

IN ILPA RESPONSE TO PROPOSALS FOR THE CONSTITUTION AND  
MANAGEMENT OF AN IMMIGRATION APPEALS ADVISORY SERVICE

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Paragraph 16

THE HOME OFFICE OBSERVER

The Home Office are insisting on an observer on the IAAS governing body as a condition for continued funding under section 23 of the 1971 Immigration Act. ILPA does not agree that a Home Office observer is necessary to ensure compliance for the terms of any grant in aid, corporate plan laid down or any performance indicators which are agreed to.

If the Home Office insist on an observer on the IAAS governing body, we suggest that this should be a temporary measure applying for only the first year. We also question whether it would be desirable for the Home Office observer to be an official of the Home Office. We think it would be highly undesirable if the Home Office observer were in any way concerned with the administration of immigration control.

Paragraph 17

MEANS TESTING OF CLIENTS AND CHARITABLE  
STATUS FOR IAAS

As a matter of law it is not necessary for IAAS to means test its clients unless the charitable status of the body were to include the relief of need. It is, however, desirable to ensure that over-stretched IAAS resources are not devoted to those whose needs are better met elsewhere because they can afford to pay.

Paragraph 21-24

IAAS ADVISORY FUNCTIONS

These are vitally important. In UKIAS, too much emphasis was placed on the actual conduct of appeal (however unmeritorious) and too little on the need for accurate initial advice and for representations outwith the appeal system. We hope that this error is not reproduced in IAAS.

Paragraph 25                    LIAISON WITH OTHER IMMIGRATION LAW  
PRACTITIONERS

We strongly support the recommendations concerning this. UKIAS was far too inward-looking a body.

We hope that particular attention will be paid to the needs of clients in detention and that good liaison be established with prisons and other places of detention by the designation of a officer in each IAAS office with specific responsibility for clients in detention.

Paragraph 31                    IAAS'S GOVERNING BODY

We do not support the idea of IAAS's governing body to be comprised of entirely appointed members. An appointed executive with a Home Office observer does not augur well for the independence of the new body. It should be possible to ensure the participation of genuinely representative bodies with an understanding of the needs of IAAS clients without reproducing the unwieldy shambles governed UKIAS.

Paragraph 45-46                CONTINUITY OF EMPLOYMENT OF UKIAS STAFF

We recognise the excellent service provided by some existing staff members of UKIAS and hope that they will continue to serve at IAAS. However, we hope that the obligations imposed by the Acquired Rights Directive will not lead to the employment of inefficient or financially corrupt members of the staff. We are also concerned that during the period of uncertainty about UKIAS' future, some staff severely neglected their duties, thus prejudicing its clients and placed an extra burden of work on those working competently in very difficult circumstances. We hope that these will be taken into account when appointments are made to IAAS.

Paragraph 51

IAAS AND JUDICIAL REVIEW

Nothing prevents IAAS employing a solicitor to handle judicial review matters and where appropriate instructing counsel.

ILPA is very concerned that there are adequate arrangements to refer on work to competent practitioners where IAAS cannot because of policy or limitation of resources continue to represent. These concerns are expressed in my letter of 9 December 1992 to Mrs Kellas.