



IMMIGRATION LAW PRACTITIONERS' ASSOCIATION

ILPA Annual Report 2013/2014

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IMMIGRATION LAW PRACTITIONERS' ASSOCIATION REGISTERED CHARITY NO 1155286. A COMPANY LIMITED BY GUARANTEE NO 2350422.
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TABLE OF CONTENTS

OBJECTS OF THE ASSOCIATION AND OFFICERS	4
CHAIR'S REPORT	5
TREASURER'S REPORT	8
SECRETARIAT'S REPORT	9
ILPA Staff	9
Work of the Secretariat	8
Context	12
Training	16
ILPA meetings	18
Membership	19
Dissemination of Information and Communications	21
Other Publications and Projects	22
Litigation	23
Liaison with Government and Other Organisations	23
Responses and Submissions	30
ACCESS TO JUSTICE SUBCOMMITTEE REPORT	32
CHILDREN SUBCOMMITTEE REPORT	34
DETENTION AND ASYLUM FAST TRACK SUBCOMMITTEE REPORT	35
ECONOMIC MIGRATION SUBCOMMITTEE REPORT	37
EUROPEAN SUBCOMMITTEE REPORT	39
FAMILY AND GENERAL IMMIGRATION SUBCOMMITTEE REPORT	41
IMMIGRATION OFFENCES SUBCOMMITTEE REPORT	44
LEGAL AID SUBCOMMITTEE REPORT	45
REFUGEE SUBCOMMITTEE REPORT	47
ILPA NEW YORK SUBCOMMITTEE REPORT	47
ILPA SOUTH WEST SUBCOMMITTEE REPORT	48
ILPA YORKSHIRE AND NORTH EAST SUBCOMMITTEE REPORT	50

OBJECTS OF THE ASSOCIATION

To advance for the public benefit education and training on the law and related subjects and in particular in the fields of immigration, asylum and nationality law and legal advice and the representation of persons who are or may become immigrants to any part of Great Britain, Northern Ireland, the Channel Islands and the Isle of Man (together "the United Kingdom") from whatever part of the world whether coming or intending to come to the United Kingdom for settlement or for some more limited purpose and for immigrants and emigrants of whatever nationality to or from any other part of the world.

To promote for the public benefit:

- human rights as set out in the Universal Declaration Of Human Rights and subsequent United Nations Conventions and Declarations, the European Convention On Human Rights and the Human Rights Act (1998), with particular reference to the rights to asylum, to a nationality, to freedom of movement and residence and not to be subject to torture or to slavery;
- equality and diversity as set out in the Equality Act 2010 and similar instruments and international human rights treaties concerned with the elimination of discrimination and in particular with the elimination of discrimination on the grounds of race or sex;

In particular by all or any of the following means:

- Monitoring abuses
- Research into applicable law policy and practice
- Educating the public
- Contributing to the sound administration of the law
- Raising awareness
- Promoting public support
- Promoting respect for human rights
- Promoting respect for the rule of law with particular reference to the law pertaining to immigration, asylum and nationality
- Coordinating the work of immigration, asylum and nationality law practitioners.

COMMITTEE OF TRUSTEES

Adrian Berry – Chair
Eleanor Sibley – Treasurer
Ayesha Mohsin
Meghan Vozila
Syd Bolton (to May 2014)

Jed Pennington – Secretary
Hazar El-Chamaa
Ronan Toal
Zofia Duszynska

SUBCOMMITTEE CONVENORS

Access to Justice Subcommittee:	Rowena Moffatt
Children Subcommittee:	Judith Dennis, Baljeet Sandhu
Detention & Fast Track Subcommittee:	Kay Everett, Pierre Makhoul, Jed Pennington
Economic Migration Subcommittee:	Philip Barth, Tom Brett-Young, Philip Trott
European Subcommittee:	Elsbeth Guild, Alison Hunter
Family & General Subcommittee:	Sue Shutter, Pat Saini
Immigration Offences Subcommittee:	Jawaid Luqmani, Richard Thomas
Legal Aid Subcommittee:	Ayesha Mohsin, Carita Thomas
Refugee Subcommittee:	Eric Fripp, Ana Gonzalez
Training Subcommittee:	Celina Kin-Armbrust
New York Subcommittee:	Tanya Goldfarb, Anushka Sinha
Refugee Subcommittee	Eric Fripp, Ana Gonzalez
North West Subcommittee:	Sarah Woodhouse, Denise McDowell
South West Subcommittee:	Rosie Brennan, Natasha Gya Williams, Glyn Lloyd
Yorkshire & North East Subcommittee:	Ish Ahmed, Christopher Cole

CHAIR'S REPORT

In the last twelve months ILPA members have had to contend with the passage of the Immigration Act 2014, renewed attacks by the Government on the principle of free movement of persons in EU law and an assault on the Human Rights Act and the European Convention on Human Rights. In addition, there have been the usual, numerous amendments to the Immigration Rules.

Immigration has come to dominate parts of the political and media agenda on the basis, it is said, that it is a cause of pressure on public services and funds and that it contributes to competition for jobs in the labour market. With a General Election due to take place in May 2015, we can look forward to this trend continuing with renewed intensity over the coming months. Whatever the true position may be as regards the net contribution made by migrants to the economic, social and cultural life of the UK, it is clear that the political context in which ILPA and its members work is becoming more toxic, with scant attention paid to the need for evidence-based research to underpin the formulation of public policy.

As in previous years there has been a blizzard of initiatives that attack, among other things, access to justice through the abolition of substantive rights of appeal, and further efforts at restricting access to judicial review, as well an attempt to capture the public interest as regards the balance to be struck when applying Article 8 of the European Convention on Human Rights.

The 2014 Act also saw landlords drawn into the regulation of immigration control and attempts to make immigration control a function of banks as regards the supply of current accounts and a function of the Driver and Vehicle Licensing Agency (DVLA) as regards the supply of driving licences. The net effect is that proof of lawful residence will need to be shown in a number of public settings, not just by migrants but also by settled persons (including British citizens), who will need to show that they are not unlawfully present to reside in leased residential accommodation, open a bank account, and so on. This amounts to the gradual introduction of an ID cards society where proof of identity and lawful residence will need to be shown in so many contexts of ordinary life, that by default, British citizens will have to use their UK passports as ID cards. That this state of affairs should have come to pass under a government that boasted of

repealing the Identity Cards Act 2006 when it took office four years ago is an example of political irony.

As in previous years, the rapid pace of policy and legislative initiatives has created an extremely challenging environment in which to be practising in the field of immigration, asylum and nationality law. Moreover, as in previous years, the volume and complexity of the Immigration Rules and the staff guidance and instructions continues to grow.

In this context ILPA members have continued to throw themselves into ILPA's policy work, drafting responses to consultations, representing ILPA at meetings, lobbying the Home Office and working hard to secure a just and equitable immigration law practice.

The association owes a debt of gratitude to all those members who have helped in all sorts of ways, large and small, through individual initiatives and through the subcommittees. This work is complemented by the heavy burden of work undertaken by the Secretariat on our behalf. I am very grateful to all members of the Secretariat for their efforts.

In the ILPA office Nicole Francis has had an excellent first year as ILPA's Director. She has guided the association through a spring clean of our internal policies and procedures that puts us on an even firmer footing than hitherto. Perhaps her crowning achievement has been to oversee the final stages of ILPA's registration as a charity, something that enables us to seek new sources of grant funding as well as gain the advantage of a more benign tax environment.

As regards legal policy work, Alison Harvey, ILPA's Legal Director, has had to perform on a number of fronts to keep abreast of the innumerable legal and policy initiatives visited upon us by the government. The passage of the Immigration Bill through Parliament put a very heavy burden upon her. It is a tribute to her industry, intelligence and acumen that our briefings were of the very highest quality and were the indispensable guide for MPs and peers seeking to make sense of the Bill. Alison's work on the Bill was peerless and her encyclopaedic knowledge of the background to it has formed the basis for the outstanding training materials produced to support the training course that ILPA provides on the Act. Among her many achievements was her work on the struggle to resist the manufacture of statelessness by opposing the clause in the Bill to deprive British citizens of nationality on conduct grounds even where statelessness results.

Alison has been assisted in our legal policy work by Shauna Gillan, our new Legal Officer. Shauna has played an invaluable role in boosting ILPA's legal policy capacity and in turning out high quality briefings, often at very short notice. Her industry, analytical capacity and hard work have resulted in ILPA being able to respond more quickly than ever when members need an instant briefing on a new case or development in the law.

Elizabeth White, formerly Personal Assistant to the General Secretary and then to the Director, is now ILPA's Information Officer, a restructured role that Elizabeth, with her deep knowledge of ILPA's work, formed over many years, is discharging with distinction. I am grateful to her for taking on this new role and for her key contribution at the heart of the ILPA office in making things tick over so smoothly.

I am also grateful to Lana Norris, our Finance Manager, who along with our Treasurer Eleanor Sibley, ensures that solid accounting and healthy financial balances underpin ILPA's work. ILPA is in excellent financial health, a testament to sound financial planning but also to sound oversight and administration of our finances by Lana.

Helen Williams has returned from maternity leave as our Membership Support Officer and we are extremely grateful to have her talents at our disposal once again. The number of members continues to grow and, just as importantly, we are getting better and better at ensuring that annual membership renewals proceed smoothly and that members are not lost through an inadvertent failure to renew membership on their part.

Finally, Celina Kim-Armbrust, our Training and Communications Officer, has made a great success in her role. Our training courses are better attended than hitherto and the marketing of training is more tailored and specific than was the case before. Celina has risen to the task of administering our heavy training programme with enthusiasm and good humour, taking on new courses such as the one-day economic migration conference, which is now to be an annual fixture in our calendar.

From among this year's Committee of Trustees, I am sorry that we lost Syd Bolton, who retired mid-way through the year. Syd was immensely helpful on the Committee, bringing wisdom and the experience of assisting other organisations to his role at ILPA. His contributions were always thoughtful and made for better decision-making by the Committee.

I would also like to extend my thanks to Jed Pennington, who is standing down as ILPA's Secretary this year. Being Secretary is not the most rewarding job in many ways but it is critical and I am grateful for his efforts. The good news is that Jed will continue to be active in running ILPA's Detention and Asylum Fast-track subcommittee.

Of the other members of the Committee of Trustees, mention should also be made of those who seek to continue to serve: Hazar El Chamaa, Zofia Duszynska, Ayesha Moshin, Ronan Toal and Meghan Vozila have all made important and valuable contributions to the Committee's work. Meghan has kindly agreed to stand to be ILPA's new Secretary for the forthcoming year. Eleanor Sibley has also been an excellent Treasurer and I am very grateful that she is willing to continue to serve in this capacity for the next year. Each one has drawn on their areas of expertise and skills to contribute to the Committee's work. ILPA has benefitted immensely from their time and contribution.

ILPA is also grateful to all the hard-working subcommittee convenors and ILPA members who act to drive forward ILPA's work in each area. There are too many people to thank individually but we owe a debt of thanks to all members who give up their time for us. ILPA now has a New York subcommittee to join the other 'regional' subcommittees and work to create a North-West subcommittee is in hand.

As I have already noted, ILPA's finances are in very good shape. As a result we are well placed to develop our role in the next twelve months. We have expanded the range of training courses we provide and have delivered more training out of London. We aim to continue to recruit new members working in the field of UK immigration law, to strengthen the support we provide to those working in the legal aid sector, to set out a positive immigration policy agenda across all the areas in which we are active and to develop and strengthen our media communication strategy. Members can expect to see ILPA continue to work at full tilt on your behalf in the next year.

Adrian Berry, Chair, November 2014

TREASURER'S REPORT

Charitable status and Investment Policy

On 10 January 2014, ILPA underwent the significant change to charitable status. This transformation has had consequences for ILPA's financial policy and reporting. The format of the accounts is (as was introduced last year) that of the Statement of Recommended Practice: Accounting and Reporting by Charities ('SORP').

Further, with thanks to Nicole Francis and Lana Norris, and with regard to Charity Commission policy, ILPA has developed a new investment policy. According to this policy, it is the financial objective of ILPA to ensure that its reserves are at the level set by its reserves policy and that any additional funds are allocated to ILPA's charitable objectives. Presently, ILPA has £325,000 in resources (over the reserves level). Of this, £225,000 has been designated to use for the following purposes:

- *One-off staff related costs*, to ensure that ILPA can meet its obligations of sick and maternity pay: £50,000
- *Premises-related costs* to cover the cost of securing new premises and any necessary renovations: £50,000
- *Infrastructure improvement* – in particular, developing and improving our website: £30,000
- *Bursaries and scholarships* to fund places on training courses: £40,000
- *Future project development* – in particular helping develop and match fund projects with partner organisations: £55,000

The investment policy also provides that ILPA should seek the best financial return on investment at an acceptable level of risk and that it should invest its assets in ethical investments that are in line with our aims. With these objectives in mind, and in light of recent issues with the Cooperative Bank, we have taken the decision to withdraw our investment of £85,000 from the Cooperative bank and to transfer them to the Charity Bank.

Audited accounts for 2013-14

Our accounts were once again audited by Ramon Lee and Partners, to whom we are grateful for their hard work and advice. We also thank Lana Norris for her thorough and diligent preparation of the accounts.

The audited accounts indicate that ILPA continues to perform well and to impress its members and funders despite a challenging environment. This is reflected in a net surplus of £98,189 and reserves of £675,118 at the end of the financial year 2013-14. The net surplus represents 15% of annual turnover. It has fallen by £75,137 since the financial year 2012-13.

Overall, figures for 2013-14 show a decrease in both income and expenditure in comparison to 2012-13. Annual turnover for 2013-14 was £631,415, compared with £747,879 in the previous year. A fall in restricted funding from grants accounts for 66% of the decrease in income. Expenditure decreased by £41,327 (or 7%) between 2012-13 and 2013-14. The largest area of decrease in expenditure comes from staff salaries, which has fallen by £37,684. Expenditure on training fell by £19,000 compared with the previous year. This is due to activities under a project funded by Trust for London, which is a three-year project to provide free training to members.

Funding

In 2013 – 2014, ILPA received funding from Unbound Philanthropy, the Diana, Princess of Wales Memorial Fund, Trust for London and the Joseph Rowntree Charitable Trust and we continue to be grateful to them for their valuable support and commitment to ILPA's vision and objectives. The Information Officer project, funded by Unbound Philanthropy continued throughout the year, as did funding from the Joseph Rowntree Charitable Trust for the Legal Officer post. Unbound Philanthropy generously awarded a capacity-building grant, which has helped to fund the new Director post.

Membership and training

Monthly financial reports and Treasurer reports inform the Committee of Trustees of ILPA's financial position on a regular basis and provide for continual oversight of ILPA's finances. Adjustments were made in 2011-2012 to the manner in which membership fees are reported. This has enabled us to draw more accurate comparisons on a year-on-year basis. As in previous years, membership and training continue to generate similar levels of income. This year, training generated slightly more.

It is notable that income from training courses has increased by 13% from £213,270 in 2012-13 to £240,669 in 2013-14. This increase has prompted an ambitious course income target for 2014-15. Income from membership increased from £200,158 in 2012-13 to £208,373 by the end of the financial year in 2014.

Eleanor Sibley, Treasurer, November 2014

SECRETARIAT'S REPORT

ILPA Staff

Nicole Francis	Director
Alison Harvey	Legal Director
Shauna Gillan	Legal Officer (from December 2013)
Helen Williams	Membership Officer (returned from maternity leave January 2014)
Celina Kin-Armbrust	Training and Communications Officer (from January 2014)
Shahzrad Nouraini	Training & Membership Coordinator (maternity cover to January 2014)
Lana Norris	Finance Manager with Administration
Elizabeth White	Information Officer (from October 2014) Personal Assistant to Director (from Nov 13 to Sept 14)
Philip Reilly	Information Officer (to August 2014)

Lesley Sakey assisted the Training and Communications Officer over the summer months and we are grateful for her support during a busy period. We were delighted to welcome Tomoko Uraki, a Japanese lawyer and member of the Tokyo Bar Association studying at the University of Essex, who completed an internship at ILPA in May.

The Secretariat has been assisted by Oakland Associates (IT), Fat Beehive (website design), Pat Kahn (designer) and Ramon Lee (Auditors) to whom thanks for their support and assistance. We are extremely grateful to the Joseph Rowntree Charitable Trust, Trust for London and Unbound Philanthropy for their support during the year.

Work of the Secretariat

The core functions of the ILPA secretariat are:

- Updating members and others on all matters of asylum, immigration and nationality law, practice and policy;
- The design and implementation of the ILPA training programme;
- The coordination of liaison with government, tribunals, courts and NGOs;
- The co-ordination and distribution of submissions to parliamentary committees, government and the European institutions;
- Servicing and supporting the Committee of Trustees and implementing its policy decisions, work that includes the identification and collation of the management information, including financial and membership information about ILPA and its membership, necessary to allow the Committee of Trustees to determine the opportunities, challenges, risks and threats to ILPA;
- Building and sustaining links between all the different areas of ILPA's activities;
- Support for the ILPA subcommittees and members active on ILPA's behalf;
- Responding to enquiries from members, the media and the public.

In terms of ILPA's future our strategic objectives for the period up until March 2015 are as follows:

1. Management and dissemination of information;
2. Development and diversification of ILPA's training programme;
3. Increase ILPA's capacity to influence decision makers and support those working to them;
4. Increase membership so that more practitioners in immigration, asylum and nationality law and related areas benefit from the services that ILPA provides;
5. Strengthen governance and maintain quality throughout the association through best management of human resources;
6. Engage with discussions regarding the regulatory environment, accreditation schemes and enforcement thereof;
7. Maintain a diverse source of revenue.

We are in the process of reviewing our Strategic Plan and we will be agreeing new objectives and priorities for the period 2015 to 2018.

Governance

After many years of working towards this objective ILPA registered as a Charity on the 10th January 2014. The Executive Committee renamed themselves the Committee of Trustees. At an EGM on the 1st July 2014 ILPA revised its constitution to remove the office of President and introduced the option to recruit a group of Patrons.

Members' survey

In May 2014 ILPA undertook its first annual survey of members. Thank you to the 318 members who responded to our survey. This represented a response rate of 11 % of those who received a copy (listed contacts) or 32% of the membership. We were very pleased with such a good response rate and the feedback was incredibly useful and helpful.

Answers to key questions

How satisfied are you with ILPA? 64% Very satisfied, 34% Satisfied, 2% Not satisfied.

How effective is ILPA in helping you to do your work? 42% very effective, 55% effective, and 2% not effective.

What do we do well? Training received the highest number of votes, followed by management and dissemination of information and then Influencing decision makers.

Would you recommend ILPA membership to colleagues? Yes 97% No 3%

Does ILPA represent value for money? Yes 91% No 6%

Action taken by ILPA to date

1. We are using the feedback to help us develop our new Strategic Plan for the period 2015 to 2018 and our Legal Strategy.
2. We have taken on board comments about membership and training fees and we will be updating members about these early in 2015.
3. Suggestions for training topics are informing our planning for the future training programme.
4. We have run four of the Immigration Act training sessions out of London (Manchester, Bristol, Birmingham and Glasgow) and we have other out of London training sessions planned for early in 2015.
5. We have reviewed our training model for future years and will ensure that 10% of training sessions are out of London and that at least 10% are Webinars.
6. We are planning to roll out the delivery of more Webinars to increase access to our training programme.
7. We are bidding for funding to help us run more free training courses for members and for the continuation of our training bursaries scheme.
8. We will pilot running non-core training sessions via Webinars - the first of these will be early in 2015.
9. We are commissioning work to redesign and improve our website - the work will start soon with a planned completion date of summer 2015.
10. We have restructured the Secretariat so that we have a full time Information Officer to manage our resources effectively and ensure that members can access the information they need.
11. We are investigating the options for a new system by which members will receive e mail updates.
12. We will use Skype and other online tools so that more members can participate in ILPA activities.
13. We will pilot other initiatives to give members more opportunities to share and discuss issues including round tables and member network events.
14. We will look at ways to attract more young lawyers to become members of ILPA and get involved in our work.
15. We will issue a clear statement about what members can expect from their membership.

Context

Nullus ballivus ponat decetero aliquem ad legem simplici loquela sua, sine testibus fidelibus ad hoc inductis/ In future no official shall place a man on trial upon his own unsupported statement, without producing credible witnesses to the truth of it. (Magna Carta para 38) ... this was incompetent, unprofessional and negligent, if not ...simply dishonest. ... [immigration] officers at the heart of this prosecution have deliberately concealed important evidence and lied on oath. (R v Ntege, HHJ Madge)

The coalition Government, having legislated piecemeal on immigration throughout most of its term in office (the Legal Aid, Sentencing and Punishment of Offenders Act 2012, the Crime and Courts Act 2013, the Justice and Security Act 2013, the Anti-social Behaviour, Crime and Policing Act 2014) finally succumbed to the temptation to bring forth an Act devoted to the topic. The Bill that became the Immigration Act 2014 dominated the year. It received Royal Assent on 14 May 2014 and its provisions started to come into force two months later, by which time ILPA was battling the provisions of the Criminal Justice and Courts Bill that would restrict judicial review and trying to use the Modern Slavery Bill to cast light on the effects of cuts to legal aid.

As described in the report of the Access to Justice subcommittee, the Immigration Act 2014 restricts rights of appeal to those against refusals of “protection” and “human rights” claims. The powers must be read with a new system whereby refusal renders a person liable to removal and no separate notice of removal is given, whether removal takes place weeks, months or even years after the refusal. The Home Office considers, as the Enforcement Guidance and Instructions at 60.19 make clear, that service of refusal will discharge the obligation to give notice of removal, as the common law was held to require in *R (Medical Justice) v SSHD* [2011] EWCA 1710. For those denied rights of appeal a bureaucratic process of administrative review is introduced.

The Act creates a novel certification regime, seemingly without regard to the provisions of s 78 of the Nationality, Immigration and Asylum Act 2002 (*No removal while appeal pending*), whereby a certificate can be imposed on an appeal in progress and, when it is, that appeal is suspended. This is further described in the report of the Access to Justice subcommittee.

Commencement of the Act has not been uneventful, with the unworkable provisions of the third commencement order (SI 2014/2771 (C.122)), which turned on the point at which a person “became” a foreign criminal, amended some 20 days later (SI 2014/2928). Thus far the new appeals regime is in force for those applying for leave to remain under Tier 4 of the Points Based System after 20 October 2014 and for certain “foreign criminals”, persons who have committed a criminal offence and been sentenced to 12 months in prison, or who have committed an offence that has caused serious harm or who are persistent offenders.

The Home Secretary made good her threat to put parliament’s vision of Article 8 into primary legislation as a matter to which courts and tribunals must “have regard” and her officials have been quick to put into guidance interpretations of Article 8 too outlandish to have been put before the legislature. It is too early to tell how lightly the courts will wear their new responsibilities. The Conservative party has subsequently indicated that, if re-elected, it will repeal the Human Rights Act 1998 and not only offshore human rights to Strasbourg but treat the opinions of the Court there as advisory only. As little regard has been paid to judgments of the European Court of Human Rights against other States already being advisory only as to Article 46(1) of the European Convention on Human Rights: “The High Contracting Parties undertake to abide by the final judgment of the Court in any case to which they are parties.” Small wonder that the response of the

Council of Europe has been a three line statement:

“1. We take note of these proposals by the Conservative Party. 2. We also take note they are not draft legislation. 3. As they stand, the proposals are not consistent with the ECHR.”

The information-sharing provisions of the Act under regimes pertaining to biometrics, marriage, the National Health Service, driving licences or bank accounts, amount to a system of identity cards for foreign nationals. Time limits for the retention of data are lifted, in an approach that sits ill with the decision on the European Court of Human Rights in *S. and Marper v UK* [2008] ECHR 1581, and among those whose biometric information it is intended to hold indefinitely are persons with indefinite leave to remain.

As detailed in the Family and General subcommittee report, provisions threatening landlords and landladies with fines of up to £3000 if they rent accommodation to persons without lawful immigration status will come into force, for the Birmingham area only, from 1 December 2014. Relying as they do on fear and on prejudice, enforcement is likely to require few resources.

A note of optimism is sounded by s 65 of the Act which started life as a suggestion advanced by ILPA spurred by the Project for the Registration of Children as British citizens. This will give many persons born before 1 July 2006 who would have been British by operation of law had their fathers been married to their mothers the right to register as British citizens. Those who would have been entitled to register as British citizens had their parents been married will have the right to register if they fulfil the other conditions for registration. The provision is not yet in force. It is one of two positive developments in nationality law this year. The other is the Citizenship (Armed Forces) Act 2014, the result of a private members' Bill, providing a discretion to waive the requirement to have been in the UK on a date three or five years before the date of application for naturalisation for members of the armed forces.

But optimism is slain by s 66 of the Act which allows the Secretary of State to deprive a naturalised British citizen of their citizenship on the grounds that they have done something seriously prejudicial to the vital interests of the UK, even where this would render them stateless. Fierce and principled battles in the House of Lords resulted in the safeguard that the Secretary of State must reasonably believe that the person is able to become a national of another country “or territory”, but what avails a safeguard where persons are in practice deprived of their citizenship while outside the UK, resulting in what is no more than an order of summary exile? The debates on the Act shone some light on murky practices of deprivation of citizenship to date, in cases such as that of Madhi Hashi, deprived of his nationality while in Somalia, handed to the United States in Djibouti and rendered to the United States where he is in prison. As UNHCR launches a global campaign to eradicate statelessness within 10 years, the UK's actions are retrograde.

The natural born cannot sleep easy in their beds. While obligations under the 1961 UN Convention on the Reduction of Statelessness prevent the UK from stripping them of their citizenship where this would leave them stateless, the Prime Minister, on 1 September 2014, proposed banishment, depriving them of their passports, not to ground them within the UK, but while they are outside the UK.

The sense of lawlessness that permeates the debates on deprivation resonates elsewhere. The officials who restrained Jimmy Mubenga are finally on trial for manslaughter, but what of the techniques and the attitude that brought about his death? As detailed in the Detention and Asylum Fast-track subcommittee report, in January Her Majesty's Chief Inspector of prisons described “shocking cases where a sense of humanity was lost” in Harmondsworth detention centre. The

Home Office attempted to remove dying Isa Muazu who has been on hunger strike in immigration detention despite doctors having pronounced him unfit to fly. The suffering caused by travelling at all was increased when the private jet the Home Office had hired to remove him to Nigeria was denied permission to land and had to return to the UK. In April, the UN Special Rapporteur on Violence against Women was denied access at the gates of Yarls' Wood, where a woman detained had died. There have continued to be findings of violations of Article 3 of the European Convention on Human Rights for those in detention.

We can bring the cases, but we need someone with the moral authority to speak out against what underlies them and the skill to help the claimants and appellants who have suffered so greatly. Helen Bamber was such a person. The lawyers who won her respect treasured it. Refugees and survivors of violence, and the lawyers striving to help them, have lost a powerful ally, not only a healer but someone who spoke with authority and could make their needs heard in the corridors of power. Much of her work in recent years was with survivors of trafficking and we miss her as we struggle to ensure that the Modern Slavery Bill will not only provide the means to prosecute those who exploit others, but address the rights and needs of those exploited. The loss of a vote on the rights of migrant domestic workers by one vote is a reminder that there is support for a rights-based approach across Parliament.

Considerable energy has had to be diverted from the struggle against oppressive and unjust immigration laws and practices to the struggle for access to justice through access to the courts and legal aid. Victories are now being defended in the higher courts. The Access to Justice and Legal Aid subcommittee reports highlight the case of *Guadanaviciene* [2014] EWHC 1840 which successfully challenged as unlawful decisions to refuse legal aid funding on an exceptional basis to cases otherwise out of scope. The Legal Aid Agency was held to be applying too high a test in determining whether legal aid was necessary to prevent a breach of rights under Article 6 of the European Convention on Human Rights and Article 47 of Charter of Fundamental Rights of the European Union and to have failed to acknowledge that legal aid may be required by the procedural requirements of Article 8 of the European Convention on Human Rights. It was held that refugee family reunion was, despite all that Ministers had said during the passage of the Act, within the scope of legal aid given the plain words of the statute. The judgment is thus a textbook lesson in how *Pepper v Hart* [1992] UKHL 3 is confined to cases where the wording of the statute is ambiguous. The Legal Aid Agency has appealed but has agreed that it will fund refugee family reunion cases in the meantime and not seek to recoup funding if its appeal succeeds. It has been tardy, despite ILPA's efforts, in providing lawyers with the reassurance needed for them to rely on this promise.

Both subcommittees also highlight *R (Public Law Project) v Secretary of State for Justice* [2014] EWHC 2365, the challenge to the proposed residence test for legal aid. Residence was held not to be a lawful ground for the discrimination and the court observed that "In the context of a discriminatory provision relating to legal assistance, invoking public confidence amounts to little more than reliance on public prejudice."

The Criminal Justice and Courts Bill survived its passage through the House of Commons and restrictions on protective costs so that costs capping orders will only be made after permission is granted emerged unscathed from the Lords. The Lords did reject the proposal to amend the materiality test, the proposal for compulsory disclosure of financial information for all judicial review applicants, and the costs rules to be applicable to intervenors. The expectation is that attempts will be made to reverse these defeats, with the possible exception of the costs rules for intervenors, in the Commons.

As detailed in the Family and General subcommittee report, the Court of Appeal in *R (MM & Ors) v SSHD* [2014] EWCA Civ 985 was unpersuaded that an income threshold of £18,600 to bring a spouse to the UK was unlawful and in breach of human rights. The court made clear that while the challenge to having such a requirement in the rules failed, this did not rule out a successful challenge in an individual case, including one based on Article 8 of the European Convention on Human Rights.

In *R (Refugee Action) v SSHD* [2014] EWHC 1033 the decision of the Home Secretary to freeze asylum support payments, without any increase for inflation for the second year running, was held to be irrational. The Home Office considered the judgment for three months and determined that levels of support should remain unchanged. Miraculously, existing payment levels cover the needs identified in the judgment, even those the Home Office had not thought of previously. Challenges are not at an end.

The Access to Justice and Detention and Asylum Fast-track subcommittee reports describe *R (Detention Action) v SSHD* [2014] EWHC 2245 and [2014] EWHC 2525, which emerged from the long shadows cast by *Saadi v UK* (C-13229) and *R(Refugee Legal Centre) v SSHD* [2005] 1 WLR 2219, to challenge the detained fast-track. The procedure has been found to be unfair; at the time of writing this looks like the start rather the culmination of a long struggle to end it.

At the close of the year came the decision of the European Court of Human Rights in *Tarakhel* (Case C-29217/12), the challenge to Dublin Returns to Italy, in which the UK Government, the AIRE Centre, Amnesty International and the European Council on Refugees and Exiles intervened. The Grand Chamber delivered a resounding denunciation of the “systemic failures” test: “arbitrary both in conception and in practice.” It is to be hoped that the Court of Justice of the European Union is listening. It is likely that families with children and others with special needs will be able to resist return to Italy under the Dublin Regulation but returns to Italy are unlikely to cease as a result of the judgment.

The Tribunal lost a wise and compassionate judge, and many of us lost a friend, with the death of Gail Elliman, who set many ILPA members on a true course as immigration lawyers through the training she delivered with the Asylum Caseworker Training Project. There is perhaps no more fitting way to remember her than the words of a member who wrote “I had only a single case heard before Ms Elliman. On that occasion she demonstrated a unique combination of compassion, sound knowledge and impartiality that assured both myself and my client that regardless of the outcome, the hearing would be fair and the determination, just.”

The Tribunal Procedure Rules were amended in the year removing some, although by no means all, of the anomalies that risk disadvantaging appellants. The new overriding objective applicable to proceedings before the Immigration and Asylum Chamber of the First-tier Tribunal: to deal with cases fairly and justly. The Upper Tribunal rule which provided that all decisions in asylum cases were served first on the Home Office was amended so that this will only occur when the Upper Tribunal has refused, or refused to admit, an application for permission to appeal to the Upper Tribunal. There are some extensions to time limits in both the fast-track rules and the rules for all appeals. The Rules impose a requirement, as regards appeals from entry clearance decisions, for a response from the Home Office to include a statement of whether or not the appeal is opposed, and if so, the grounds. The rules remove the automatic withdrawal provision. Instead, r 17(2) provides that the Tribunal shall ‘save for good reason’ treat an appeal as withdrawn. The rules require all asylum decisions to be served on both parties by the Tribunal. The Tribunal will be able to award

costs as a sanction for unreasonable behaviour by either party or their representatives.

Are we witnessing the death of the points-based system? “Genuineness” tests proliferate, ending the allegedly “objective” points-based system and signalling a return to the pre-2006 Work Permits approach. Is this the first step out of onerous, bureaucratic and meaningless requirements? Is it a recipe for arbitrariness, unfairness and reliance on “who you know”? The evidence of the new rules on administrative review and the draft visitors rules are that it does not herald a new era of simplicity.

Finally, the Immigration (European Economic Area) Regulations 2006 have been the subject of wave after wave of amendment during the year. As described in the European subcommittee report, British nationals with the temerity to rely on EU rights were the targets of changes in January which restricted the ambit of the judgment in *Surinder Singh* Case C-370/90. Provision has been made for re-entry bans to be imposed on EU nationals. Those EU nationals subject to exclusion on public policy grounds are to be made subject, alongside non-EEA nationals, to provisions requiring them to pursue their ongoing appeal from abroad, albeit that there is express provision for EU nationals to apply for limited leave (in the form of a period of detention) to be returned to be present at their appeal hearings. The Home Office continues to discover new riches in Case C-292/89 *Antonissen* that no court or tribunal has ever suspected were there, with three sets of changes to the rules on jobseekers.

A review of the context of our work ends on a goodbye. The UK has been fortunate indeed to have Roland Schilling as the representative of the High Commissioner for Refugees since July 2009. He will be sorely missed and his successor has a very hard act to follow.

Training

This year, ILPA delivered 78 training events, including two webinars, eleven Trust for London funded events, and ILPA’s first Business Immigration Conference. Courses have taken place in London, Birmingham, Bristol, Glasgow, Manchester and Leeds.

With the Immigration Act 2014 introducing sweeping changes to appeal rights, restrictions on bail, changes to removal procedures and codification of elements of Article 8 of the European Convention on Human Rights in primary legislation, several training courses on the implications of the Act were held to update practitioners.

In addition to ILPA’s regular programme of training, we provided in-house training to Laura Devine Solicitors and to the staff of the OISC. ILPA also provided training for MPs’ researchers as part of the ILPA-HJT project. There were three sessions, all delivered by Alison Harvey, as follows: Birmingham 12 December 2013; 6 February 2014; and 27 October 2014. Alison Harvey also led a training session for Medical Justice on public speaking on 9 June 2014. Solange Valdez and Alison Harvey respectively, provided training on an Introduction to Immigration Law for LawWorks on the 30 June 2014 and 17 November 2014. Finally Alison Harvey and Kirsty Thompson led training for guardians in Scotland on 16 January 2014.

Trust for London project

In light of our Trust for London project to provide free training to qualified London-based ILPA members (and potential members), ILPA provided 11 grant-funded training sessions on the following topics: *Domestic violence and persons under immigration control* – a joint project with Rights of Women (three full day training events); *Deportation; Refugee and International Protection Law Update; Bail in the Tribunal – Practice and Procedure; Nowhere to run to?*

Domestic violence, law and policy (with Rights of Women); Professional conduct and ethics in immigration cases; LGBTI Asylum: How to succeed in a claim (and other matters); and two sessions on *The Immigration Act 2014* (with Migrants Rights Network on the 30 September and 3 October 2014 - specifically for eight regularly-scheduled ILPA courses. In total, we were able to provide 431 free training places to qualified ILPA members. Delegates included those who are doing immigration and asylum legal aid cases, staff of law centres and not for profits working with refugees and migrants, members working pro bono with those no longer entitled to legal aid, staff of not for profits trying to become accredited or accredited at a higher level to give immigration advice, and non-practitioners working in the field whose expertise may benefit participants at a training session.

Members who would like to be notified about upcoming free Trust for London training sessions, should log on to the member section of the website and sign up to become a member of ILPA’s Legal Aid Subcommittee.

Training Subcommittee

The training subcommittee reviews ILPA’s training programme and makes suggestions for new or adapted courses as well as for all aspects of delivery of the programme. We are grateful to members of the training subcommittee who took time to meet this year and discuss the direction of the programme. Attendees included Alison Stanley, Adrian Berry, Nicole Francis, Alison Harvey and Celina Kin-Armbrust. The subcommittee discussed new training suggestions and shared ideas in terms of developing online training and improving ILPA’s webinar programme.

ILPA members are encouraged, if interested, to get involved with this committee to provide the valuable insight needed to continue to develop this successful programme. Please get in touch with Secretariat if you are interested in getting involved.

Venues

This year ILPA training courses have been generously hosted by ASG Immigration, Bindmans LLP, Kenworthys Chambers, Kingsley Napley, Landmark Chambers, the Legal Services Agency, Garden Court Chambers, and Penningtons Manches Solicitors.

ILPA/ILPA supported Seminars and Conferences and training partners

ILPA and ILPA-supported seminars and conferences were as follows:

- ILPA Conference on Business Immigration in the UK, 22 September 2014
- ILPA Annual seminar on free movement of EEA Nationals, 20 October 2014

Speakers

Our thanks go to the following trainers and guest speakers, who have provided their time and expertise to ILPA’s training program during the year. Please note, firms and organisations listed are current as of the date when training was delivered:

Adrian Berry, Garden Court Chambers Alison Harvey, ILPA Alison Pickup, Doughty Street Chambers Alison Stanley, Bindmans LLP Amanda Weston, Garden Court Chambers	Kathryn Cronin, Garden Court Chambers Katie Dilger, Wesley Gryk Solicitors LLP Kellie Sullivan, Pricewaterhouse Coopers Legal LLP Laura Taylor, Football Association
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Andrea Als, Pricewaterhouse Coopers Legal LLP	Liz Barratt, Bindmans LLP
Barry O'Connor, Birnberg Peirce and Partners	Mahmud Quayum, University of Westminster
Barry O'Leary, Wesley Gryk Solicitors LLP	Malini Skandachanmugarasan, Laura Devine Solicitors
Cate Briddick, Rights of Women	Mark Symes, Garden Court Chambers
Catherine Kenny, Kalayaan	Martin Chamberlain QC, Brick Court Chambers
Catherine Robinson, 1 Pump Court	Meghan Vozila, Sturtivant & Co
Chris Magrath, Magrath LLP	Michal Meduna DG JUST C.2 Union Citizenship and Free Movement
Chris Randall, Bates Wells and Braithwaite	Naomi Angell, Osbornes Solicitors LLP
Christopher Cole, Parker Rhodes Hickmotts	Navtej Singh Ahluwalia, Garden Court Chambers
Colin Yeo, Garden Court Chambers	Nichola Carter, Carter Thomas
David Chirico, 1 Pump Court	Penny Evans, Penningtons Solicitors LLP
Edward Nicholson, No 5 Chambers	Peter Jorro, Garden Court Chambers
Elsbeth Guild, Kingsley Napley LLP	Philip Barth, Withers LLP
Emma Cohen, Bindmans LLP	Philip Trott, Bates, Wells & Braithwaite LLP
Gillian Brownlee, Kingsley Napley LLP	Rebecca Chapman, Garden Court Chambers
Glyn Lloyd, Blake Morgan LLP	Ronan Toal, Garden Court Chambers
Graham Denholm, 1 Pump Court	Sarah Rimmington, UKCISA
Greg O'Ceallaigh, Garden Court Chambers	Sasha Rozansky, Deighton Pierce Glynn Solicitors
Hazar El-Chamaa, Penningtons Solicitors	Shalini Agarwal, In Se Legal
Ilda de Sousa, Kingsley Napley LLP	Shauna Gillan, ILPA
James Elliot, Wilson and Co Solicitors LLP	Solange Valdez, Ealing Law Centre
James Perrott, Macfarlanes LLP	Sonali Naik, Garden Court Chambers
Janet Farrell, Bhatt Murphy Solicitors	Sonia Routledge, Birnberg, Peirce & Partners
Jane Ryan, Bhatt Murphy Solicitors	Sophie Barrett-Brown, Laura Devine Solicitors
Janine Regan, Speechly Bircham LLP	Stefan Vnuk, Lawrence Lupin Solicitors
Jed Pennington, Bhatt Murphy Solicitors	Stephanie Harrison QC, Garden Court
Jeremy Rintoul, Upper Tribunal judge	Steve Symonds, Amnesty International UK
Joe Middleton, Doughty Street Chambers	Tim Barnden, Wesley Gryk Solicitors LLP
John Thompson, Immigration and Border Policy Directorate, Home Office	Tim Buley, Landmark Chambers
Judith Farbey QC, Doughty Street Chambers	Toby Fisher, Landmark Chambers
Kate Roberts, Kalayaan	Tom Brett-Young, ASG Immigration
Kathryn Bradbury, Gherson Solicitors	Trevor Wornham, Wornham and Co Solicitors
	Zofia Duszynska, Hammersmith & Fulham Law Centre

ILPA Meetings

Subcommittee meetings

All ILPA subcommittees are open to all members. The following subcommittee meetings took place during the year since the last AGM:

Access to Justice	0	Children	0
Detention and Asylum Fast-Track	4	Economic Migration	9
European	11	Family and General	6
Immigration Offences	2	Legal Aid	2
Refugee	2	Training	1
New York	1	South West	2
Yorkshire and North East	2		

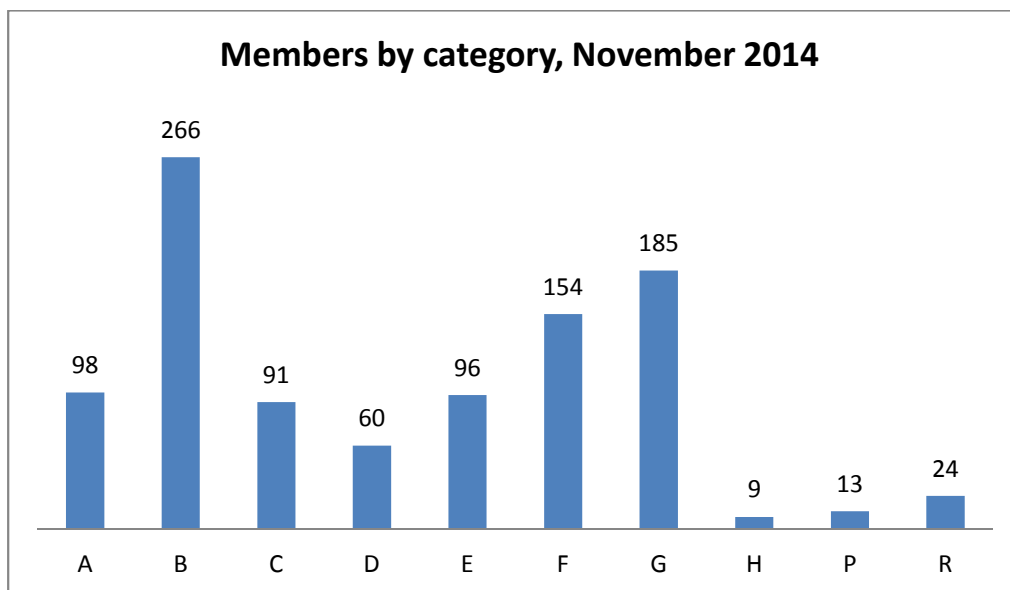
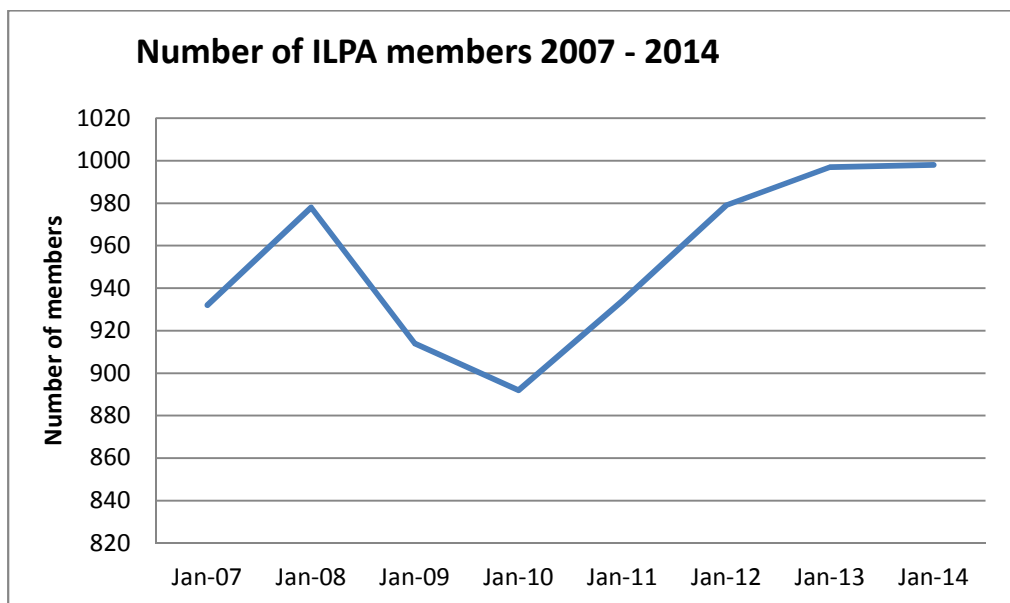
Members' meetings

Wherever possible, themed and speaker meetings take place under the auspices of the most appropriate subcommittee but are publicised to all members. Some topics are clearly cross-cutting. These have formed the subject of members' meetings as follows:

- Meeting re Immigration Bill (members and others) 26 November 2013
- ILPA members' meeting on Draft Immigration Rules on Administrative Review Wednesday 6 August 2014
- ILPA members' meeting to discuss Draft Visitor Rules Tuesday 28 September 2014

Membership

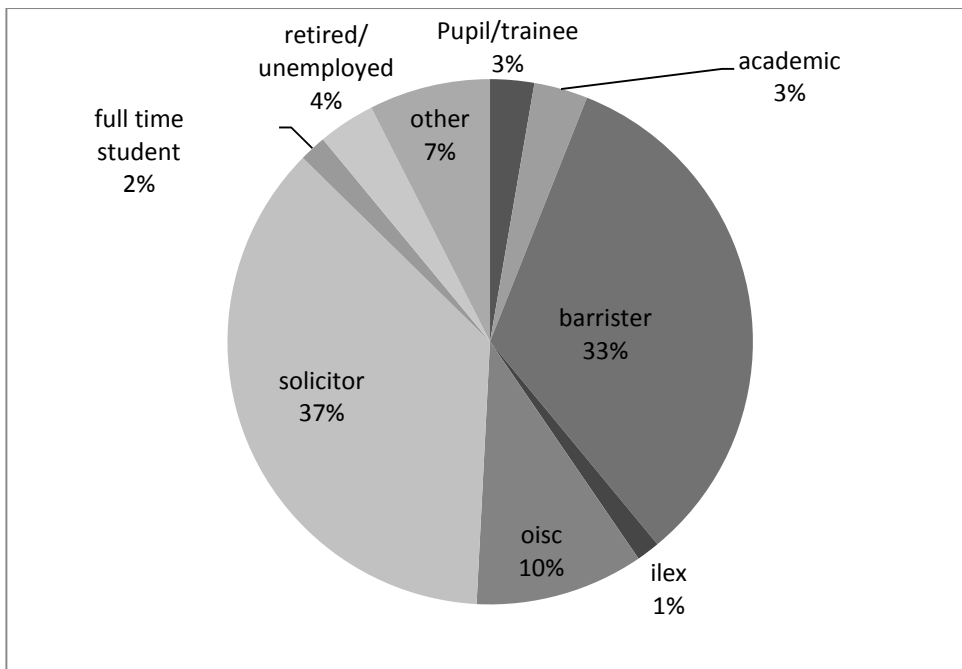
As of 10 November 2014 the total number of ILPA members is 998 (up from 997 last year) with a total of 2924 individual contacts (up from 2749 last year). 146 new members joined this year.



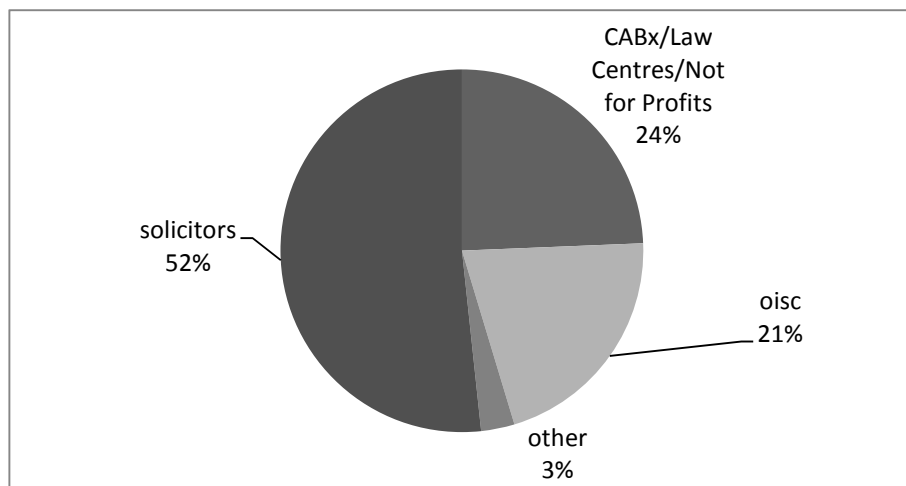
Categories:

- A Law Centres, local Citizens' Advice Bureaux and not-for-profits with a turnover of less than £500,000
- B Solicitor firms with 1 to 5 fee earners OISC regulated organisations with 1 to 5 advisers and all organisations not listed elsewhere
- C Solicitor firms with 5 to 26 fee earners OISC regulated organisations with 6 to 25 advisers. Not-for-profits** with a turnover of over £500,000
- D Solicitor firms with 26 or more fee earners OISC regulated organisations with 26 or more advisers
- E Practising barristers over 5 years call Practising solicitors with over 5 years pqe Advisers accredited with the OISC/registered with ILEX for more than 5 years
- F All other individuals
- G Practising barristers over 10 years call Practising solicitors with over 10 years pqe Advisers accredited with the OISC/registered with ILEX for more than 10 years
- R Full time student / retired member * / unemployed.
- P Pupil barristers / trainee solicitors (Please provide proof of pupillage / training contract)

Individual members by profession



Type of Organisation



34% of all members now pay their membership fees by direct debit and we are grateful to all of those who have signed up to this programme as it allows us to spend less time on administration and more time on programmes. We encourage everyone who is able to do so to sign up to Direct Debit by contacting the Secretariat.

Dissemination of Information and Communications

From December 2013 to November 2014 members have been sent 12 hard copy mailings and 261 numbered enclosures.

Information Service

The Information Service is part of work supported by funding from the Joseph Rowntree Charitable Trust. Since the last AGM, the Information Service has produced 31 new Information Sheets and nine updates. Output has almost doubled compared with a similar period last year; this is due to increased capacity through having a Legal Officer in place for 11 out of 12 months of the relevant period. Information Sheets have included a series on the Immigration Act 2014 as well as sheets on other new legislation such as the Modern Slavery Bill 2014 and the Criminal Justice and Courts Bill 2014. Other topics covered include Statelessness, Asylum Support, a series of three sheets on the remedy of judicial review and proposed changes to legal aid and healthcare for migrants. These are available on the Information Service section of the website. A presentation on the Immigration Act 2014 was given to the Asylum Rights Campaign Detention Subgroup and a presentation on legal aid at the Sanctuary Summit in Birmingham. The Legal Director and Legal Officer provided support and information to NGOs representing migrant and refugee groups during the year. We are very grateful for the support of the Joseph Rowntree Foundation to enable us to provide this service.

Information Officer Project

Philip Reilly completed the project to overhaul the management of ILPA's information, old and new. He provided essential support in disseminating incoming information to members. He worked through many of the correspondence files held in paper form in the ILPA office and in the archives. As a result ILPA has moved away from a paper-based culture. All relevant documents have been uploaded to the website and are therefore now available to Members. The number of resource pages available on the website increased from 4,584 to 12,583 this represented an increase of 174% during the timeframe of the project. A resource page can have a number of documents linked to it.

ILPA has estimated that the project increased links to documents on our website from 6,967 to 19,126. All ILPA publications that can be made available electronically (for example by scanning paper versions to create pdf documents) are now available electronically and are available to all on the website. During the period of the project 1,668,867 pages were viewed on the website, 155,769 users used the website and there were 362,998 sessions. The project demonstrated that making documents available on the website speeds retrieval by ILPA staff, ILPA members and non-members. ILPA is very grateful to Unbound Philanthropy for funding this project. We are also pleased to confirm that Elizabeth White has now taken on the role of Information Officer for ILPA and will continue to develop and improve our information services for members.

Other Publications and Projects

ILPA's official journal is the *Journal of Immigration, Asylum and Nationality Law*, published by Bloomsbury Professional. Helena Wray, Senior Lecturer in the Department of Law at Middlesex University is the Managing Editor and the Book reviews editor is Dr Prakash Shah.

ILPA's *European Update* has maintained its very high standards during the year with extensive coverage of developments at European level.

See also under Refugee Children's Project and international work below. Contributions to research by Government departments and official bodies are detailed under meetings and publications below.

ILPA receives very many requests for assistance with research and we have to be selective. It is always sad to have to say no and nice to say yes. We are grateful to members who agreed to be interviewed by individual researchers for projects.

Mike Tarnoky represented ILPA on the Steering Group of Refugee Action's Access to justice project. Alison Harvey contributed to the evaluation of the Strategic Legal Fund, to research by the Low Commission and to the Solicitors Regulation Authority research on legal advice in immigration (ongoing). Alison Harvey took part in the London School of Economics' workshop *Migration, the City and IT* on 14 April 2014 and presented a paper on the Immigration Bill at the Migration and Law conference 'A sea of troubles' on 28-29 March 2014. In addition ILPA (Alison Harvey) contributed to a statutory domestic homicide review.

ILPA and Queen Mary College School of Law, University of London continue their collaboration on Niovi Vavoula's doctoral studentship as part of the College's work to broaden the value of doctoral research to non-governmental organisations. Niovi is looking at the collection and exchange of personal data in Europe, in the context of immigration control and terrorism. She continues to be a valued member of ILPA's European subcommittee.

Meetings with undertaken by Alison Harvey with individual researchers included:

- Natasha Tsangarides – (Journalism, City University) 9 January 2014;
- Matthew Scott, Lund University re protection from environmentally related harm in an era of climate change, 24 April 2014;
- Bastian Vollmer, University of Oxford (COMPASS) 16 July 2014;
- Yewa Holiday Queen Mary College University of London Article 31, 6 August 2014;
- Maria Wardale, University of Cambridge, re migrant domestic workers 1 October 2014.

Refugee Children's Project

The project, funded by the Diana, Princess of Wales Memorial Fund ended in December 2012 but March 2014 saw the publication of a fourth edition of the *Resources Guide for Practitioners working with Refugee Children*, written by Shauna Gillan, with Alison Harvey and Sarah Myerscough. A publication on trafficking, also to be funded from the project, has been put on hold pending the passage of the Modern Slavery Bill through parliament and the review of the National Referral Mechanism.

Litigation

Alison Harvey continued to serve on the Advisory Group for the Strategic Legal Fund.

ILPA supported the cases below, including with evidence often in the form of witness statements and by putting the lawyers in touch with members with pertinent evidence, and continues to be involved in following up on the judgments.

- *R (Refugee Action) v SSHD* [2014] EWHC 1033(challenge to asylum support rates)
- *R (Detention Action) v SSHD* [2014] EWHC 2245 (challenge to the detained fast track)
- *R (Public Law Project) v Secretary of State for Justice* [2014] EWHC 2365 (challenge the residence test)
- *Guadanaviciene v Director of Legal Aid Casework* [2014] EWHC 1840 (challenge to the exceptional funding regime)
- *R (Idira)* to holding persons detained under Immigration Act powers in prisons
- *HC and Ors v SSWP* (Court of Appeal - entitlement to benefits for *Zambrano* parents)
- Case in the Outer House of the Court of Session on registration under s 4C of the British Nationality Act 1981.
- Work to challenge the remuneration regime for judicial review cases whereby costs are at risk.
- Work to challenge to the failure to provide legal aid for separated children under immigration control (ongoing).

In addition David Chirico, who, with Alison Harvey is ILPA's representative on the European Legal Network on Asylum (ELENA), was one of ECRE's representatives in their intervention in *Tarakhel* (Case C-29217/12).

Liaison with Government and other organisations

ILPA members are actively involved with and in a range of networks and organisations and while our lists record those who represented ILPA at meetings, other members are often also there with other hats on. To the lists below must be added ILPA's training sessions and members' meetings at which external speakers were present. Once again, the volume and frequency of meetings makes it inevitable that some must be covered by staff of the Secretariat and that they must step in from time to time to assist with others. Members have given generously of their time and the quality of representation they have provided has further enhanced ILPA's reputation.

Home Office liaison

The formal groups and the ILPA representatives who attended them during the year are:

Home Office Operational Forum: Alison Harvey, Philip Trott (all members have the opportunity to participate in the forum, which is broadcast by webinar)

- Business User Forum: Sophie Barrett-Brown Tom Brett-Young, Philip Trott, (Customer Services subgroup: Rose Carey)

- Complex Casework Directorate Partner Forum: Marie-Christine Allaire-Rousse, Diana Baxter, Philippa Roffey, Solange Valdez, Shazia Yousaf (including visit to the Directorate in Liverpool on 13 August 2014).
- National Asylum Stakeholder Forum and its subgroups and ad hoc meetings: main meeting, Alison Harvey, Shauna Gillan; Children, Alison Harvey, Amie Henshall; Asylum Operating Model, Alison Harvey, Shauna Gillan; Detention, Smita Bajaria and Alison Harvey; Equality (formerly Quality and Equality), Alison Harvey; Refugee Integration Working Group, Alison Harvey; ad hoc meeting re legal aid 6 December 2014, Alison Harvey; ad hoc meeting re new asylum screening pilot 17 September 2014, Shauna Gillan.

In addition there were regular or series of bi/multi-lateral meetings with the Home Office as follows:

- British Consulate General New York: Anushka Sinha and Tanya Goldfarb
- Cardiff Premium Services Centre: Glyn Lloyd and Natasha Gya Williams
- Meetings post the judgment in *R (Detention Action v SSHD)*: Alison Harvey, Solange Valdez
- Meetings on the draft visitor rules: Hazar El Chamaa, Haddy Jack, Kathryn Denyer

There were one-off meetings with the Home Office as follows:

- Home Office, Ministry of Justice and Legal Aid Agency National Asylum Support Forum Legal Aid Seminar 6 December 2013; Alison Harvey
- Meeting Brian Redfern, Director Customer Performance and Change, UK Visas & Immigration 5 February 2014; Alison Harvey, Rose Carey, Sophie Barrett-Brown, Philip Trott and Tom Brett Young
- ILPA Yorkshire and North East meeting with Administrative Court & Upper Tribunal (Immigration and Asylum Chamber) lawyer, Martin Lee, February 2014.
- James Brokenshire MP, Immigration and Security Minister, Speech, 6 March 2014; Alison Harvey
- ILPA South West subcommittee with Kenny Chapman, Home Office, 7 March 2014
- ILPA meeting with Immigration and Border Policy Directorate re Gov.UK website 31 March 2014: Sophie Barrett-Brown, Julian Bild, Emma Cohen, Rachel Evans, Alison Harvey, Irena Karapetyan, Jonathan Kingham, Shindo Maguire, Alicia Suarez-Neves (following this meeting a larger group participated in work on the website. This included the people who had attended the meeting and John Craig, Katherine Dennis, Tanya Goldfarb, Jessica Jim, Rachel Lane, Luke Piper, Philip Reilly, Samar Shams, Sue Shutter, Carita Thomas, Meghan Vozila, Natasha Gya Williams, Colin Yeo).
- Meeting with Bill Gale, Asylum Policy, Immigration and Border Policy Directorate re interview guidance 7 April 2014: Kalvir Kaur
- Meeting of ILPA South West Subcommittee representatives with Stacey Vaughan Jones, Senior Caseworker, Cardiff Premium Services Office, 7 April 2014
- ILPA Yorkshire and North West meeting with Neil Best, Home Office, responsible for appeals and litigation in Yorkshire and the North East, June 2014
- National Referral Mechanism Review meeting 7 July 2014; Shauna Gillan
- National Referral mechanism Review meeting of the Home Office with the Anti-Trafficking Monitoring Group, Michelle Brewer 19 August 2014
- Meeting on Rule 35, Jo Swaney, 7 November 2014
- Meeting with UK Visas and Immigration Liverpool for Customer Services Week, 9 November
- ILPA South West Subcommittee with representative of UK Visas and Immigration Compliance team, Portishead, 19 November 2014
- Teleconference with Nicola Thomas, Home Office re Triennial Review of the Office of the Immigration Services Commissioner, 20 November 2014

Liaison with courts and tribunals

The regular meetings and those who have represented ILPA at them during the year are:

- Administrative Courts User Group; Jawaid Luqmani, Mark Henderson
- Tribunal (Immigration and Asylum Chambers) Presidents' Stakeholder Forum; Mark Henderson, Jawaid Luqmani
- Asylum Support Tribunal User Group; Sasha Rozansky, Alison Harvey
- Court of Appeal (Civil Division) Users' Committee; Adrian Berry, Jawaid Luqmani.

One-off meetings held during the year were:

- Launch of Geoffrey Care's *Migrants and the Courts* at the Upper Tribunal, 17 December 2013; Alison Harvey
- Administrative Court Working group on anonymity and reporting restrictions 25 June 2014; Adrian Berry, Mark Henderson

Ministry of Justice

The regular meetings and those who have represented ILPA at them during the year are:

- Legal Aid Agency/Law Society Civil Contracts Consultative Group: Alison Harvey, Solange Valdez
- Administrative Justice Forum: Rowena Moffatt, Alison Harvey

In addition the following one off meetings were held:

- Legal Aid Agency Immigration Removal Centre Roundtable 2 May 2014; Alison Harvey
- With Catherine Mottram, Ministry of Justice for research into effect of Legal Aid Sentencing and Punishment of Offenders Act 2012 on immigration 25 June 2014; Alison Harvey
- Legal Aid Agency, Conditional Fee Arrangement suitability meeting 12 August 2014; Solange Valdez, Jo Swaney

Other official bodies

Regular meetings:

- Chief Inspector of Borders and Immigration Refugee and Asylum Forum: Charlene Stakemire, Alison Harvey
- Chief Inspector of the UK Border Agency's Independent Advisory Group on Country Information; Harriet Short
- Office of the Children's Commissioner for England Advisory Group (refugee children); Shauna Gillan, Alison Harvey

Other meetings were held as follows:

- Telecon with Mark Elliott Cabinet Office re visitor, business visitor and investor visas 6 December 2013; Alison Harvey
- ILPA meeting with National Offender Management Service (Nick Hammond, Richard Pearce, Brian Chapman and Toyin Folawiyo) 17 June 2014, Barry O'Connor, Alison Harvey, Clare Hayes, Jawaid Luqmani, Alison Pickup, Katy Robinson, Adeline Trude
- Equality and Human Rights Commission meeting re their panel of counsel 15 October 2014; Alison Harvey
- Talk to Yarl's Wood Immigration Monitoring Board (in Yarl's Wood) 13 October 2014; Alison Harvey

International Organisations and international work

Meetings took place in the UK unless otherwise stated.

Inter-Governmental and Governmental

- Meeting with Hildur R Hallgrímsdóttir of Iceland Immigration department 20 February 2014; Alison Harvey
- Meeting with Caroline Morgan, Political Officer EC representation in the United Kingdom with lead on immigration 3 April 2014; Alison Harvey, Shauna Gillan, Celina Kin-Armbrust
- UNHCR and European Network on statelessness conference, Stateless but not rightless, Strasbourg 8 April 2014; Alison Harvey,
- Meeting with European Commission staff re asylum screening 28 January 2014; Michelle Brewer, Hannah Chambers, Shauna Gillan, Alison Harvey and Nuala Mole
- EU Commission Connect project conference *Working together to ensure the protection and reception of unaccompanied children in Europe*, Brussels, 17 – 18 June 2014, Kalvir Kaur (speaker)
- Meeting with Michel Meduna, European Commission, Brussels, Adrian Berry, Alison Hunter, Nicholas Rollason
- UNHCR and Tilburg Law School, First Global Forum on Statelessness, The Hague 15 – 17 September 2014; Alison Harvey, Adrian Berry
- EU Commission Connect project UK conference 19 September 2014, Kalvir Kaur (speaker) Alison Harvey
- UNHCR meeting with Armenian State delegation State delegation as part of the latter's study visit to the UK, 9 October 2014; Alison Harvey
- Meeting with UNHCR re its Global Detention Strategy, 5 November 2014, Alison Harvey
- Meeting with Mr Laurent Muschel and Alexandra Cupsan Catalin of European Commission staff, Alison Harvey, Jed Pennington, Mark Symes, Shauna Gillan, 21 November 2014. Detention Action and the Helen Bamber Foundation were also represented.
- In addition Alison Harvey represented ILPA at a reception for UNHCR's International Protection Director Volker Turk 3 December 2013 and at UNHCR's farewell reception for Roland Schilling on 28 August 2014

International non-Governmental organisations and networks

- ECRE Right to Justice (children's project) Experts workshop on Quality Legal Assistance for Unaccompanied Children (Brussels) 4 March 2014; Alison Harvey, Solange Valdez
- Meeting with representatives of the Tokyo Bar Association 26 March 2014; Alison Harvey
- Public Interest Law Alliance Conference, Dublin 28 March 2014; Shauna Gillan
- Forced Labour and Trafficking Conference, Dublin 31 March 2014; Shauna Gillan
- Meeting with Angelica Lazar European Commission re Dublin Regulation 9 May 2014; Alison Harvey, Nuala Mole, Aisling Ni Chuinn, Mark Symes, Tori Schier
- International Commission of Jurist's roundtable on asylum claims based on sexual orientation and/or gender identity or expression in Brussels 27 June 2014, Michelle Brewer
- ECRE Right to Justice conference Brussels 8 July 2014; Alison Harvey (speaker)
- Irish Refugee Council Providing Protection: Access to Early Legal Advice project launch, Brussels 8 July 2014; Alison Harvey
- International Commission of Jurists expert round table on asylum claims based on sexual orientation at the Refugee Law Initiative 3 October 2014; Alison Harvey
- Meeting with Michael Diedring, Secretary General of ECRE 8 October 2014; Alison Harvey

- ELENA conference and coordinators' meeting, Leiden, 23 – 25 October 2014, Alison Harvey
- PILnet pro bono forum 5 – 7 November 2014; Alison Harvey (workshop presenter)
- Consular Conference, Consular Corps with Embassy Magazine 14 November 2014, Alison Harvey (speaker)

The European Council for Refugees and Exiles' Rights and Justice project on legal advice for separated children concluded its work during the year. Mark Symes was ILPA's point of contact for the ECRE's European Asylum Curriculum Reference Group. Alison Harvey and David Chirico were points of contact for the ELENA network. See also litigation above.

Parliament

ILPA gave written and oral evidence to the parliamentary committees as follows:

Oral evidence

1. Joint Committee on Human Rights' enquiry into the implications for access to justice of the Government's proposed judicial review reforms, Alison Harvey, 23 October 2014
2. Joint Committee on the draft Modern Slavery Bill, Zofia Duszynska and Shauna Gillan, 11 March 2014
3. House of Commons Justice Select Committee, Carita Thomas, 21 October 2014

Written evidence

1. Second Delegated Legislation Committee's consideration of the Immigration and Nationality (Fees) (Amendment) Order 2013, 27 January 2014
2. Joint Committee on the Draft Modern Slavery Bill, 12 February 2014
3. House of Commons Public Bill Committee on Criminal Justice and Courts Bill, March 2014
4. Joint Committee on Human Rights' enquiry into the implications for access to justice of the Government's proposed judicial review reforms, November 2013
5. Home Affairs Select Committee on the Migration Advisory Committee, December 2013
6. House of Commons Public Bill Committee Criminal Justice and Courts Bill, 21 March 2014
7. Secondary Legislation Scrutiny Committee on the Civil Legal Aid (Remuneration) (Amendment) (No. 3) Regulations 2014 (SI 2014/607), 23 March 2014
8. Justice Select Committee enquiry into the impact of changes to civil legal aid under the Legal Aid, Sentencing and Punishment of Offenders Act 2012, April 2014
9. Legal aid, response to questions raised by the Lord Warner during the 11 March 2014 oral evidence session on the draft Modern Slavery Bill, 30 April 2014
10. House of Lords Delegated Powers and Regulatory Reform Committee inquiry into the quality of delegated powers memoranda, 4 June 2014
11. Fifth Delegated Legislation Committee, Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Amendment of Schedule 1) Order 2014, 2 July 2014.
12. Public Bill Committee on the Modern Slavery Bill, August 2014

ILPA provided briefings on the Immigration Bill, the Criminal Justice Bill and Modern Slavery Bill. ILPA also contributed to, endorsed and disseminated briefings by the Refugee Children's Consortium on the Modern Slavery Bill and by Public Interest Lawyers in NGOs (PLINGO) on the Criminal Justice and Courts Bill. In addition ILPA provided briefings for debates as follows:

1. House of Lords Debate Civil Legal Aid (Merits Criteria) Regulations 2013, 20 January 2014

2. For the Lord Pannick's motion to regret that the Civil Legal Aid (Remuneration) (Amendment) (No. 3) Regulations 2014 (SI 2014/607) make the duty of the Lord Chancellor to provide legal aid in judicial review cases dependent on the court granting permission to proceed, 7 May 2014
3. For the Lord Ramsbotham's Topical Question, 6 May 2014: Immigration Detention
4. Further briefing for the Lord Ramsbotham's Topical Question Tuesday 6 May 2014: Immigration Detention: UN Special Rapporteur on violence against women refused access to Yarl's Wood Immigration Detention Centre
5. Briefing for House of Commons on the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Amendment of Schedule 1) Order 2014 (the "residence test") 30 June 2014
6. Briefing on the residence test: The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Amendment of Schedule 1) Order 2014 for the debate on 9 July 2014 on the regret motion in the name of the Lord Beecham and for the debate on 21 July 2014

ILPA provided written and oral evidence to All Party Parliamentary Groups as follows:

Oral evidence

- All Party Parliamentary Groups on Refuges and on Migration enquiry into immigration detention in the UK, Kay Everett , 6 November 2014

Written evidence

- All Party Parliamentary Group on International Freedom of Religion or Belief and Asylum Advocacy Group Parliamentary enquiry: 'Claiming asylum in the UK if you are persecuted for your faith or belief', October 2014

ILPA representatives attended meetings of the All Party Parliamentary Groups on Children (Alison Harvey), International Aspects of Religion and Belief (Shauna Gillan), Legal Aid (Alison Harvey, Shauna Gillan) Migration, (Shauna Gillan) , Refugees (Alison Harvey) and Alison Harvey spoke at the All Party Group on Legal Aid briefing meeting on 11 February 2014 and at the All Party Parliamentary Group on Refugees meeting on detention on 13 May 2014.

ILPA was represented at the following meetings with parliamentarians:

- Movement Against Xenophobia Lords' meeting on Immigration Bill 15 January 2014; Alison Harvey (speaker)
- Children Society briefing for peers on the Immigration Bill, 28 January 2014; Ronan Toal (speaker), Rowena Moffatt
- Meeting with Sarah Teather MP and researcher Jon Featonby re the Immigration Bill, 29 January 2014; Adrian Berry and Alison Harvey
- Lord Roberts of Llandudno meeting for peers (Bishops of Newcastle and Derby, Baroness Lister, Lord Hylton, Lord Roberts' researcher and Baroness Stern) re Immigration Bill 5 February 2014; Alison Harvey (speaker)
- UK Universities UK meeting for peers on Immigration Bill 24 February 2014; Alison Harvey
- Meeting with Elizabeth Plummer, Special Advisor to the Deputy Leader of the House of Lords 5 March 2014; Alison Harvey
- Rt Hon Frank Field MP with the Children's Society and Unicef UK: 12 years a slave: How the Modern Slavery Bill can protect children, Catherine Robinson, 25 June 2014
- Meeting with Baroness Berridge, All Party Parliamentary Group on International Aspects of Freedom of Religion and Belief, 21 October 2014, Alison Harvey and Samantha Knights
- Britain's Hidden Slaves; Why the Modern Slavery Bill cannot ignore migrant domestic workers, Kalayaan, 20 November 2014, Alison Harvey

In addition Ayesha Mohsin represented ILPA at Legal Aid Practitioners' Group meeting with John Cruddas re the Labour Manifesto in March, Alison Harvey represented ILPA at the Human Rights Round Table with Julian Huppert MP and Simon Hughes MP on 31 March 2014; Adrian Berry and Nicole Francis attended the Conservative Party conference; Alison Harvey attended the Labour Party conference (fringe meetings only).

Non-governmental organisations, networks and others

The usual disclaimer: the leading non-governmental organisations in the field are ILPA members; non-governmental organisations are represented among the convenors of ILPA subcommittees and ILPA members are active in many networks. We can only present a sample of this work and name only those with a specific mandate to represent ILPA, inevitably meaning that staff names figure heavily, but ILPA members' attendance and engagement goes much wider. See also this report *passim*, for work in partnership with non-governmental organisations and networks for training. Member organisations are mentioned when we have been involved with them on specific initiatives and events, often broader than immigration.

Regular meetings and representation on groups during the year include:

- Asylum Rights Campaign Detention sub-group; Shauna Gillan
- Bar Council Civil (Public) Panel; John Walsh
- Housing and Immigration Group; Adrian Berry, Alison Harvey
- The Law Society:
 - Immigration Law Committee: Stefan Vnuk;
 - Specialist Practitioners Group: Ayesha Mohsin, Alison Harvey
 - Immigration and Asylum Scheme Chief Assessor's Technical Board: Zofia Dusynska
- Refugee Children's Consortium; Nadine Finch, Shauna Gillan, Alison Harvey
- Strategic Legal Fund; Alison Harvey
- UNICEF UK group on Modern Slavery Bill; Shauna Gillan, Alison Harvey, Catherine Robinson

ILPA representatives attended meetings and discussed developments with a wide range of organisations (some of them also ILPA members) as part of a wider programme involving ILPA members spanning influencing work, training and support. These *included* Administrative Law Bar Association, Advice Network South West, Advice Services Alliance, AIRE Centre, Amnesty International, Anti-Trafficking Legal Project, Anti-Trafficking Monitoring Group, Anti-Slavery International, Asylum Rights Campaign Detention Subgroup, Association of Charitable Foundations, Association of Visitors to Immigration Detainees, Asylum Aid, Bail for Immigration Detainees, The Bar Council, Baring Foundation, Bates Wells and Braithwaite LLP, Bindman's LLP, Bingham Centre for the Rule of Law, Blackstone's Chambers, British Academy, British and Irish Legal Information Institute, British Refugee Council, Bureau for Investigative Journalism, Care, Chagos Refugees Group, Chatham House, Citizens UK, Cities for Sanctuary, COMPAS, Coram Children's Legal Centre, Counter Human Trafficking Bureau, Detention Action, Doctors of the World, Doughty Street Chambers, Ealing Law Centre, Eaves for Women, ECPAT UK, Electronic Immigration Network, Entitlement Working Group, European Network on Statelessness, Free Movement Blog, Garden Court Chambers, Greater Manchester Immigration Aid Unit, Helen Bamber Foundation, Housing Law Practitioners' Association, Irish Refugee Council, Islington Law Centre Migrant Children Legal Unit, Alliance, Kalayaan, Joint Council for the Welfare of Immigrants (including Movement Against Xenophobia), Joseph Rowntree Charitable Trust, JUSTICE, Justice Alliance, The Law Society, Law Centres Network, LawWorks, Legal Action Group, Legal Aid Practitioners' Group, Legal Voice, Leigh Day and Co., LexisNexis, London Legal Walk, London Migrant Voices for Change network, London School of Economics, Matrix

Chambers, Low Commission, Medact, Medical Justice, Migrant's Law Project at Islington Law Centre, Migrants Rights Network, Mind, National Aids Trust, National Pro Bono Centre, No Resource to Public Funds Network, Permits Foundation, PILnet, Praxis, Prisoners Abroad, Prisoners of Conscience Fund, Project for the Registration of Children as British Citizens, Public Interest Lawyers in NGOs (PLINGO), Public Law Project, Refugee Action, Refugee Council, Refugee and Communities Forum of East London, Redress Trust, Refugee Law Initiative, Rights of Women, Scottish Refugee Council, Society of Legal Scholars Southall Black Sisters, The Bureau Investigates, The Children's Society, Tilburg University, Trafficking Law and Policy Forum, Trust for London, Unbound Philanthropy, University of Law Pro Bono Unit, University of Middlesex, University of Westminster, Welsh Refugee Council, Wilson's solicitors LLP.

The Access to Justice, Detention and Asylum Fast Track subcommittees and ILPA staff used the Refugee Legal Group to disseminate information of interest to its users. We are also grateful to Colin Yeo of Garden Court's free movement blog and forum for highlighting ILPA's work.

In addition to the conferences described above, ILPA representatives were speakers at the following conferences, again, often as part of a wider programme of work:

- Asylum Support Appeals Project annual destitution day and Annual General Meeting 5 December 2013; Alison Harvey
- Detention Advice Service conference 16 December 2013; Alison Harvey
- Detention Action meeting in parliament 21 January 2014; Alison Harvey
- Movement Against Xenophobia conference (workshop leader) 15 March 2014; Alison Harvey (workshop leader)
- Medact meeting on the Immigration Bill 25 March 2014; Alison Harvey
- Baring Foundation meeting on legal aid cuts and paying for services 22 May 2014; Alison Harvey
- Presentation to Association of Charitable Foundations 15 October 2014; Alison Harvey
- JUSTICE Annual Human Rights Conference 20 October 2014; Alison Harvey (workshop chair)
- Matrix Chambers' Immigration Round Table 12 November 2014; Alison Harvey (speaker)

Responses and submissions

In addition to the parliamentary briefings described above and the information disseminated through the Information Service, ILPA wrote the following formal responses, submissions and letters this year. Many of these are enormous documents involving many weeks of research. The publication of draft versions of our responses has assisted in ensuring that we influence and support the submissions of others.

1. Response to Home Office targeted consultation on immigration and visa charging principles, December 2013
2. Response to the Solicitors' Regulation Authority consultation on file retention, December 2013
3. Response to Senior President of Tribunals consultation on proposed amendments to the First Tier Tribunal (Immigration and Asylum Chamber) Chamber President's direction regarding use of non-legal members in the First-tier Tribunal (Immigration and Asylum Chamber) and the Upper Tribunal (Immigration and Asylum Chamber), January 2014
4. Response to the Ministry of Justice Consultation Court fees: proposals for reform, January 2014
5. Comments to the Bar Standards Board on pupillage checklist for immigration, 14 January 2014
6. Response to Home Office consultation on Detention of Persons with Mental Health Issues, March 2014
7. Response to Department for Education consultation on Care for unaccompanied and trafficked children, March 2014

8. Letter to Jason Latham, Deputy Director of Tribunals, Her Majesty's Courts and Tribunals' Service re Fundamental Review of the First Tier Tribunal, 27 March 2014
9. Comments to the Bar Standards Board on the pupillage checklist for immigration, 2 April 2014
10. Letter to the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment re the Committee's report to the United Kingdom following its visit on 17-28 September 2012, 11 April 2014
11. Letter to Naomi Hatton, Operational Policy and Rules Unit, Immigration and Border Policy Directorate, Home Office, re Application Forms when making an application for further discretionary leave to remain (having never claimed asylum), 14 April 2014
12. Freedom of Information request to Public Health England requesting a copy of its response to *Sustaining services, ensuring fairness and to Controlling Immigration*, 15 April 2014
13. Comments to Home Office on revised LGB Asylum Instruction, June 2014
14. Comments to European Operational Policy Team, Home Office re EEA application forms, 12 June 2014
15. Letter to Michal Meduna, European Commission re recent changes to the Immigration (European Economic Area) Regulations 2006, 16 June 2014
16. Further comments to European Operational Policy Team, Home Office re EEA application forms, 3 July 2014
17. Comments on Home Office revision of asylum guidance on assessing credibility, July 2014
18. Response to National Audit Office consultation on changes to legal aid, 21 July 2014
19. Response to Treasury Solicitors' consultation on proposed pro-forma for pre-action judicial review in immigration cases, July 2014
20. Letter to Legal Aid Agency re legal aid for refugee family reunion, 23 July 2014
21. Immigration Law Practitioners' Association response to the National Referral Mechanism review call for evidence, endorsed by the Anti-Trafficking Legal Project, 31 July 2014
22. ILPA to Legal Aid Agency re legal aid for refugee family reunion, 8 August 2014
23. Evidence to Home Office on the National Referral Mechanism, August 2014
24. Comments to Home Office on the draft immigration rules pertaining to administrative review, August 2014
25. ILPA to Legal Aid Agency re Upper Tribunal Assessments, 8 September 2014
26. Response to Home Office consultation on new Family Tracing policy, Statement of Evidence Form and Unaccompanied Children's Arrival Pro-forma, October 2014
27. Letter to the Tribunal Procedure Committee re the implications of the Tribunal Procedure (First-tier Tribunal) (Immigration and Asylum Chamber Rules) 2014 for fees, 22 October 2014.
28. Letter to the Director of Complex Casework, Home Office, re Applications for extensions of further leave granted under the legacy scheme, 22 October 2014
29. Response to the Civil Procedure Rule Committee's Consultation on a pre-action protocol for judicial review, 9 November 2014
30. Response to the Home Office consultation on the introduction of a pro forma in pre-action judicial review cases, 9 November 2014
31. Letter to the Home Office Freedom of Information Unit, request for instructions issued by the European Operational Policy Team, 10 November 2014
32. Letter to the Tribunal Procedure Committee re calculation of time under the Tribunal Procedure (First-tier Tribunal) (Immigration and Asylum Chamber Rules) 2014 (SI 2014/2604 (L.31)), 12 November 2014
33. Evidence to the Chief Inspector of Borders and Immigration's enquiry into illegal working, 13 November 2014
34. Response to the Home Office Triennial Review of the Office of the Immigration Services Commissioner, 14 November 2014

ACCESS TO JUSTICE SUBCOMMITTEE REPORT

The onslaught on access to justice for migrants, a leitmotif of recent reports of this subcommittee, has continued with force throughout 2014. Although the full impact of some of the proposed changes has been tempered through significant victories in the courts, the momentum for procedural change has been relentless.

At the centre of the changes are the appeals provisions of the Immigration Act 2014. The Act gained royal assent on 14 May 2014 and an indication was given that its appeals provisions would be brought into force in October. Section 15 of the Act 2014 repeals and replaces sections 82, 83, 83A and 84 of the Nationality, Immigration and Asylum Act 2002, essentially removing a right of appeal save where a ‘human rights claim’ or “protection” claim is made. However, so far these provisions have only been brought into force in respect of two groups of migrants. As of 20 October 2014, therefore, practitioners have had to contend with two concurrent sets of appeals regimes, both of which originate from the same provisions of the Nationality, Immigration and Asylum Act 2002 Act and share the same numbering but operate differently for different groups.

The changes to the appeals provisions of Nationality Immigration and Asylum Act 2002 mean that some decisions that previously had a right of appeal will under the Immigration Act 2014 will be challengeable only by what is termed ‘administrative review’: the Home Office’s internal review system, or by judicial review. Following consultation on draft rules, the provisions on administrative review are now located in the Immigration Rules.

The phased commencement of the appeals provisions of Immigration Act 2014 means that the full effect of the changes has yet to be felt. It is unclear when (if at all) the Immigration Act 2014 appeals provisions will be introduced in their entirety. If and when they are, the number of judicial reviews is set substantially to increase. These will primarily be commenced in the Upper Tribunal since the transfer effective from 1 November 2013 of ‘immigration judicial reviews’ from the High Court. There remain few reported determinations of judicial reviews in the Upper Tribunal, but in *R (Kumar) v SSHD* [2014] UKUT 104, the Upper Tribunal followed *R (Singh et ors) v SSHD* [2013] EWHC 2873 in the High Court in setting out how it will deal with the Home Office’s routine failure to provide an Acknowledgement of Service in a timely manner.

Where the effects of Immigration Act 2014 on access to justice have already been felt, however, is in relation to those facing deportation. On 28 July 2014, s 94B of the Nationality, Immigration and Asylum Act 2002 as amended by the Immigration Act 2014 entered into force. The new power permits the Secretary of State to certify any appeal against deportation, including, by amendment to the Immigration (European Economic Area) Regulations 2006 (SI 2006/1003), European Union cases, with the effect that any appeal must be brought from outside of the UK. The certification power may be used where the Secretary of State is of the view that removal during the appeals process would be consistent with the Human Rights Act 1998 and in particular where she thinks there is no real risk of serious irreversible harm faced by the deportee. Guidance has been published on both EU and non-EU cases. The use of the power was limited during an initial phase to cases where the individual was over the age of 18 at the time of the deportation decision and he or she did not have a genuine and subsisting relationship with a dependent child or children. The first phase of implementation ended on 17 October 2014 and lifted the initial limits on the application of the certification power. The updated Guidance provides examples of where a deportation would meet the ‘serious irreversible harm’ test on Article 8 grounds. These are very limited in scope. The power means in practice destroying families and removing people from the country where they have lived for most, even all, of their lives before an independent tribunal has had the opportunity to consider the proportionality of doing so. Given the extremely restrictive approach the Home Office takes to

Article 8 in such cases, the implications for access to justice, let alone private and family life, are potentially devastating. The only remedy where a case is certified under s 94B is judicial review.

In tandem with the first phase of the appeals commencement of Immigration Act 2014, on 20 October the new procedure rules for the First-tier Tribunal entered into force. These repealed and replaced the previous First-tier Tribunal procedure rules and separate detained fast track procedure rules in one instrument. There have been changes to the rules for calculating time, time limits and, significantly, a new costs power for unreasonable conduct is introduced for the tribunal to make of its own initiative or on the application of a party.

There have been some important victories in the courts in the area of access to justice in the summer of 2014. In July, Detention Action was successful in its judicial review *R (Detention Action) v SSHD* [2014] EWHC 2245 and [2014] EWHC 2525 of the detained fast-track process. Ouseley J found that the detained fast-track as it was operating prior to the judgment was unlawful as it carried an ‘unacceptable risk of unfairness’. There were also significant judicial victories in the area of legal aid: in *R (Gudanaviciene & Others) v Director of Legal Aid Casework & Lord Chancellor* [2014] EWHC 1840 (Admin) and in *R (Public Law Project) v Secretary of State for Justice* [2014] EWHC 2365, as detailed in the Legal Aid subcommittee report. However, other changes relating to legal aid have been brought into force. On 22 April 2014 the Civil Legal Aid (Remuneration) (Amendment) (No 3) Regulations (SI 2013/607) took effect. They provide that the Lord Chancellor (or the Legal Aid Agency in practice) will not pay for work on applications for judicial review if permission to bring proceedings is refused. For cases concluding prior to permission stage, payment will only be made if it is considered ‘reasonable’ to do so. This is likely to have a significant chilling effect on access to judicial review.

The government has also sought to restrict access to judicial review through the Criminal Justice and Courts Bill 2014, introduced into the House of Commons on 5 February 2014. The Bill includes proposals limiting the circumstances in which Protective Costs Order may be made and requiring interveners to fund their own costs as well as costs other parties may incur as a result of the intervention. On 30 October 2014, as described in the Secretariat’s report, the government was defeated in the House of Lords on certain elements of the proposals.

ILPA has worked tirelessly on the access to justice provisions of Immigration Act 2014 and the Criminal Justice and Courts Bill. There have also been a number of consultations in the area of access to justice to which ILPA has responded. These include proposals for the use of lay members in the First-tier Tribunal (Immigration and Asylum Chamber), a consultation on court fees, Home Office consultations on the new administrative review powers, and consultations by the Home Office and Civil Procedure Rules Committee on the pre-action protocol for judicial review. ILPA also took part in the preparation of the Report of the Fundamental Review of the First-tier Tribunal (Immigration and Asylum Chamber) which was issued first on 21 February 2014 and re-issued in April following editing to ensure ILPA’s views were not misstated.

ILPA has continued to engage with the Tribunal, senior courts and the Home Office in efforts to improve access to justice. We have attended the Tribunal’s Joint Stakeholder Meetings, the Administrative Court Office User Group meetings, the Administrative Justice Forum as well as ad hoc meetings arranged by the Courts and Tribunals Service.

In November 2013 Alison Pickup stood down as co-convenor of the Access to Justice subcommittee. ILPA is grateful to Alison for her expertise and all her work for the sub-committee.

Convenor: Rowena Moffatt

CHILDREN SUBCOMMITTEE REPORT

The Children subcommittee did not meet in person during 2013/14, although the January meeting of the Legal Aid subcommittee looked specifically at the campaign to reinstate all legal aid for children, including in immigration. As detailed above, the Secretariat and members are actively involved in issues relating to children's immigration law and represent ILPA at groups and forums including the National Asylum Stakeholder Forum Children subgroup, the Refugee Children's Consortium and the Advisory Board of the Children's Commissioner for England. Alison Harvey represented ILPA on the Advisory Board of ECRE's Right to Justice research into the quality and availability of legal advice to unaccompanied children in seven European countries.¹

ILPA has led the lobbying work related to legal aid and age-disputed young people in the Modern Slavery Bill, which at the time of writing has just entered the House of Lords. ILPA also submitted a response to the review of the National Referral Mechanism, much of which is relevant to children.

The Home Office published two country-specific family tracing instructions in January, relating to children from Albania and Bangladesh.² It has not yet issued its revised instructions relating to asylum applications from children, although in September produced a draft family tracing instruction for informal consultation through the National Asylum Stakeholder Forum children subgroup. At the same time it finally issued a draft pro forma which is intended to be used for children who claim asylum at port or after being discovered having entered the UK clandestinely. The Home Office also proposes to amend the Statement of Evidence Form submitted by children. Comments have been submitted on all three documents through the Refugee Children's Consortium and we await further discussion with Home Office officials relating to these.

We also anticipate further communication with the Home Office on a process and guidance to assess the best interests of children, in particular as it was promised in the government response to the Joint Committee on Human Rights in February. It was one of the few recommendations accepted by the government.³ UNICEF and UNHCR published their guidance on establishing the best interests of children in October.⁴

Materials from the CONNECT project, mentioned in the Secretariat's report above, may be of interest to members; a mapping report and toolkit relating to improving the cross agency working with unaccompanied migrant children. The UK element of the project focused on judicial processes.⁵

Co-convenors: Baljeet Sandhu and Judith Dennis

¹ Right to Justice: Quality Legal Assistance for Unaccompanied Children, see (accessed 19 November 2014) <http://www.ecre.org/component/content/article/63-projects/325-right-to-justice.html>

² Identity checking and family tracing via the Albanian authorities: instruction, 31 January 2014 and Family tracing assistance from the FCO in Bangladesh: instruction 3 February 2014 available from <https://www.gov.uk/government/collections/children-asylum-instructions> (accessed 19 November 2014).

³ The Government Response to the First Report from the Joint Committee On Human Rights Session 2013-14 HL Paper 9 / HC 196: Human Rights of unaccompanied migrant children and young people in the UK Presented to Parliament by the Secretary of State for the Home Department by Command of Her Majesty February 2014 (accessed 19 November 2014)

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/279104/UnaccompaniedMigrantMinors.pdf

⁴ *Safe and Sound: what States can do to ensure respect for the best interests of unaccompanied and separated children in Europe*, October 2014, <http://www.refworld.org/pdfid/5423da264.pdf>

⁵ Project resources are available from <http://www.gardencourtchambers.co.uk/events/working-together-to-ensure-the-protection-and-reception-of-unaccompanied-children-in-europe/> (accessed 19 November 2014).

DETENTION AND ASYLUM FAST TRACK SUBCOMMITTEE REPORT

It has been another busy year for practitioners working with people in immigration detention, with significant legislative and policy changes affecting detainees and a steady stream of case law illustrating the Home Office's continuing disregard for human rights and the rule of law. There has also been increased political interest, with an All Party Parliamentary Group convening an inquiry into the use of immigration detention in the UK.

In a report published in January 2014, Her Majesty's Chief Inspector of Prisons reported on the case of Alois Dvorzac, an 84 year old Canadian man with dementia, who died whilst in immigration detention under escort at Hillingdon Hospital after being restrained in handcuffs for five hours. The report commented "a lack of intelligent individual risk assessment" in the use of restraints during escorted visits to hospital, with the result that "most detainees were handcuffed on escort and on at least two occasions, elderly, vulnerable and incapacitated detainees.... were needlessly handcuffed in an excessive and unacceptable manner", describing these as "shocking cases where a sense of humanity was lost". The Home Office, which is required to authorise the use of restraints, was on notice of the inappropriate and unlawful use of restraints on detainees receiving medical treatment: in 2012 the High Court had found the prolonged restraint of an Algerian man under escort at Hillingdon Hospital to breach article 3 ECHR (*FGP v Serco and SSHD* [2012] EWHC 1804).

In July 2014, an inquest jury delivered a verdict that Brian Dalrymple, a severely mentally ill US citizen, died as a result of natural causes contributed to by neglect. Mr Dalrymple suffered from schizophrenia and hypertension and arrived at Heathrow with a visitor's visa and was refused leave to enter because his behaviour was considered "odd". A Chief Immigration Officer had significant concerns about Mr Dalrymple's mental health and made repeated requests to the Home Office unit at Harmondsworth for a psychiatric assessment to be carried out. No psychiatric assessment was carried out, despite the evident deterioration in Mr Dalrymple's mental health, and his capacity was not considered when he refused to accept life- saving medication for hypertension.

As at the date of last year's AGM, there had been four instances where the High Court had found the immigration detention of mentally people to breach Article 3 of the European Convention on Human Rights. 2014 has seen two further cases: *R (S) v SSHD* [2014] EWHC 50 (Admin) and *R (MD) v SSHD* [2014] EWHC 2249 (Admin). In the latter case, an uneducated woman with a learning impairment who arrived at Heathrow from Guinea with a valid family reunion visa was detained after she was unable to give coherent answers to immigration officers' enquiries. She was detained for 17 months, with her deteriorating mental health and acts of self- harm consistently characterised by the Home Office as non-compliant behaviour and responded to with restraint, usually by male guards, and the use of segregation.

The Home Office commissioned a review from independent consultants, the Tavistock Institute, into "mental health issues in UKBA Immigration Removal Centres", an important objective of which was "to reduce and eliminate situations of the Courts criticising the Home Office on the grounds of Article 3 violations". ILPA attended a meeting in October 2013 but there is still no sign of a report. In January 2014, the Home Office circulated a document, including ILPA, announcing that it was conducting an equality impact assessment into its policy on the detention of the mentally ill. Practitioners will recall that the Home Office had agreed to carry out such an exercise as long ago as December 2010 (letter from Alan Kittle in response to a letter from ILPA of October 2010) and had *undertaken* to do so as long ago as March 2012 (*R (HA (Nigeria)) v SSHD* [2012] EWHC 979 (Admin)). ILPA prepared a response in March and has heard nothing further.

There have been other significant victories over the last year, notably Detention Action's achievement in persuading Ouseley J to declare that the Home Office has been operating the detained fast track process unlawfully (*R(Detention Action) v SSHD* [2014] EWHC 2245 (Admin) and [2014] EWHC 2525 (Admin)). It was evidence from practitioners that the process was not being operated with sufficient flexibility and fairness to allow conscientious lawyers to do their jobs properly which tipped the balance. Unfortunately, the court declined to grant the relief sought by Detention Action, namely a suspension to the process whilst the Home Office took steps to remedy the unfairness identified. Practitioners will play a central role in ensuring that the Home Office complies with the judgment and in ensuring that asylum seekers are not prejudiced by what continues to be a fundamentally unfair process.

In *R (Francis) v SSHD (Bail for Immigration Detainees Intervening)* [2014] EWCA Civ 718 the Court of Appeal rejected the Home Office's argument that certain statutory powers of immigration detention operate as a mandate for detention such as to preclude an action for false imprisonment. Whilst in some respects not altogether satisfactory, the judgment reaffirms the primacy of the *Hardial Singh* principles as protection for detainees against arbitrary detention, finding that breach of the principles entitled Mr Francis to compensatory damages for a lengthy period of unlawful detention.

The Immigration Act 2014 introduces significant changes affecting immigration detainees. In addition to the odious restrictions on appeal rights, particularly in deportation cases concerning foreign national offenders, the Act introduces significant restrictions on detainees' rights to apply for bail (requiring refusal, absent a change in circumstances, of "repeat" applications and a provision requiring the Secretary of State's consent to bail if a person is due to be removed within 14 days). Additionally, there can be no doubt that the effect of the provisions relating to residential tenancies, once rolled out, will in practice make it ever harder for detainees to obtain release. There are some progressive measures, with the Coalition government's much-vaunted family returns process placed on a statutory footing (and a seven day limit on the detention of families and only in "pre-departure accommodation" enshrined in legislation) and restrictions on the detention of unaccompanied children (including a maximum period of 24 hours and only at short-term holding facilities at port).

In July 2014 the All-Parliamentary Groups on Refugees and Migration launched an inquiry into the use of immigration detention in the UK. ILPA contributed a written submission and Kay Everett gave oral evidence on behalf of ILPA at a session on 6 November 2014. There is a separate inquiry initiated by Bedford Council into healthcare at Yarl's Wood, following widespread allegations of sexual abuse and sub-standard healthcare at the detention centre.

Co-convenors: Pierre Makhlouf, Kay Everett, and Jed Pennington (from May 2014)

ECONOMIC MIGRATION SUBCOMMITTEE REPORT

This subcommittee met nine times during 2013-14, and attendance by members has been excellent. The key issues addressed over the year are as follows:

Business User Forum

In addition to the matters set out below as regards the activities of the Economic Migration Subcommittee, representatives of the subcommittee attended the Business User Forum in the attempt to hold the Home Office to account in respect of numerous proposed improvements as follows:

1. Requiring the case working letters to be technically accurate and professional;
2. Requiring the staff on the call centres to adhere to previous agreed protocols regarding access to up-to-date and accurate information rather than merely saying that the matter was in a queue and that no communications will be entered into until 6 months had passed;
3. Inviting UK Visas and Immigration I to give “customers” greater access to caseworkers for advice or where further documentation were required to avoid unnecessary rejections;
4. Encouraging UK Visas and Immigration to clarify the activities business visitors can undertake. This has directly resulted in the Immigration Rules being changed, in draft form at present.

Some measures with which the Business User Forum engaged have resulted in changes in practice.

Changes to Entry Clearance Applications

A significant change to entry clearance/visa applications during the last year has been the introduction of a new online visa application form. Members experienced many teething problems with the new forms, and many problems still persist, although there is no denying that they are certainly much prettier than the old forms. Members are encouraged to report any problems or discrepancies, either through the Operational Forum or the Visa4UK webmaster.

Another significant development has been the expansion of the list of countries to whom the Tuberculosis testing requirement is applied. We are now at a point where the overwhelming majority of applicants will now require a TB test before submitting their visa application, although members may not be surprised at the countries, such as the USA, Canada, Australia and Japan, which are still absent from that list.

There have also been extensions of the “submission without passport” and “passport pass-back” schemes (there is a difference, apparently!) in some countries.

New Code of Practice on Preventing Illegal Working

In May 2014 a new Code of Practice for employers on preventing illegal working came into force. The new Code of Practice has reduced the number of documents that employers may accept. Additionally, although the much despised requirement to carry out annual checks has been dropped, this has been replaced with a requirement to carry out checks on expiry of a foreign national’s leave to enter/remain, coupled with a far more complicated verification process where that individual has an application or appeal outstanding at that time. The baffling requirement to copy the front cover of passports has finally been dropped. Also worth noting is that the maximum civil penalty for employing an illegal worker has been increased from £10,000 to £20,000.

Genuineness Test

Last year we reported the introduction of more subjectivity into the no-longer-objective Points-Based System. This has developed further this year with the introduction of a “genuine vacancy” requirement in the Tier 2 (General) and Tier 2 (Intra-Company Transfer) categories. Entry Clearance Officers and caseworkers in-country will now be able to refuse applications where, for

example, there are reasonable grounds to believe that the job described by the sponsor does not genuinely exist, has been exaggerated to meet the skills threshold, or where there are reasonable grounds to believe that the applicant is not qualified to do the job. Members practicing since before the introduction of the Points-Based System will recall that there was a similar “genuine vacancy” requirement under the Work Permit arrangements – *plus ça change, plus c’est la même chose*.

Changes to the Tier 1 (Investor) and Tier 1 (Entrepreneur) categories

The long-awaited changes to the Tier 1 (Investor) visa route were finally implemented in the October Statement of Changes (HC 693). No real surprises were contained as most of them had been recommended by the Migration Advisory Committee, including the increase of the financial threshold to £2 million, all of which (instead of only 75%) must now be invested in qualifying investments, and the removal of the ‘topping-up’ rule, that penalised investors twice in the event of a sustained drop in the stock market. Also removed is the loan route. The Migration Advisory Committee made a number of recommendations on how to widen the class of qualifying investments to bring more targeted economic benefit to the UK, but the Government did not grasp the nettle, instead saying that there will a formal consultation on this specific aspect of the rule ‘in due course’. Whether this will happen before the forthcoming election is anyone’s guess.

The only surprise was the inclusion of the power to refuse if the Entry Clearance Officer has reasonable grounds to believe that:

- the applicant is not in control of and at liberty to freely invest the money, or
- any of the money has been acquired by unlawful means, or,
- where the money has been made available by another party, the character, conduct or associations of that party are such that approval of the application would not be conducive to the public good.

In other words, the Entry Clearance Officer can now go behind the ‘specified documents’ and look at the source of the funds. We await to see how objective the Entry Clearance Officers will be in concluding that they have reasonable grounds for any such beliefs.

As for the Tier 1 (Entrepreneur) visa route, it has been a tale of constant tightening of the rules, notwithstanding having achieved a refusal rate of two-thirds by means of the ‘genuine entrepreneur’ test. Some of the changes were technical but most were driven by the desire to clamp down on abuse (real or perceived). In March 2014 the rules were tightened to tackle ‘heavy abuse’ of the route. In July further changes were introduced without the usual 21 days’ notice because they were ‘required urgently to counter abuse’ and needed ‘to come into force immediately to avoid a surge in abusive applications by those seeking to apply before the changes come into effect.’ In these changes in-country switching was severely restricted to counter the ‘large numbers of applications [*that were*] associated with organised attempts to obtain leave to remain by fraud.’ One is left wondering whether the Tier 1 (Entrepreneur) route will go the way of the Tier 1 (General) route because it is attracting ‘the wrong kind of migrant’.

Recent subcommittee meetings have become an excellent forum for sharing knowledge, experiences and ideas. We would like to express our gratitude to all those who have participated and devoted a huge amount of time to these tasks. We would also like to thank the ILPA Secretariat for their continued support of the subcommittee.

Co-convenors: Philip Barth, Tom Brett Young and Philip Trott

EUROPEAN SUBCOMMITTEE REPORT

This subcommittee met regularly throughout the 2013/14 year at approximately four – six- week intervals. Attendance at meetings has been in the range of seven – 15 people at each meeting with a diminution in turn-over of participants from the preceding year.

The year has been eventful, not only with a new directive from the Commission, but also three sets of changes to the EEA Regulations (the UK implementing measures) and a host of judgments from the Court of Justice of the European Union on the rights of EU citizens and their family members.

Third country national family members of EEA nationals residing in the UK

The position of third country national family members of EU citizens exercising free movement rights in the UK continued to be of substantial concern. The Upper Tribunal has made a further reference to the Court of Justice of the European Union on the situations of British nationals with third country national family members and the application of citizenship of the Union to them (the so-called *Zambrano* cases) – CS C-304/14. At the time of writing, a number of other cases are pending which engage citizen's rights to move and reside. Two decisions of the Court of Justice of the European Union in April 2014 have provided substantial food for thought. The first, *O & B C-456/12*, develops the case law on citizens who after living in another Member State, return with their third country national family members to their home state (the *Surinder Singh*, Case C - 370/90, rule). The Court of Justice of the European Union found that so long as the exercise of the right was genuine, the reason why the family move and reside is irrelevant. Further, The Court found that the key difference between visiting and living in another Member State (the first not providing the right to return home with your family members, the second being the basis of such a right) is to be found in the length of time and activities of the EU national in the host state. Unless the EU citizen is already working or self-employed in the host Member State then the first three months may be considered time as a tourist while residence and economic activity after three months, so long as it is genuine, allow the family to move to the home Member State. The second decision *S&G C-457/12* decided on the same day deals with the EU citizen who stays in his or her home Member State and works across borders (the *Carpenter*, C-60/00, type of case). Here the Court of Justice of the European Union again confirmed that where the EU citizen works in another Member State (on the facts the individual spent 30% of his working time preparing for or travelling to, working in and coming home from another Member State) then he or she can rely on the Treaty free movement rights for family reunification. In both cases the Court held that although Directive 2004/38 is not applicable it should be applied by analogy.

However, by the time the two judgments were handed down, the UK authorities had changed national law to insert into the EEA regulations a series of integration test requirements in *Surinder Singh* type, which new requirements are inconsistent with the Court of Justice of the European Union findings. ILPA has requested a change of the Regulations to reflect correctly the law.

EEA Regulation Changes

The subcommittee has been very busy this year dealing with various changes to the EEA regulations. At the time of writing notwithstanding our repeated requests a consolidated version of the regulations is not yet available from the Home Office. The subcommittee prepared a very detailed note on the changes which came into force on 1 January 2014 (Immigration (European Economic Area) Regulations 2006 (SI No.1003)). Among the problems with these regulations, in addition to the issue raised above are the diminished access to social benefits (in particular Job-Seekers Allowance) for EU citizens moving to the UK. Those most affected by the changes are those in casual and precarious employment. The Immigration (European Economic Area) (Amendment) Regulations 2014 (SI 2014/1451) came into force on 1 July 2014. The objective of

these changes were benefits-related and provided that where a jobseeker or retained worker has previously enjoyed a right to reside in that capacity for six months, it will only be possible to enjoy jobseeker status following a period of absence from the United Kingdom. A former jobseeker or retained worker who has been absent from the United Kingdom for less than 12 months may only enjoy a period of jobseeker status if they are able to provide compelling evidence of a genuine prospect of engagement from the outset. A former jobseeker or retained worker continuously absent from the United Kingdom for more than 12 months will be able to enjoy a fresh period of residence as a jobseeker without being subject to the “compelling evidence” from the outset. The Immigration (European Economic Area) (Amendment) (No 2) Regulations 2014 (SI 2014/1976) entered into force on 28 July 2014 and for the first time provide for non-suspensive appeals for EU citizens. Most recently, the Immigration (European Economic Area) (Amendment) (No 3) Regulations 2014 (SI 2014/2761) reduce further access to benefits for EU workers in the UK.

Comprehensive Sickness Insurance

One of the issues which has become increasingly problematic for EU citizens and their third country national family members is the Home Office’s application of the rules on comprehensive sickness insurance. In addition to seeking to apply the requirement as widely as possible, the Home Office has become increasingly fussy about what it will accept as documentation proving that a family has comprehensive sickness insurance. A number of challenges have been made in the social security tribunal and the European Commission has launched an infringement proceeding against the UK which (*inter alia*) challenges this.

The Right to Work

The Home Office has applied employer sanctions in such a way that the third country national family members of EU citizens are not properly protected regarding their right to work. When families make applications for residence cards or permanent residence cards, third country national family members are increasingly receiving negative decisions on their right to work pending the issue of the cards. Where an employer seeks advice from the employers’ help line on whether they can continue the employment of such persons they are receiving negative advice. The consequence is that third country national family members are suffering loss of employment and income. The subcommittee formed the view that this action is contrary to the Directive and that actions for damages for loss of income may be appropriate.

Meetings/Consultation with the Home Office and Submissions to Parliament

Members of the subcommittee went to Brussels to brief the European Commission on problems which EU citizens are encountering in accessing their rights in the UK.

Information and Updating

The subcommittee has produced the quarterly European Update and once again we thank Professors Steve Peers and Kees Groenendijk for their really helpful work providing us with the legislative updates and updates on the EC Turkey jurisprudence.

Join the Subcommittee

The subcommittee is only as strong as its members. We encourage anyone interested in EU law to come forward and join the EU subcommittee.

Co-convenors: Alison Hunter and Elspeth Guild

FAMILY AND GENERAL IMMIGRATION SUBCOMMITTEE REPORT

The Family and General Immigration subcommittee has met six times since the last AGM. Our work continued to focus on the consequences of the 9 July 2012 immigration rule changes (HC 194) and on the passing and implementation of the Immigration Act 2014, which have had such serious consequences for couples and families. The removal of legal aid from all family and most deportation matters, together with the Home Office's continual redefinition of its views on Article 8 of the European convention on Human Rights and the inconsistencies in dealing with European-related family applications have added to the problems faced. We have also been involved in ILPA's campaigning on the Bill which became the Immigration Act 2014 and on family matters and in responses to the Chief Inspector's calls for evidence and Home Office consultations on visitors and on administrative review and have drafted letters on specific practical issues.

Family rules and decisions

The 9 July 2012 rules, HC 194, and their several subsequent amplifications, continue to create problems and confusion for many applicants and advisers. The evidence required under Appendix FM-SE in relation to spouses is inordinately complicated, in particular in relation to business and self-employed people. Entry clearance refusal decisions seem to be made on increasingly petty grounds, such as the last sponsor's pay slip being dated 28 March 2014 and the application being made on 2 May 2014, and appeals are taking longer to be heard, while fresh applications entail paying another large fee.

The legal challenge to these rules, *MM*, dragged on; the Court of Appeal heard the case on 4 and 5 March 2014 but the judgement, *R (MM & Ors) v SSHD* [2014] EWCA Civ 985, was delayed until 11 July 2014. *MM* was still awaiting the outcome of an application for legal aid to go to the Supreme Court at the time of writing. In August the Home Office at last began to consider the cases of well over 3500 people which had been 'paused' pending the decision. Many couples and families, particularly in entry clearance cases, had not understood what was going on, and had not responded to holding letters, often quoting the incomprehensible provisions of Appendix FM-SE, sent to the applicants about further evidence they could provide in support of their application, so were shocked to get refusals during the autumn, perhaps 18 months after they had applied.

Cases where the sponsor is claiming a listed disability benefit have also been complicated, when it comes to providing the specific type of evidence required to show the claim. The Home Secretary has instructed caseworkers to use the current definition in the immigration rules of Article 8 of the European Convention on Human Rights when deciding any deportation cases on which this has a bearing, and that no case law before this Year Zero should be quoted in refusal letters. This has led to excessively long and complex refusal letters but not to any more justice. It remains to be seen how the Tribunals and the courts will react to this instruction.

The only way to get 'the real Article 8' considered is thus through appeals. But when an application is refused without the right of appeal, it may under the current appeals regime be years before the Home Office makes any removal decision, leaving people and families in the limbo of the hostile environment even when it appears likely that getting the case before a Tribunal might have a positive outcome.

The eventual implementation of the *Ruiz Zambrano* (C-34/09) decision was by amendments to the EEA regulations, creating 'derivative residence permits' which came into effect from 12 November 2012. Such permits allow the holder to work but not to claim welfare benefits. Few have been issued and in at least one case where the permit was issued from abroad after an appeal and the applicant then applied for a permit in the UK, it was refused on exactly the same grounds which had

been demolished at her appeal. As most people are lone parents of young children, there are instances of real financial hardship for such families.

The rules providing that people applying under *Surinder Singh Case C -370/90* have to show that they have 'transferred the centre of their life' to the other EU country have deterred applicants and have led to bizarre decisions such as refusing EEA family permits because the applicants were aware of the law.

The rules on adult dependent relatives and their operation have discouraged many families from even trying. The JCWI's publication, *Harsh, unjust, unnecessary*, launched on 9 July 2014 in a Day of Action against the 2012 rules, shared stories of some of the few successes, always on appeal rather than from the Home Office in first instance. Together with BritCits and other campaigning groups, this helped to launch a campaign for change.

The higher level of English language required for settlement applications from 28 October 2013 surprised many applicants, and has meant that some people have been granted extensions of stay instead of settlement. The difference in the fees is not refunded. Others have applied for extensions, thus remaining restricted from access to public funds, or to student finance, for longer periods. Applicants for entry clearance are still at present able to rely on the A1 speaking and listening language level but some applications have been delayed because of the Test of English for International Communication (TOEIC) investigations.

The 2014 Act

Subcommittee members were involved at all stages in the briefing and campaigning around the Act, including on the citizenship provisions described in the Secretariat's report.

The creation of the 'hostile environment' as planned by the Home Secretary proceeds apace. The new provisions for giving notice of marriage were in force from 14 July 2014. The Driver and Vehicle Licensing Agency is writing to people whom the Home Office has told them do not have permission to remain in the UK to say that their driving licences are revoked and to ask them to be returned. It is not clear whether, if people are subsequently granted permission to remain, their driving licence will be reinstated or if they would have to take a new driving test. Several drafts of guidance for landlords and landladies have appeared on the Home Office website since September; there are currently draft Codes of Practice on the civil penalty and on avoiding unlawful discrimination in implementing the provisions. There will be a pilot of the scheme in the West Midlands (Birmingham, Walsall, Sandwell, Dudley and Wolverhampton) starting on 1 December 2014. ILPA members in those areas are asked to keep us informed of anything they hear about this in operation.

The Department of Health has issued new guidance on sharing information with the Home Office; there is evidence of the Home Office contacting the Department of Health or individual hospitals to ask them whether individuals have paid for treatment which has not been charged, and then proceeding to use the information for immigration refusals or as evidence in appeals. The Department of Health is planning the processes for charging for some primary health care.

The new 'administrative review' process came into force from 20 October 2014 and new immigration rules, HC 693, about this and other changes were published on 16 October. ILPA had responded to the Home Office limited consultation on this process with many criticisms and suggestions some of which were taken on board but it is still unclear how the process will work in practice. It is expected that family refusals will continue to attract appeal rights in the same

situations as they do now, and that the previously-existing administrative review of refusals of entry clearance where there is no right of appeal will continue unchanged, at least for the moment.

Home Office administration and delays

The subcommittee has had some effect with ongoing correspondence with the Home Office about several practical issues, pressing for improved administration. We have written about the problems with on-line application forms and the contradictory and repeated questions on them. It is now clear that fiancé(e)s may travel and return to the UK after marriage within the currency of their initial leave. The Home Office has confirmed in response to correspondence that when people were granted discretionary leave on a family, or non-asylum basis, then their extension applications must be made on Form FLR(O) or FLR(FP) (depending on whether the discretionary leave was granted before or after 12 July 2012) and the extension fee must be paid to make this application valid. This is very hard on large families coming up to settlement when the fee is £1093 per person and there are no longer with any reductions for children and dependants applying together. Only when the discretionary leave was granted after asylum had been refused, on an asylum-related basis, can Form DL, which does not have a fee, be used.

The transfer of the old UK Border Agency website on to the main government website was not without problems and it can still be hard to find particular documents, since the search facility covers the whole government website and brings up eclectic collections of documents, often mainly unrelated to the subject of the search. Members of the subcommittee participated in a Cabinet Office-facilitated consumer groups using the new website to feed in comments.

The subcommittee has pressed the Home Office over the years about the disproportionate effects on people of their applications being declared invalid, usually after their leave to remain had expired. This caused particular problems when the initial application was made before 12 July 2012 but the Home Office made the allegation of its inability to take the fee after 12 July, since the date of the fee being paid is the date of the application. HC 693 at last begins to address this as it enables the Home Office to contact an applicant or their representative in writing where a paper or online application for leave to remain is deemed to be invalid. In its correspondence, the Home Office may provide one opportunity for the applicant to correct any omission or error that makes the application invalid, within 10 working days, and the application will remain valid and in-time. The subcommittee will attempt to monitor the practical effects of the change.

‘Legacy’ still continues to be an issue. Judicial reviews of delays in cases, and of granting discretionary leave rather than indefinite leave, continued but have not been successful. The Parliamentary Home Affairs Select Committee continues to demand quarterly reports on progress. The Public Accounts Committee looked into the legacy and reported on 20 October 2014, at which date there were some 29,000 people’s cases still in ‘legacy’. Some 11,000 who had not even had an initial decision on an asylum application made before 2007 although this is promised by the end of 2014. Breath is not being held. The department dealing with these people’s cases is still called the Older Live Cases Unit, but for how long?

The Home Office continues to use Capita to send texts and write letters to people alleged to be in the UK without permission, to attempt to scare them and to persuade people to leave. The Home Office states that it, not Capita, makes the decisions, but there is often still confusion between them.

Students

New immigration rules revoking recognition of the Educational Testing Services Test of English for International Communication English language qualifications came into force from 1 July 2014 (HC 198). The Home Office investigation of some 48,000 individuals’ applications and certificates

to see whether they might have submitted forged documents in the past has added delays to deciding many students' cases and to massive uncertainty about the future and to the displacement of large numbers of students. Others have been stopped at a port of entry after travelling and have been detained, or given temporary admission, while their language qualifications are checked. Many are unclear about when they get the 60 days to look for a new sponsor.

The Home Office announced the suspensions of sponsor licences of 57 colleges and one university and suspended the Confirmation of Acceptance for Studies allocations of two more on 24 June 2014. Since then, there have been frequent changes to this list, when colleges have either given up their licences, or had them revoked, or restored, as in the case of the three universities. The very frequent changes of the Tier 4 register of sponsors add to the uncertainty for students.

The introduction of administrative reviews against refusals of Tier 4 applications made after 20 October 2014 means that there is little incentive for students to apply in time as they will get the same non-appeal if they apply within 28 days of the leave expiring. However the provision for s 3C leave only exists in relation to in-time applications. The existing confusion between this provision and applying in time for any later application on long residence grounds remains. It is unclear whether those who are considered to have fraudulently obtained Educational Testing Services certificates will have administrative review rights.

The 2010 change to remove eligibility for student finance from those without indefinite leave to remain has created hardship for many young people who have lived here for long periods and who had believed they were entitled to live and study here. ILPA members have supported young people in campaigning for changes in the regulations.

Join in!

Please do join us in our continuing work! The subcommittee has a core attendance of some 15-20 people but scores more are active in ILPA's responses and providing information for them and hundreds of members receive the emails – all are welcome to participate more.

Co-convenors: Pat Saini and Sue Shutter

IMMIGRATION OFFENCES SUBCOMMITTEE REPORT

The meetings over the last year have considered the implications for criminal deportation cases following the case of *SS (Nigeria)* [2014] EWCA (Civ) 550 and also the implications for practitioners involved in operation nexus appeals where the Secretary of State relies upon evidence of bad character issues including the identification of high harm individuals from unsubstantiated material that does not lead to criminal convictions.

A very useful meeting took place in the summer to consider the obligations on other actors within the criminal deportation regime, in particular the extent to which there exists a lacuna in the opportunity for a probation report or other information from the National Offender Management Service to be obtained where it is not being sought by the Secretary of State. In many cases this can have an impact not only in relation to the appeal but also in respect of questions of bail.

The changes to the deportation process brought about by the definition of "foreign criminal" for the purposes of new s 117D of the Nationality, Immigration and Asylum Act 2014, as well as changes to bail created by the restrictions on further applications for bail in the absence of a material change

of circumstances (with the question of what that would amount to in practice) as well as the power of veto open to the Secretary of State in a case where removal directions are in force are challenges which we anticipate the subcommittee will wish to keep under review if only to assist practitioners in understanding the extent to which these powers will be operated in practice.

Richard Thomas and Jawaid Luqmani continue to be the co-convenors with Jed Pennington undertaking a valuable liaison role within ILPA.

Co-convenors: Richard Thomas and Jawaid Luqmani

LEGAL AID SUBCOMMITTEE REPORT

The Legal Aid subcommittee took on a stronger campaigning role, encouraging members to support and participate in campaign work opposing the cuts to legal aid, as well as contributing to consultations and sharing information about the increasing complex legal aid funding regime. This year, firms have adapted to further funding restrictions, but this has also been the year that saw challenges being brought to restrictions already introduced or due to be implemented.

Meetings

The Legal Aid subcommittee has met twice since the last AGM, to discuss the impact of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 on children and young people (speakers Ilona Pinter and Camilla Graham Wood), campaign efforts against the legal aid cuts and training on exceptional funding applications (speakers Alison Pickup and Roopa Tanna).

ILPA was represented at meetings with the Legal Aid Agency such as the Civil Contract Consultative Group and at the Law Society Specialist Practitioners' Group.

ILPA submitted evidence to the Justice Select Committee for their inquiry into the impact of Legal Aid, Sentencing and Punishment of Offenders Act 2012, both in writing and orally.

ILPA prepared a briefing for the House of Lords debate on the Civil Legal Aid (Merits Criteria) (Amendment) (No 2) Regulations 2013 (SI 2013/104) which concerned the removal of borderline cases from scope. We also produced a briefing for the Fifth Delegated Legislation Committee on the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Amendment of Schedule 1) Order 2014) which would have introduced the proposed "residence test" for legal aid. A briefing was also prepared for debates in Parliament prior to a vote on the proposals.

ILPA prepared a submission for the Secondary Legislation Scrutiny Committee on the Civil Legal Aid (Remuneration) (Amendment) (No. 3) Regulations 2014 (SI 2014/607) which would change payment in legally aided judicial review cases and a briefing for a motion to regret these regulations in the House of Lords.

ILPA submitted evidence to the National Audit Office on issues surrounding legal aid and the work of the Legal Aid Agency such as value for money from changes to legal aid and the impact of those changes on different parties including third sector organisations.

ILPA has proposed an amendment on the restoration of legal aid for trafficking and slavery victims in the Modern Slavery Bill.

Changes to Legal Aid

Funding cuts have been in put in place for legal aid for judicial review permission applications. Changes removing a guarantee of payment unless permission is granted were introduced on 22 April 2014.

On 2 December 2013 the Civil Legal Aid (Remuneration) (Amendment) Regulations 2013 (SI 2013/422) came into force bringing a 20% cut to rates for civil experts and a reduction of 12.5% for interpreter fees outside London. Counsel's rates were reduced to the same hourly rate as solicitors in courts up to and including the High Court and Upper Tribunal, and enhancements could only be claimed subject to the same caps as solicitors. The uplifted hourly rates for certain immigration and asylum cases in the Upper Tribunal was removed and all cases after 2 December were to be paid at the same rate.

On 13 June 2014, the exceptional funding case regime guidance and the refusal of exceptional funding in six immigration cases was also held to be unlawful in the High Court in *R (Gudanaviciene & Others) v Director of Legal Aid Casework & Lord Chancellor* [2014] EWHC 1840 (Admin). Collins J who gave the judgment also ruled that refugee family reunion cases should be considered as in scope for legal aid. The Government appealed and this has been heard in the Court of Appeal. We are still awaiting judgment. The Legal Aid Agency issued a policy statement saying that providers could claim for refugee family reunion work until an appeal against the judgment was determined. The Legal Aid Agency stated it would review applications made after the judgment in line with the judgment in *Gudanaviciene*. The statistics released by the Ministry of Justice for April 2013-March 2014 showed that 235 applications for exceptional funding in immigration cases had been made and only four applications granted. Statistics for April 2014 to June 2014 showed 44 applications had been made and seven applications granted, so the refusal rate is still high. ILPA members expressed interest in training that the subcommittee held, to try to build confidence among practitioners to make more applications.

On 15 July 2014, the proposed "residence test" that would remove legal aid for those without 'strong connections' to the UK was found unlawful by the High Court in *R (on the application of The Public Law Project) v The Secretary of State for Justice* [2014] EWHC 2365 (Admin) in July 2014. The Government is appealing and the case is currently still in the Court of Appeal awaiting a hearing.

For the year ahead, the subcommittee will be to continue campaigning against further cuts in legal aid and access to justice. Members are feeling considerable strain from the legal aid cuts and the combined burden of audits from the Legal Aid Agency and this has led some to reconsider working in legal aid. The cumulative impact of cuts to legal aid in other areas of law is also significant for those within mixed practice firms. We are concerned about the impact of cuts on members and increased lack of quality advice for clients as more providers reconsider their work. We welcome feedback from members on this so we can represent your views fully, and provide you with any support that is possible in very difficult times.

Thank you to all our members for your help with consultations and requests for evidence as this has been vital to get the challenges faced because of legal aid cuts heard by decision makers. We appreciate how hard it can be to contribute alongside casework but are grateful for your continued support.

Co-convenors: Carita Thomas and Ayesha Mohsin

REFUGEE SUBCOMMITTEE REPORT

The subcommittee was refounded in 2013 to provide a focus for refugee issues. The subcommittee met on 3 September 2014. The number of attendees has risen, but the subcommittee would benefit greatly if able to attract commitments of regular attendance by a few extra experienced practitioners beyond the conveners: the difficulty in this respect has been the constant pressure upon practitioners which intensified during the year. Additionally refugee issues this year and last year have been understandably overshadowed in the minds of many committed practitioners by events surrounding public funding, the European Convention on Human Rights, and the (now) Immigration Act 2014.

Eric and Ana wish to continue with the effort to establish the subcommittee on a firmer footing. Our primary aims at this stage will be to establish a core group and increase attendance focussing upon a small number of meetings each year.

Co-convenors: Eric Fripp and Ana Gonzalez

ILPA NEW YORK SUBCOMMITTEE REPORT

Over the last year we have seen many changes to the UK immigration system. We have continued to grow the membership base and now have four firms that participate in and contribute to the meetings. We intend to increase this number by the end of next year.

Similar to other subcommittees, practitioners in the United States of America face issues arising from their geographical location. The ILPA New York subcommittee encompasses the whole of the United States of America. We have a member located on the West Coast in Los Angeles and the rest of the members are on the East Coast in New York. In addition to location, the time difference has a bearing on the day to day practice of UK immigration law here.

The last subcommittee meeting took place in October 2014 and we had a full turnout. We discussed the latest statement of changes to the Immigration Rules, draft consultation on the visitor Rules and the recent meeting with the British Consulate-General. Our next meeting is scheduled for 17 November 2014.

In 2015 we have the following objectives:

- continue to grow the ILPA New York membership;
- provide access to ILPA webinars at a central location;
- continue to consolidate knowledge, experience and information sharing among members;
- continue to lobby for change to benefit our members such as enabling Level 1 Users to be based outside the UK;
- continue to liaise closely and extensively with the British Consulate General, and to seek improvements and changes where possible (e.g. a return to the submission of spousal applications via the British Consulate General);

Co-convenors: Tanya Goldfarb, Anushka Sinha

ILPA SOUTH WEST SUBCOMMITTEE REPORT

Natasha Gya Williams, Rosie Brennan and Glyn Lloyd co-convene the subcommittee, which has a network of practitioners across the South-West. The aims of the subcommittee are to:

- develop systems for information dissemination, support and feedback for members distributed over this large geographical region;
- hold training events and meetings in the South West;
- engage where appropriate with Legal Aid Agency and Home Office, raising any geographically- specific issues and report back to ILPA nationally with these issues.

We have established a working link with the Advice Network for the South West and so we are able to liaise with colleagues working in the advice sector who are often the first contact for groups such as asylum seekers.

Practitioners in the South West and their clients can face particular issues arising from their geographical location and are sometimes working in fairly isolated settings. The ILPA South West region encompasses the area from Southampton and Bournemouth in the east, to Exeter, Plymouth, and locations in Cornwall in the west and also includes Bristol, Gloucester, Swindon and Cheltenham, as well as Newport, Cardiff and Swansea in Wales. There is a wide variety of work being undertaken by practitioners in the region and several of the locations are asylum dispersal areas.

Legal aid provision continues to be a particular issue in Plymouth which has been made more acute by increased numbers of asylum seekers dispersed to the city. The voluntary sector which plays a lead role in supporting asylum seekers has been placed under great pressure. The ILPA South West subcommittee has continued to liaise with the Legal Aid Agency on this issue. Formerly we were joined at our meetings by representatives from the Legal Services Commission and Legal Aid Agency, but since 2013 they have declined invitations. We are hopeful to re-engage the Legal Aid Agency at future meetings.

A new project on family reunion for refugees in Plymouth is extremely busy. The project has been contacted by a number of people whose cases are now out of scope of legal aid (e.g. family settlement applications under Appendix FM for people granted Indefinite Leave to Remain under legacy). These individuals are severely affected in the same way as others across the country but also by the geographical isolation of the area and lack of support networks.

Rosie Brennan has established a pro bono clinic within the University of Plymouth, students which has received significant interest from non EEA nationals since it was established in mid 2014, receiving at least one query daily.

The ILPA South West subcommittee actively canvassed members regarding the transition from UK Visas and Immigration to gov.uk. Natasha Gya Williams, who was part of a working group aiming to improve availability of immigration information on gov.uk fed in concerns and commentary expressed by ILPA South West subcommittee members.

The work undertaken this year includes:

- *Database*: ensuring that information pertinent to the South West can be disseminated in conjunction with the ILPA Secretariat.

- *Bi-annual conferences/training events:* In 2013-2014 the following events were held: On 7 March 2014, a general meeting was held, preceded by a Statelessness course offered by Asylum Aid. On 11 August, training on the Immigration Act 2014 was held in Bristol, with 22 members attending. Our next meeting will be held on the 19 November 2014. The conferences and trainings covered a range of topics and attempted to respond to training needs identified by members. Since November 2012 our conferences have been hosted at the offices of Burges Salmon solicitors who generously provide conference space, support, facilities and refreshments to us at no charge. Being able to offer CPD-accredited trainings has encouraged people to join ILPA.

We are extremely grateful to the following guest speakers who kindly gave up their valuable time to prepare and present training at our 2013-2014 events:

- Chris Nash and Asylum Aid staff for organising statelessness training.
- Alison Harvey, Immigration Act 2014 Training
- *Advice sector links:* building a successful relationship with the Advice Network organisation based in Bristol many of whose members deal with immigration cases in Law Centres and Advice agencies. Several advice agencies such as Devon and Cornwall Refugee Support in Plymouth have now joined as ILPA members.
- *Lines of communication with the Home Office:*
Natasha Gya Williams and Glyn Lloyd met with staff of the Cardiff Premium Service Centre staff on a periodic basis throughout the year, as well as organising a meeting with Stacey Vaughan Jones, Senior Caseworker, on the 7 April 2014. The customer experience for Points-based clients has significantly improved since the revamped waiting room area was opened in early 2014. Cardiff Premium Services Centre staff remain willing to liaise with policy staff on application related queries and to accommodate clients' needs.

Kenny Chapman (Home Office) attended our meeting on 7 March 2014 to answer questions and give an update. We have received good feedback from individual members who raise issues with Kenny Chapman, who continues to be responsive. UK Visas and Immigration Compliance team at Portishead, just outside of Bristol, has been supportive of members' queries and has arranged for a compliance officer to attend our next meeting on the 19 November 2014.

- *Attendance at meetings:*
 - engagement with other organisations: liaising with the Advice Network South West, Association of International Student Advisors South West/Wales, Law Society.
 - 7 April 2014-Natasha Gya Williams met with Cardiff based immigration advisors to encourage them to join ILPA
 - Contact point for ILPA South West members who require referral information or wish to discuss particular legal issues.

Future Steps:

- We would like to build on the success of the past ILPA trainings offered in Bristol during 2013/14, as we have sufficient critical mass to attract sufficient take up on paid trainings.
- We are conducting a mapping exercise of immigration practitioners in South Wales who may yet to have established contact with ILPA. We aim to invite these practitioners to future ILPA South West events.

Co-convenors: Rosie Brennan, Natasha Gya Williams and Glyn Lloyd

ILPA YORKSHIRE AND NORTH EAST SUBCOMMITTEE REPORT

This year has brought further changes with the impending implementation of the Immigration Act 2014. The funding in legally aided asylum/immigration cases have been settled somewhat with practitioners having worked under the new regime since April 2013. Practitioners are now focusing on the changes that will occur as a result of the Immigration Act 2014, including the limitations to rights of appeal.

Because members have been busy in the region, formal sub-committee meetings have not been as frequent. But we have tried to meet as often as possible, allowing for work commitments.

Judicial Review funding and Home Office responses (or lack of) to Judicial Review applications have had an impact in the region with concerns being expressed to the Home Office in our June meeting which was attended by Neil Best of the Home Office, who is managing appeals and litigation in Yorkshire and the North East.

The subcommittee has had formal meetings which were attended by Neil Best from the Home Office in June 2014 and Administrative Court & Upper Tribunal (Immigration and Asylum Chamber) Leeds lawyer, Martin Lee, in February 2014. Representatives of the Manuel Bravo Project were also present at both meetings. The meetings have been useful and informative and we will continue to encourage participation from outside bodies.

In our February 2014 meeting, Martin Lee was able to provide a useful insight into the workings of the Administrative Court & Upper Tribunal (Immigration and Asylum Chamber) in Leeds. He also talked about the moving of Immigration judicial reviews from the Administrative Court to the Upper Tribunal (Immigration and Asylum Chamber). Practitioners were able to get an insight in to how judicial reviews in the region were being dealt with. It also highlighted some tensions between Field House and the regional court centres.

The last subcommittee meeting took place in June 2014 and had a reasonable turnout. Issues discussed included meeting the Home Office, discussing the new Administrative Review procedure, impact of the Legal Aid, sentencing and Punishment of Offenders Act 2012, communicating with the Home Office and working with Manuel Bravo. Neil Best was able to explain to members how the Home Office intended to deal with appeal bundles, following the changes to Tribunal Directions asking for early service of bundles for hearings in Bradford. Neil also explained how the Home Office intended to deal with letters before claim,. This was important given that we expected an increase in judicial reviews following the limitations on rights of appeal in the Immigration Act 2014. Practitioners were not confident that the Home Office would be able to deal with letters before claim as they intended based on past experiences. Neil also promised to provide email addresses for Asylum Casework teams in Leeds – despite chasing we are still awaiting these!!

We are hoping to arrange a meeting early in the New Year with Nicola Hey Head of Asylum Casework in Leeds, as many practitioners had questions relating to asylum cases and the building backlog.

The subcommittee continues to publicise and encourage members to attend local training events. Local members want to be able to take part in events in London with the help of modern technology, such as Skype and Video Conferencing. The desire for local training continues but we emphasise that attendance locally is essential.

Members are encouraged to join the subcommittees that they are interested in. A list of all subcommittees can be found at <http://www.ilpa.org.uk/pages/subcommittees.html>. This is a useful method to obtain relevant up to date information and to participate.

We hope to meet more regularly in the coming year. If members have issues that they would like to raise at local meetings or training that they would like to see in the region please email Chris or Ish.

Thank you to all subcommittee members and ILPA for your continued support, and to Ison Harrison who kindly host our meetings.

Co-convenors: Ish Ahmed & Christopher Cole



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