-0091/00) and the plenary accepted the Decision with amendments in April 2000. The Decision was discussed at the JHA Council in May 2000 but has yet to be adopted. Rumours that Martine Aubry may step down from her post as Minister of Social Affairs in France do not augur well for the Decision as the alliance of German and French social affairs ministries in favour of the Decision notwithstanding the position of the interior ministries may be important to the success of the Decision.

The Visa List

This measure builds on the existing Community regulation setting out the list of countries whose nationals must have visas. It permits Member States to have different rules as regards whether nationals of third countries not on the list do or do not need visas to enter the Community. This regulation abolishes that so-called grey list of intermediate countries. However, the actual decision to abolish the grey list (with the exception of Colombia) was taken in December 1998 by the Schengen Executive Committee. The Commission's proposal in fact only builds into Community law that pre-existing Schengen decision (with some improvements).

Temporary Protection

This is not the Commission's first foray into the field of temporary protection. In March 1997 it proposed a Joint Action concerning the temporary protection of displaced persons (which was amended and re-submitted OJ C 1998 268/13). The linking of temporary protection with the concept of burden sharing (distribution of resources) was particularly problematic in the previous attempt (for comments on that proposal see ILPA European Update June 1997). This proposal makes specific reference in its preamble both to the Geneva Convention and to the ECHR and the obligation to respect the principle of non-refoulement. Under the amended proposal the definition of persons covered are those in need of international protection. This means any third country national or stateless person who has left his or her country of residence and whose safe return under humane conditions is impossible in view of the situation prevailing in that country.

The European Parliament has yet to produce its report on the proposal which was presented to the Council in May 2000. The ILPA European Group has prepared a scoreboard on this document (available from the ILPA office); The Medical Foundation for the Care of Victims of Torture, ARC, ECRE and Amnesty International have also commented on it.

Directive on minimum standards on procedures for granting and withdrawing refugee status

The ILPA European Group is currently working on its analysis of this document. The scoreboard will be ready before the end of the year.

Consultation Documents from the Commission

Title	Date and Reference	Comment
Commission Working Document: Towards common standards on asylum procedures	Brussels 03.03.1999 SEC (1999) 271 Final.	The Commission indicates it considers that there are two approaches: "establish a certain level of procedural safeguards and guarantees...whilst allowing Member States some degree of flexibility...for implementing.." or a prescriptive approach. It promotes the first approach. It considers the principles of the Dublin Convention, safe third countries and safe host countries to be included.
Commission Staff Working Paper Visa	Brussels 16.07.1999	This working paper sets out the opinion of the Commission as regards the Schengen acquis and visa

Policy consequent upon the Treaty of Amsterdam and the integration of the Schengen acquis in the EU	SEC (1999) 1213	policy. It criticises the Schengen acquis as inadequately drafted for use as Community measures to implement Article 62. It argues for the necessity of the adoption of new measures for this purpose.
Commission Staff Working Paper Revising the Dublin Convention: developing Community legislation for determining which Member State is responsible for considering an application for asylum submitted in one of the Member States	Brussels SEC (2000) 522	This paper analyses the provisions and practice of the Dublin Convention. It suggest that the moral basis of the convention is questionable: the penalisation of Member States with third country borders for the admission of persons seeking protection; it notes that the convention has been less than successful in practice. It sets out a number of options available to the Community as regards determining responsibility for asylum seekers (a) based on the last country of transit; (b) based on the history of the individual; (c) based on the country of origin of the applicant; (d) based on where the application is made.
French Presidency Discussion Paper on conditions for reception of asylum seekers	June 2000	
Commission Discussion Paper on Migrant Flows into the EU	No number, no date;	Document was presented at a conference in Lisbon, 14 September 2000; it is preparatory for work in the field of labour migration regulation. It looks at the economic context, the impact of migrant flows in the EU and on countries of origin; it ties together questions of a labour migration policy with asylum questions.

European Sub-Committee

Employment & Business Sub-Committee

Introduction

The Employment & Business Sub-Committee has had a year of intense activity as the issue of business immigration has taken centre stage in Government affairs. Attracting business talent has become a worldwide issue and there has been a global race to attract entrepreneurs and skilled labour to all countries. In the UK, the debate was commenced by the Government's White Paper on Competitiveness which was published early in 1999. However, the explosion in the high technology sector and the chronic skills shortage in other areas have kept the issue of business immigration high on the political agenda. In March 2000, the DfEE announced a major review of the Work Permit Scheme and in September, Barbara Roche, the Home Office Minister made a key note speech signalling a review of immigration policy in the light of economic changes.

Home Office Business Case Unit

Throughout 1999, the Employment & Business Sub-Committee had regular meetings with the Home Office to discuss the backlog of Home Office cases and the lack of contact for ILPA members. At every meeting and in correspondence with Home Office, ILPA pressed for the reinstatement of the Business Case Unit. On 22nd November 1999, ILPA attended a meeting with Barbara Roche at which she formally announced the Business Case Unit would be reinstated. After further consultation, Bill Brandon was then appointed as the official ILPA liaison contact for the Home Office and ILPA now has some access to the caseworking teams at the Home Office through his offices.

The Employment & Business Sub-Committee also suggested the formation of a Home Office Business Case User Panel which was then established; the first meeting took place on 10th October 2000. ILPA has two permanent seats on this panel which deals primarily with operational issues. At the first meeting, the issues discussed included staffing levels within the Business Case Unit, future service improvement plans, telephone access to policy officials dealing with business applications, and the current position concerning European Association Agreement cases.

The Innovator Scheme

The Innovator Scheme was formally announced in July 2000. The Scheme originated from the representations that were made by the Employment & Business Sub-Committee to the DTI in August 1999. The Employment & Business Sub-Committee complained about the rigidity of the then Immigration provisions which in ILPA's opinion deterred and impeded entrepreneurs and skilled professionals from coming to the UK. As a result of the representations, several meetings were then held with the DTI and ILPA played a pivotal role through the Employment & Business Sub-Committee in the drafting of what became the Innovator Scheme. In particular, the Sub-Committee was party to debates concerning which Government department should manage the scheme, the structure of it, the points system to be applied to various of the key criteria, including the creation of two jobs. The Co-convenors of the Sub-Committee were extremely active in all stages of the debate and a number of ILPA members were brought in to participate in some of the wider consultations. The Home Office recently participated in an ILPA seminar on 31st October 2000 on the Innovator Scheme which was well attended.

DfEE Consultations and Reform

The Employment & Business Sub-Committee have been in close consultation with the DfEE throughout the year in respect of its major review of the Work Permit Scheme which was announced in March 2000. The Employment & Business Sub-Committee has raised particular concerns regarding the integrity of the system in particular in relation to procedures for self-certification (which is currently being piloted) and the lack of documentary evidence required in support of applications. The Co-convenors of the Sub-Committee met with Margaret Hodge, the Minister on 1st March 2000 and a further meeting has been arranged for 18th December 2000. At the meeting on 1st March, another of the issues raised was the lack of clarity in the Work Permit Scheme with regard to employee's shareholdings. The consultations resulted in clarification of DfEE practice which is now published in the DfEE's new guidance notes.

The Co-convenors of the Sub-Committee, together with some ILPA members, have been involved in consultations concerning the potential new Highly Talented Person category. The Employment & Business Sub-Committee made written representations to the Treasury, Home Office and Employment Ministers concerning a draft of the Scheme and these representations were warmly received. These consultations are continuing.

ILPA is represented on the newly established, DfEE User Panel. The Employment & Business Sub-Committee has a very close working relationship with the DfEE. They have agreed to attend many training sessions over the course of the year and have pledged their support for further training sessions over the course of 2001. In particular, there was a seminar on 8th November to discuss generally the recent Work Permit Scheme changes and there will be a training session as soon as the Highly Talented Person Category is launched. The Co-convenors of the Sub-Committee have also met with the DfEE to discuss the forthcoming TWES review. ILPA is also involved in the pilot for submission of electronic applications.

Forthcoming meetings

In view of the pace of change at the Home Office and DfEE, the Employment & Business Sub-Committee meetings in 2001 will follow a similar pattern to 2000. Meetings will be held on a regular basis and the topics of the meetings will be announced shortly before in the mailings rather than having a pre-assigned programme.

* * * * *

The Co-convenors of the Sub-Committee would like to thank all ILPA members who have contributed to the work of the Sub-Committee during the past year and in particular, those Sub-Committee members who attended meetings and contributed to drafting consultation and discussion papers and representations on behalf of ILPA.

Julia Onslow-Cole, Philip Barth, Philip Trott

Family and General Immigration Subcommittee

Thanks to Dr Werner Menski and GEMS, the Subcommittee has continued to meet at the SOAS Law Department in Russell Square. Not only that, but SOAS students (principally Martin Menski) have been taking the minutes and GEMS has been providing light refreshments. We were hoping the latter would attract more members to drop by on a Tuesday evening, but in the main the small band of regulars have been the main attenders. With so much else going on, particularly in asylum, business and employment, and Europe, it is not surprising that members are short of time, but this Subcommittee has enjoyed a very varied diet over the past year (apart from the GEMS refreshments), so it is well worth coming. In recognition of the wider area that its work ranges over, the Executive agreed to the addition of 'General Immigration' to 'Family' in our title, and the following summary gives examples of that range.

Students

Thanks in large measure to representations from members, the rule on spouses taking employment was relaxed in practice, and then the rule itself was amended. Previously, a student who had been admitted for one year and then brought his spouse over found that the spouse was prohibited from taking employment, as she needed leave to enter of at least twelve months, and she would have been given less on arrival. Now it does not matter how much leave the spouse has, as long as the student has been granted at least a year.

Disabled sponsors

Members responded to a request from INPD for information about the difficulties disabled sponsors face in bringing over spouses and children for settlement, if they themselves are dependent on benefits. The sponsor may end up being cared for by Social Services or the NHS much greater expense to the public purse than if the spouse were here as carer. It was disappointing that the amendments to HC 395, which came into force on 2nd October, did not include the results of the Home Office review of disabled sponsors, but we are assured that a consolidated set of Immigration Rules, to replace HC 395, will be coming out next year. This will include the results of a wholesale review of the maintenance and accommodation requirements generally, in the light of the Human Rights Convention. We will be involved in the consultations about that.

Marriage

Practitioners who handle settlement cases from South Asia will know of the difficulties faced by applicants for entry clearance when they or their sponsors have obtained a divorce from a previous spouse in Pakistan or Azad Kashmir. Their present marriage is likely to be regarded as not valid. Dr Menski, an expert in the laws of the Subcontinent, returned from a fact-finding mission to Pakistan and Azad Kashmir and reported on the developing jurisprudence there on Islamic divorces and the 'Union Council' procedure. It seems that the gap between the requirements of our Family Law Act 1986 and what is approved by Pakistani law may be growing.

Forced Marriages

At the instigation of John Levy, who had himself been asked by the FCO whether practitioners had any guidelines on this, the Subcommittee has been looking at the 'reluctant bride' phenomenon and the sensitive issue of 'forced marriages' within the South Asian communities. It was felt that ILPA should provide some guidance for practitioners who are representing an applicant or appellant whose sponsor has intimated that she does not support

the application, but does not want her family to know. Draft papers have been submitted by John Levy and Ramnik Shah, and it is hoped an agreed version will be available for the Executive Committee next month. In the New Year this will form part of the discussion at a members' meeting on professional ethics, which is being organised by Hilary Belchak and will include business and employment-oriented problems too.

Another busy year is in store, as the Human Rights Act kicks in and the Immigration Rules undergo their biggest change since 1994. Do come along and get involved in these important changes.

Richard McKee

Legal Aid Sub-Committee

The last year has seen unprecedented contact between ILPA and the LSC, at a time of rapid and major change in publicly funded legal advice, with the introduction by the LSC at the beginning of the year of cash-limited publicly funded legal advice delivered exclusively through contracted providers. As a result there have been a number of members meetings to ensure that the views of the membership are taken into account in ILPA's dealings with the LSC

The new arrangements under the exclusive contract [EC] came into force on 1.1.00. For immigration providers the date also marked the welcome introduction of funding for appeals, albeit with a new merits test. However as ILPA had frequently pointed out, the apparent contraction in the number of contracted providers [albeit that a larger number applied for franchises than the LSC had anticipated] and the effect of dispersal policy boded ill for those asylum seekers dispersed out of London who wanted to get legal advice.

Before the EC came into operation , there was already great concern expressed by the membership about the practicalities of the new procedures under the contract. There were particular worries about; the numbers of casestarts allocated to individual firms, the basis for the calculations for the scheduled monthly payments [SMP], and the lack of detailed guidance in the contract, especially for CLR. ILPA therefore had an informal meeting with the LSC in order to raise these concerns before the contracts commenced. Subsequently further widespread concern led to one of the largest members meetings seen at ILPA in January, where 3 members of the LSC answered questions and took away issues for clarification. As well as assisting members, the meetings also served a useful function for the LSC in disseminating information to immigration providers. Following the meeting, extensive guidance was given by the LSC in correspondence with ILPA in February.

Also in January ILPA members from around the country met with Steve Orchard of the LSC to look at the longer term issues concerning immigration provision, especially in the light of dispersal. Particular issues raised were the low remuneration for immigration work, the lack of providers and personnel for any immigration expansion around the country, and the lack of confidence amongst immigration providers, in the commitment of government to private providers of immigration advice.

The fruits of this meeting can be seen in a number of developments over the year. ILPA and the LSC have agreed on an extensive programme of regional training for paralegals, funded by the LSC. . There have been increases in remuneration rates. In July the LSC put forward an innovative expansion package, again initially in the regions, although the full effect of the package has yet to be evaluated.

In August ILPA responded positively to the expansion plans, arguing however that they should be extended to the London area as well. We also emphasised that any expansion plans should not be at the expense of quality, an issue that is of growing concern to the organisation. At the moment we are awaiting the refinements to the expansion proposals for application in London.

Another of the issues raised at the beginning of the year was the impact of the various interim billing practices used by firms under the green form and claim 10 regimes, on the way that firms casestarts and SMPs were calculated. It is probably a sign of growing confidence that by the time the LSC started to propose a scheme for staged billing in the late summer, [a

move caused by its own concerns about low levels of completed cases being reported] the mood of members had shifted considerably. In the end the LSC have implemented a simplified and more flexible scheme for staged billing, although the financial implications for firms who do not stage bill by next April will be considerable.

The introduction of staged billing should also help with another ongoing problem for ILPA members about the payment of counsel's fees under CLR. There remains a considerable debate about the status of payments under the SMP and whether disbursements such as counsel's fees can or should be paid prior to the making of a formal claim for payment at the completion of a case. Whatever the position in this respect, the introduction of staged billing will allow these payments to be made earlier. As the change is retrospective this allows for payments in older cases as well.

In the course of the year a number of amendments to the GCC were implemented upon which ILPA commented at the appropriate time. THE LSC has on a number of occasions provided clarification on particular points of concern. ILPA is currently making suggestions about the wholesale revision of the guidance to the GCC.

Over the next year among the particular issues which will need to concern ILPA are;

- how to preserve standards as pressure to increase provision around the country grows – of great interest here is the interplay between the LAFQAS provisions on the conduct of cases by unqualified practitioners and the less stringent provisions proposed by the Immigration Services Commissioner. It will be important to bolster the LSCs commitment to quality as pressure increases to reduce the cost of immigration advice.
- how the new casestarts under the contract from April will be calculated;
- how outcome measures will be applied to cases in which CLR has been granted..

In addition a major challenge for ILPA will be the recruitment of 2 new staff members to run the LSC funded paralegal training programme in the regions.

In the longer term, a vital issue will be how the exclusive contract regime will work when the money starts to run out. It may that immigration providers are protected from this problem initially, because of the political desire to make good the shortfall in providers to dispersed asylum seekers. But it is right to say that providers generally have not yet experienced the real down-side of operating in a cash limited system.

ILPA can anticipate another busy year.

Chris Randall

Refugee Sub-Committee

The work of the Refugee Sub Committee has again been dominated by changes in legislation, and attempting to react to the raft of measures introduced by the Immigration and Asylum Act 1999 at various stages over the last 12 months. The two principle issues that concerned members over the last 12 months were the introduction and use of the statement of evidence (SEF) forms, as well as developments with regard to the project at Oakington.

The SEF forms were introduced towards the end of 1999, and provided an opportunity for asylum applicants to give full reasons as to their claims for asylum, by way of written representations, rather than subjecting the majority of asylum applicants to interviews. It was not known, initially at least, that the time limit for the return of the forms was to be enforced so rigidly. There were a number of members meetings in relation to the forms. One meeting dealt specifically with the proposed changes and constructive criticisms of the forms, and the others were concerned with attempting to ameliorate the rigid application of the time limits. A delegation was sent to the Minister, Barbara Roche, in September 2000 inviting the Minister to relax the rigid application of the time limit of 14 days, and members will not be surprised to learn that little progress was made in this regard.

The Oakington project was introduced by the Home Office to deal with asylum claimants whose cases the Home Office felt they would be able to reach a decision on speedily. The sub committee is grateful for contributions received both from the Immigration Advisory Service and the Refugee Legal Centre who have provided updates through the year, on developments there. Whilst many would be critical of a system where the Home Office conducted interviews within a short time after a person's arrival here, it is the only system which presently operates where the government are currently agreeing that legal representation is a necessity. Other issues that have concerned the members of the sub committee having included the manner and level of information required to complete one stop notices, an issue which we imagine will be developed further over the next 12 months, the repeal of section 21 Immigration Act 1971 although we have learnt that a transitional provision will protect all cases where a reference back was made before 2nd October 2000, and a memorandum of understanding is being prepared by the Appellate Authorities in respect of requests made of the Secretary of State prior to 2nd October 2000, and which the Secretary of State recommends should be referred back for further consideration even though the decision to refer back was not reached by 2nd October 2000.

The sub committee would like, as ever, to thank the tireless efforts of ILPA's general secretary, Susan Rowlands, and the contribution of many members who devoted their time to ensure further dissemination of value information for the membership as a whole.

Jawaid Luqmani

Summary of Activities of ILPA North

The dramatic increase in workload for practitioners in the North in the wake of dispersal and the pressure generated by insufficient numbers of representatives equipped to deal with the number of appeals has made ILPA North meetings difficult to convene in the last year. However plans are afoot to re-establish regular meetings in 2001 at the Chambers of Ian Macdonald QC in Manchester. In addition a number of proposals are in the pipeline including:

- Preparation of a resource manual for practitioners in the North;
- Occasional meetings to be held in Leeds and Newcastle;
- News bulletins to be prepared and circulated via ILPA following meetings, containing information of particular relevance to Northern practitioners.

ILPA North meetings provide an important opportunity for members to raise and discuss particular problems facing practitioners in the North as well as a useful forum for the exchange of information. The next meeting will be at the Chambers of Ian Macdonald QC (0161 236 1840) in Manchester on Wednesday 17 January 2001 at 6.30pm. Members are asked to contact Amanda Weston or Melanie Plimmer with their agenda items and to contact Chambers in the week prior to the meeting if they are planning to attend.

Amanda Weston

Refugee Women's Legal Group

It has been a busy year for the Refugee Women's Legal Group. We continue to meet regularly at 6.00pm on the second Thursday of each month at the ILPA office except during August. There have also been additional meetings called in connection with the various projects and work being undertaken by the Group. New members are very welcome to attend. We are very informal, with no written constitution. We operate to a series of 'guidelines' about joint responsibility, openness and trust which generally works well. We are grateful as ever for all the assistance given to us by ILPA.

Handbook

The first edition sold out and there has been heavy demand for a second edition. This has now been written, incorporating developments in the law both in the UK and worldwide. It is presently at the publishers (Jordans) and we anticipate a launch in January 2001. We are very grateful for the funding we have received for this project from the Joseph Rowntree Charitable Trust, Oxfam, Eleanor Rathbone Charitable Trust, Fran Webber, Julia Onslow Cole, Hugh Southey, Wilson and Co, Bindman and Partners, Coker Vis Partnership, Ian McDonald QC, and Took's Court Chambers.

Web site

We now have a website: www.rwlg.org.uk. This provides extensive links to asylum and non-asylum reference sources including sites specific to women and gender. In fact a truly wonderful resource.

Gender guidelines

We have continued to be in correspondence with the Home Office about incorporation of a gendered perspective on their guidelines for the determination of asylum claims. Our last comments are presently with the Home Office policy section and awaiting comment back from them.

The IAA has produced guidelines which are to be published shortly.

We continue to receive requests for our guidelines and they are proving extremely useful not only for asylum claims for women but also in general practice and procedure in all asylum claims.

Speaking and training engagements

We have continued to try to respond positively to all requests to provide speakers/trainers and have thus traveled the UK, speaking to groups including refugee women's organisations, university seminars, campaigns etc.

Liberty Human Rights Award

In November 1999 we were awarded the Liberty/Gazette Human Rights award for our contribution to human rights work. As a result the Lyndhurst Settlement wrote to us asking us to nominate an organisation to whom they would donate £1200. We nominated Refugee Women's Association and they duly received the money.

The Canadian Council for Refugees is organising a conference in May 2001 and we will be participating fully including presentation of papers. We are also involved in the European Women's Lobby campaign on 'adding a gender dimension to European asylum policy'.

Refugee Women's Legal Group

Housing & Immigration Group (HIG)

Following a seminar in late 1999, immigration, housing and welfare advisers and campaigners have met regularly to exchange information and develop strategies for defending and promoting access of immigrants to housing and social welfare provision. Asylum support provided by the Home Office and local authorities is the main focus, but wider related issues of housing and social security are also discussed. Information and ideas on practical steps, legal challenges and campaigning are exchanged. HIG meets every two months or so and is open to anyone advising immigrants or campaigning for them in the fields of housing and social welfare. For further information contact Simon Cox, Doughty Street Chambers, 10-11 Doughty Street, London WC1N 2PG. Email: s.cox@doughtystreet.co.uk.

Simon Cox