

The logo for ILPA, consisting of the letters 'ILPA' in white, bold, sans-serif font, set against a dark blue rectangular background.

ILPA



Annual Report 2018-19

ILPA

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Immigration Law Practitioners' Association, registered charity no. 1155286.
A company limited by guarantee no. 2350422. Registered in England and Wales.
Registered office Lindsey House, 40-42 Charterhouse Street, London EC1M 6JN.

Cover picture: ILPA Children's Rights Conference 2019

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“an excellent organisation
and an invaluable resource
for practitioners”

Message from the Chair

In the last twelve months ILPA has had its hands full with Brexit policy work. The political and constitutional crisis and the attempts to alter immigration policy in anticipation of Brexit have kept staff, trustees and the working groups very busy. There has been an Immigration and Social Security Bill, two EU Withdrawal Agreements and Political Declarations, and a White Paper on the future immigration system, with which to contend.

ILPA has also been engaged in the Law Commission project on the simplification of the Immigration Rules, the HMCTS court reform project, and the UNHCR review of Home Office preliminary information questionnaires in asylum cases, among other areas. There have also been numerous meetings with the Home Office and Parliamentarians as part of our influencing work. Staff and members have risen to the challenges presented with enthusiasm and dedication. The working groups in particular shoulder the burden of organising the contributions of our members in these areas.

ILPA owes thanks to all its staff members. Nicole Francis, Chief Executive, continues her excellent work on our behalf. We are grateful to her for all her efforts. In legal policy work ILPA has a new Head of Legal Policy, Sonia Lenegan, and a new Legal and Parliamentary Officer, Charles Bishop. They have made an excellent start and we are thankful for their work. Our thanks must also go to the legal staff who left us this year, our former Legal Officer, Vishal Misra, and our former Legal and Parliamentary Officer Paul Erdunast. We are also grateful to our Finance and Office Manager, Lana Norris for keeping our finances in order; to our Membership Manager and Website Project Manager, Helen Williams for her work in signing up and retaining members and on the crucial website project; and to our Training and Communications Officer, Celina Kin-Armbrust (on maternity leave). Amira Rady, our former Officer Administrator is now our Training Officer and has done fantastic work in strengthening our training programme. Thanks are due also to our former Training Officer Becca

McNulty. We are also grateful to our new Office Administrator, Esme Kemp; our Executive Assistant Nicolette Busuttill; our Strategic Legal Fund Project Manager, Bella Kosmala; and our Strategic Legal Fund Finance Assistant Emmanuel Benedetti.

Thanks are also due to the Convenors of the working groups and to all our active members who give their time. For obvious reasons, the European Working Group and the Economic Working Group have had a particular burden this year. The other Groups working on other substantive areas and the Regional Groups also continue to flourish.

In the next year ILPA will need to draw on all its resources to act successfully on your behalf. If members have capacity to get involved with any area in which we are engaged, please get in touch with the office info@ilpa.org.uk and help us. There are numerous working groups and ad hoc groups covering all areas of our activities and members are always welcome to contribute.

Adrian Berry

Chair

Ian Macdonald QC

ILPA was greatly saddened to learn of the death of Ian Macdonald QC.

Ian was President of ILPA for 24 years, retiring from his role in 2014. Ian was instrumental in the setting up of ILPA and his commitment to create an organisation with a strong secretariat backed by a chair and committee of trustee practitioners was achieved. During Ian's time as President, ILPA developed and grew significantly as an organisation. Despite his retirement from the role of President, Ian remained closely involved in our work. Ian's contribution to the field of immigration law was immense and he will be sorely missed by ILPA and all of our members.



Nicole Francis
Chief Executive

About us

Objectives

The Immigration Law Practitioners' Association is a membership organisation established in 1984 by a group of leading immigration law practitioners to:

- Promote and improve the advising and representation of immigrants
- Provide information to members and others on domestic and European immigration, asylum and nationality law
- Secure a non-racist, non-sexist, just and equitable system of immigration, refugee and nationality law practice

ILPA is a registered charity (No. 1155286) and a company limited by guarantee (No. 2350422).

Committee of Trustees

The Committee of Trustees is elected annually by the membership. The work of members is supported by a Secretariat of paid staff.

Chair	Adrian Berry, Barrister, Garden Court Chambers
Secretary	Ayesha Mohsin, Solicitor and Partner, Luqmani Thompson and Partners
Treasurer	Vacant
Members	
Andrea Als	Solicitor and Partner, PricewaterhouseCoopers LLP
Hazar El-Chamaa	Solicitor and Partner, Penningtons Manches Cooper LLP
Vanessa Ganguin	Solicitor, Ganguin Samartin
Natasha Gya Williams	Solicitor, Gya Williams Immigration
Grace McGill	Solicitor, McGill and Co Solicitors
Danielle Cohen	Solicitor, Danielle Cohen Immigration Law Solicitors

Bettina Loveday	Solicitor, Wilford Smith (until 3 September 2019)
Vishal Makol	Solicitor, OTS Solicitors
Daniel Rourke	Solicitor, Migrant Law Project, Islington Law Centre

Staff

The work of members is supported by a Secretariat of paid staff.

Chief Executive	Nicole Francis
Head of Legal Policy	Sonia Lenegan (from July 2019)
Legal Officer	Vishal Misra (until July 2019)
Legal and Parliamentary Officer	Paul Erdunast (until August 2019) Charles Bishop (from July 2019)
Finance and Office Manager	Lana Norris
Membership Manager and Website Project Manager	Helen Williams
Training and Communications Officer	Celina Kin-Armbrust (on maternity leave)
Training Officer	Becca McNulty (until March 2019) Amira Rady (from March 2019 and Office Administrator before then)
Office Administrator	Esme Kemp (from August 2019)
Executive Assistant	Nicolette Busuttil
Strategic Legal Fund Project Manager	Bella Kosmala
Strategic Legal Fund Finance Assistant	Emmanuel Benedetti



Overview of our work



8 information sheets



2 oral evidence sessions to Parliamentary Committees



3 workshops with Home Office policy leads



11 bilateral meetings with senior Home Office/UKVI officials



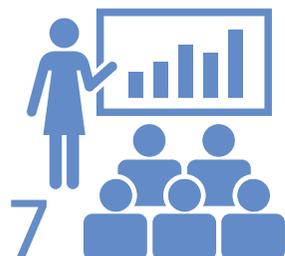
72 training courses



11 free training courses



14 Strategic Legal Fund grants



7 full day conferences



95 new members

Strategic Plan for 2018 to 2021

The strategic aims and priorities are:

1. Increase ILPA membership so that a greater proportion of practitioners in immigration, asylum and nationality law are ILPA members
2. An essential information resource for our members
3. Deliver a high quality training programme that meets the needs of our members
4. ILPA's influencing work makes best use of its resources and reputation
5. Support legal analysis and publications that will lead to improvements in practice
6. Support litigation that will promote respect for the rule of law
7. Ensure that ILPA is an accountable and effective organisation

Working Groups

Working groups are open to all members and we strongly encourage everyone to join at least one, whether in your region or area of work. They are critical to ILPA's strategic activities and offer an excellent way for members of any level of experience to get involved as well as meet other practitioners. Whether through meetings or email groups, all aim to carry out the following kinds of work:

- influencing policy;
- developing ILPA positions;
- identifying emerging issues;
- information sharing;
- sharing views.

If you would like to get involved in a working group please contact the Secretariat on info@ilpa.org.uk or one of the convenors via the working groups page at www.ilpa.org.uk/members.php



Thematic Working Group Convenors

Courts and Tribunals	Rowena Moffatt, Doughty Street Chambers
Economic Migration	Tom Brett-Young, Veale Wasbrough Vizards LLP Anushka Sinha, Kemp Little LLP James Perrott, Macfarlanes LLP
European	Elspeth Guild, Kingsley Napley LLP Alison Hunter, Wesley Gryk Solicitors LLP Jonathan Kingham, North Star Law
Family and personal	Katie Dilger, Bates Wells LLP Sue Shutter volunteer with the Project for the Registration of Children as British Citizens and Slough Immigration Aid Unit
Legal Aid	Ayesha Mohsin, Luqmani Thompson and Partners
Refugee	Nicola Braganza, Garden Court Chambers Annie Campbell, North Kensington Law Centre
Removals, Detention and Offences	Jed Pennington, Bhatt Murphy Solicitors Pierre Makhoulouf, Bail for Immigration Detainees Nina Rathbone Pullen, Wilson Solicitors LLP
Well-Being	Nath Gbikpi, Wesley Gryk Solicitors LLP Kat Hacker, Helen Bamber Foundation Aisha Choudhry, Bates Wells Braithwaite LLP
Children	Operates as an email group only

Regional Working Group Convenors

North West	Lucy Mair, Garden Court North Chambers Denise McDowell, Greater Manchester Immigration Aid Unit Emma Morgan, Shoosmiths LLP Shara Pledger, Latitude Law
New York	Tanya Goldfarb, Clintons Jenny Stevens, Laura Devine Solicitors
Scotland	Darren Stevenson, McGill & Co Solicitors, Kirsty Thomson, JustRight Scotland Jamie Kerr, Burness Paull LLP
Southern	Tamara Rundle, Moore Blatch
South West	Luke Piper, South West Law Marie-Christine Allaire-Rousse, South West Law Sophie Humes, Avon and Bristol Law Centre
Yorkshire and North East	Ish Ahmed, Bankfield Heath Solicitors Christopher Cole, Parker Rhodes and Hickmott Solicitors Emma Brooksbank, Freeths LLP Nichola Carter, Carter Thomas Solicitors Bryony Rest, David Gray Solicitors



Our influencing work

Key Activities and Achievements

Immigration and Social Security Co-ordination Bill

ILPA was involved in seeking to influence the passage of the Immigration and Social Security Co-ordination Bill since its inception. This included drafting briefings to all Parliamentarians regarding the troubling introduction of wide-ranging 'Henry VIII' powers contained within this, very short, Bill. Our work helped to raise awareness amongst a wide range of practitioners as to the function of Henry VIII powers, which would allow primary legislation to be amended by statutory instrument, thus reducing the level of parliamentary oversight. Our concerns were highlighted in a wide number of briefings, and subsequently reflected in amendments moved for us by MPs. This has included working with all major political parties, and allowed us to build on new relationships forged in our work on Windrush.

In February 2019, ILPA's Chair of Trustees gave evidence before the Public Bill Committee for the passage of this Bill. This included making as many backbench MPs as possible aware of how unamended Henry VIII powers would serve to render them redundant as Parliamentarians, as they will be unable to give the appropriate level of scrutiny to wide-ranging changes. We also highlighted the principle that such powers should only be sought by a government at a time of grave national crisis. The government will inevitably need to bring an immigration bill of some kind before Parliament and we will be ready to do the necessary lobbying and scrutiny work again.

Future Immigration System

In December 2018, the Home Office published its latest immigration White Paper. This White Paper seeks to lay the foundations for the future immigration system of the UK post-Brexit. ILPA produced an immediate initial response, and brought to the attention of the widest possible range of practitioners that this would be the largest overhaul in immigration in decades. We convened an all-members meeting where one of the Home Office leads on the White Paper

addressed ILPA members. We then set up numerous 'task groups' to help us respond to each strand of the proposed future immigration system. We have also been attending the monthly Home Office led Vulnerability Advisory Group to provide feedback on the new system.

With the help of many ILPA members we have produced 12 policy briefings on the future immigration system. We are now using these briefings to inform our advocacy work with the Home Office, Parliament and other key stakeholders.

Immigration Health Surcharge

ILPA were alive to the Statutory Instrument introduced to seek to double the immigration health surcharge. We produced a briefing for all MPs and Lords and although we were unsuccessful in resisting the doubling of the charge, ILPA were mentioned by Lord Jones of Cheltenham in his intervention on our behalf. ILPA continue to highlight that virtually all migrants pay taxes, and are overrepresented in NHS staff numbers, which suggests that migrants already make a 'fair contribution' to funding and running the NHS. It is therefore, unfair to 'double-tax' them in the form of the immigration health surcharge. Nevertheless, the doubling of the surcharge was approved by both Houses of Parliament, and has subsequently come into force.

Home Office Influencing work

In the last year ILPA staff and members have undertaken 11 bilateral meetings with UKVI and Home Office officials. We held two roundtable meetings with the Home Office policy lead on the settled status scheme and Appendix EU. One of the lead officials on the Immigration White Paper came and addressed a large group of ILPA members. We also took a group of ILPA members to see the new Service Support Centre in Croydon. A key focus of this year has been to improve the quality of the service being delivered by Home Office subcontractors, in particular Sopra Steria. ILPA met with the UKVI lead on numerous occasions and provided multiple rounds of detailed written feedback and evidence from our members.

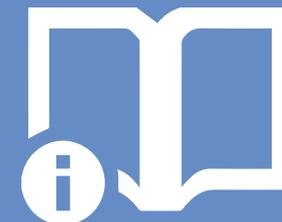
On 2 July 2019, ILPA and The Law Society met with George Shirley and other colleagues from UKVI to raise our ongoing concerns regarding the services being provided by Sopra Steria and BLS International. ILPA members provided further extensive evidence regarding the numerous shortcomings with the systems and processes run by Sopra Steria and BLS on behalf of UKVI. The two key issues discussed at the meeting were appointment availability and BLS International. UKVI confirmed that Sopra Steria had announced that they would now directly manage all services without reliance on sub-contractors in particular BLS International. ILPA welcomed this decision.

This meant that there will no longer be advertisements for BLS International or World Migration Services on the UKVI 'customer journey'. Furthermore, this meant that there should no longer be cold emails or cold calling from BLS International to members. This step came after months of public and private pressure by ILPA on the Home Office and Sopra Steria. This had included eight rounds of feedback collated and relayed to the Home Office, and two legal letters by ILPA to the Home Office. ILPA requested contributions from members to cover the legal costs involved in preparing the letters because we need advice from counsel. We would like to thank Laura Devine Solicitors, Penningtons Manches Cooper LLP and John Atkins Limited for their contributions.

ILPA has also met regularly with the UKVI lead in terms of entry clearance applications and in particular the sub contracted services provided by VFS and TLS. Once again ILPA members have been incredibly helpful in providing detailed feedback and evidence for these meetings. We have also worked very closely with The Law Society on this strand of activity.

Information Service

The ILPA information service is a means by which information on law, policy and practice is distributed to non-lawyer NGOs, refugee and migrant community groups through easy to comprehend briefing sheets.



Information sheets and talks are available on the website and are distributed to some 550 organisations and individuals many of whom disseminate information to their networks.

We have produced a range of information sheets over the year, including updating the Brexit information series, highlighting the less common forms of leave that derive from EU law, and how the EU Settlement Scheme impacts upon them. We have drafted information sheets for migrants highlighting their rights when encountered by immigration enforcement officers, noting that they do not have the same level of statutory protection in terms of evidence gathering unless they are formally arrested. We have also highlighted how the right of appeal works, especially for those who have been wrongly accused of cheating in English language tests after the Court of Appeal has held that such people should have the opportunity to give live oral evidence given the nature of the charge levelled against them. Finally, ILPA have launched a well-being initiative as well, which has included information sheets for young lawyers and frontline workers, with practical tips on how to deal with e.g. vicarious trauma, the pressures of legal aid etc.

Law Commission simplification of the Immigration Rules project

In August 2019 ILPA attended a workshop on the simplification of the Immigration Rules with the Law Commission, the Home Office, and representatives from other organisations. The Law Commission is partly through drafting their final report, and the workshop was designed to feed into this. The topics for discussion were:

- Reducing prescription within the Immigration Rules.
- The interaction between the Immigration Rules and the guidance.
- Restructuring the Rules.
- Online systems.

Ahead of the Law Commission's final report, the Home Office has already been doing a lot of work internally on the matter of simplifying the Rules, and are working on identifying areas where this can be done. An example given during the workshop was in relation to proving income, where there are currently around 17 different Rules and 22 guidance documents detailing a variety of ways to do this. The Home Office explained that sometimes requirements will need to be strict in order to prevent abuse, for example with allowing false documents to be provided. However, they do believe that there is scope for more evidentiary discretion.

A theme running through the consultation responses was that practitioners do not support Home Office caseworkers being given more discretion in decision making, as they do not trust that this will be used in applicants' favour. Practitioners are, however, in favour of a less prescriptive approach to evidence requirements, and during the meeting we explained to the Home Office the difficulties that a strict approach to evidence can have – particularly for vulnerable people.

The Law Commission were extremely grateful for the valuable contribution made by ILPA members to the consultation process. They anticipate that the final report and recommendations will be published in November 2019.

HMCTS court reform project

HMCTS is currently in the early stages of designing a new online appeal process for appellants in person (AIPs). HMCTS has made clear that an offline version will always be available if necessary. The system is a modified version of the system designed for represented appellants which is currently in a testing phase. The system for AIPs is intended to take into account their vulnerabilities and lack of expertise in the process. It is likely to include a simplified and guided appeal form in which AIPs do not need to provide full grounds but can provide a short summary of the basis of their appeal. Once the Home Office bundle has been received, the intention is that a Tribunal Caseworker will guide the appellant to build their case online.

ILPA attended a workshop on the proposals in July and has subsequently attended three "Skype show and tell" sessions where updates have been provided by the digital design team. ILPA has expressed specific concerns about this aspect of the proposal, particularly in relation to the qualifications of the Caseworker. ILPA remains of the view that many of these reforms would be unnecessary if the legal aid rules were relaxed.

UNHCR review of preliminary information questionnaires

Following ILPA correspondence with the Home Office and the Legal Aid Agency UNHCR were commissioned by the Home Office to undertake a review of the preliminary information questionnaire (PIQ) used in asylum claims. ILPA hosted a meeting with the UNHCR and members in August 2019. Members raised concerns about how many questions in the PIQ are unnecessary and complicated. Members reported that, where they have submitted a PIQ, it has not appeared to influence how the substantive asylum interview is conducted. Members also raised the risk the PIQ will be used to make undue negative credibility findings. Members were also concerned about how the PIQ adds additional pressures on those who are already operating at full capacity and because of the structure of the legal aid fixed fee for asylum cases it is likely that this work will be done on an unpaid basis if it goes beyond the fixed fee



but does not reach the escape claim threshold. ILPA stressed above all that the PIQ should be an optional part of the asylum claim.

EU and Brexit work

ILPA has been producing a variety of publications in relation to the EU settlement scheme and the post-Brexit landscape for EEA nationals and their family members. We are continuing to lobby the Home Office on critical issues in the settlement scheme.

We have also been attending a variety of meetings in relation to the EU settlement scheme. These have included the European Commission's monitoring network, to which representatives from all the European embassies attend as well as the Home Office. ILPA also attends the Brexit Civil Society Alliance, and at a recent meeting we and our partners in the sector agreed collective key "asks" (lobbying objectives) on the EU settlement scheme, which include ensuring that EU nationals are given physical proof of their status, moving towards a declaratory system of registration rather than an application-based system, and ensuring appeal rights are available under the scheme even in the event of a no-deal Brexit.

We also attended the Public Law Project's support hub on the EU settlement scheme. The Public Law Project is providing specialist public law second-tier support to frontline service providers, including by way of taking referrals in cases which raise public law issues in the scheme in general. We have also been keen to ensure we engage on some of the issues faced by particular groups under the scheme, and we attended a roundtable held by Unlock in relation to EU nationals with criminal records and an event held by Coram Children's Legal Centre on Zambrano carers.

At each meeting, ILPA always gives feedback on the issues our members are facing with the scheme and what their general experience is. Please do continue to pass on your concerns to us, either by contacting us directly or through the European working group, so we can continue to spread knowledge and work with others in the sector to improve the scheme and the position after Brexit.

No Recourse to Public Funds (NRPF)

ILPA has written to the Home Office raising serious concerns about the failure to engage with external stakeholders following the concession of a judicial review earlier this year, where it was agreed that the No Recourse to Public Funds policy would be reviewed in compliance with the Public Sector Equality Duty (see here: <https://dpglaw.co.uk/another-blow-to-theresa-mays-hostile-environment/>). The Home Office responded to ILPA's letter, stating that the review would be internal only, and that the judicial review did not require the review to be published. The Home Office said in the letter that it attended stakeholder meetings regularly and that it would use these meetings to explain ongoing adjustments to the application and decision making process. There was no agreement from the Home Office that external evidence was necessary in order to ensure that the NRPF policy was not disproportionately affecting those with protected characteristics. Nor was there any indication that the meetings would be a two-way process, as opposed to the Home Office just updating stakeholders on what it is doing.

ILPA has since attended such a stakeholder meeting with the Home Office, along with several other organisations in which it was again reiterated that the Home Office should be accepting evidence externally in addition to the internal review, if it is to effectively capture the issues being experienced by these destitute clients, in particular those with protected characteristics. At the meeting, different ways of doing this were discussed, including a possible workshop, however the Home Office was quite adamant that the current review would be completed without external input.

As things currently stand, it does not appear that the Home Office has any intention to make substantial policy changes to NRPF, as it appears the focus has been on procedural elements such as the evidential requirements, and the introduction of a procedure to challenge refusals (not an appeal). If the Home Office does not adjust its policies and procedures and continues to refuse to engage properly with external stakeholders then we believe that the issue is likely to be litigated again. ILPA has also been in touch with the Equality and Human Rights Commission in relation to this issue as they may be prepared to pursue it,



Children's Rights in Immigration, Asylum and Nationality Law Conference 2019



ILPA White Paper Briefings launch 2019

in the absence of proper engagement from the Home Office. The Unity Project has and continues to play a vital role in this work, supported by ILPA.

Party conferences

Liberal Democrats

Overall this was a relatively quiet conference on immigration matters as policy was agreed upon at last year's conference. There is little room for policy influencing at present as it seems the Liberal Democrat manifesto has already been drafted. At a Q&A session, we asked Christine Jardine MP, Shadow Cabinet member for the Home Department, if the Liberal Democrats were going to have any position in their manifesto on the post-Brexit situation for EU nationals. They are clear that they are not going to have any such position as they will not enter into "what ifs". Their position is that we must maintain freedom of movement.

It was encouraging to see that second on Christine Jardine's list of things she would do in office is give asylum seekers the right to work.

Christine Jardine's advisor is very keen to work with ILPA to make sure that we can help MPs to understand the complexities of immigration law and the ILPA Secretariat will be working with him in order to improve the general understanding of Liberal Democrat MPs on immigration, nationality and asylum matters, as well as influence their policy in this area.

We were extremely grateful to Barry O'Leary, Partner at Wesley Gryk Solicitors, who took his time to attend the conference on behalf of ILPA.

Labour Party

This was a particularly active year for Labour on immigration matters, with, it appears, more fringe events on immigration, asylum and nationality issues than ever before. Labour's proposals on immigration reform included:

- Repealing the Immigration Act 2014 and ending the hostile environment (it was also notable that Diane Abbott MP, the Shadow Home Secretary, acknowledged that many parts of the hostile environment were brought in by the previous Labour government).
- End indefinite immigration detention and add a time limit of 28 days.
- Close Yarl's Wood and Brook House detention centres and review the entire detention estate.
- Reviewing immigration and citizenship fees.
- Simplifying the Immigration Rules.

It also appears that Labour may be promising to change or perhaps even remove the government's policy on "No Recourse to Public Funds" conditions. On the last day of conference, the Party passed a policy motion with a particularly ambitious agenda on immigration, including "maintaining and extending" free movement and giving migrants equal voting rights. However, it appears there is a bit of a discord between the policy at the senior levels of the Party and on the conference floor so it is unlikely that the most contentious aspects of the policy motion will end up in the Party's manifesto.

Among the many events ILPA was able to attend was one hosted by Freedom from Torture on their recent report "Lessons Not Learned: The failures of asylum decision-making in the UK". It was universally accepted (including by Diane Abbott, who was a Home Office civil servant in the 1970s) that the Home Office, through its asylum decision-making practices, had clearly not demonstrated it had learned the lessons from the Windrush scandal.

The International Observatory of Human Rights also hosted a particularly interesting panel discussing how we can get the topic of citizenship, including fees and the restrictive application process, on the political agenda. It was encouraging to discuss this topic later on with Afzal Khan MP, the Shadow Immigration Minister, who has stated Labour will be taking a very careful look at the naturalisation and registration fees.

Conservative Party

Given the current political situation, the atmosphere was, unsurprisingly, one of uncertainty for the future. That said, there was still some positive noises made on immigration matters.

One of the panels attended by ILPA was “When is immigration good for Britain?”. Alberto Costa MP spoke passionately in favour of the rights of EU citizens and for a return to compassionate conservatism. Discussions also took place around the extent to which integration is necessary, and what this should look like.

ILPA also attended a panel on dealing with the access to justice gap. This was chaired by Alex Chalk, the MP for Cheltenham. Chris Minnoch, CEO of the Legal Aid Practitioners Group, spoke about the importance of every citizen being able to enforce their rights, regardless of their means. He also spoke about the effect that the legal aid cuts have had on the profession, and the dedication of legal aid lawyers to their work. Oliver Carter attended the panel on behalf of Young Legal Aid Lawyers and said that the provision of access to justice for all is a concept which aligns with conservative values. The economic benefits of access to justice at an early stage were discussed in detail, with Oliver describing legal aid as “the fence at the top of the cliff which reduces the need for an ambulance at the bottom. For this reason, cuts to legal aid are a false economy”.

ILPA member Fragomen LLP hosted a discussion on “Taking back control of migration policy”. This included discussion of the fact that it appears the government no longer intended to proceed with the current draft Immigration and Social Security Co-ordination (EU Withdrawal) Bill. The Bill was first mentioned in February 2017 when the government acknowledged in its White Paper on Brexit that new legislation would be needed in respect of a post-Brexit immigration system. The Immigration White Paper finally materialised in December 2018. Therefore with the government apparently scrapping the current plans and starting again, there could be another lengthy delay before we see a new Immigration Bill.

Finally, ILPA also attended the LGBT+ manifesto workshop, where ILPA member UKLGIG was represented by their Executive Director Leila Zadeh who spoke in favour of a 28-day time limit in detention, and discussed the specific issues faced by LGBTQI+ immigration detainees, who may find themselves in situations similar to what they have fled as a result of being detained.



ILPA Conference on Immigration Detention 2019

The Strategic Legal Fund

STRATEGIC LEGAL FUND
FOR VULNERABLE YOUNG MIGRANTS

Managed by
ILPA

Key Achievements 2018/2019

The Strategic Legal Fund is a unique source of grants for legal work that can make a significant difference to vulnerable young migrants in the UK.

Our aim is to tackle injustices and inconsistencies in law and practice by making grants to organisations to undertake pre-litigation research or make third party interventions.

In this last year we have run six funding rounds and awarded 14 grants totalling £107,395. Our grantees have had some great successes:

- The AIRE Centre, intervening in *Bajratari v SSHD* in the Court of Justice, was successful in arguing that work of a parent may be relied upon to prove sufficient resources, whether or not the parent has permission to work.
- CORAM Children's Legal Centre won a positive ruling in the Court of Justice in *SM (Algeria) v Entry Clearance Officer*. The case considered the position of children placed under guardianship

in the Algerian Kafalah system and decided that such a child can be treated as an extended family member for the purpose of EU free movement law.

- The Public Law Project continues to challenge the removal windows policy, with a hearing listed in October in the Court of Appeal. It is currently suspended which means the Home Office must give notice of removal directions in every case and are not permitted to use removal windows or limited notice of removal.
- Islington Law Centre and MiCLU successfully challenged the government's 2013 removal of legal aid for children's immigration cases which will now be reinstated for unaccompanied and separated migrant children. This is the first time that the Lord Chancellor has reinstated civil legal aid for a specified group.
- JCWI successfully argued in the High Court that the government's Right

to Rent policies cause landlords to discriminate against potential tenants who are perfectly entitled to rent.

In March, the SLF hosted a roundtable to find out from the sector about emerging legal issues and to encourage cross-sector collaboration with organisations that work with young migrants. The issues of concern continue to be the hostile environment policies; the growing number of NRPF conditions affecting families; and the high application fees for young people who are going through routes to settlement. We also heard about issues around age assessments and the EU Settlement Scheme.

This year, the SLF has been keen to support capacity building in the sector. Based on feedback from the roundtable, ILPA has developed a training programme on strategic litigation together with the Public Law Project. We are also keen to leverage the communications capacity in the sector and are offering complimentary comms support to our grantees in partnership with IMIX.



Training

ILPA remains one of the leading training providers in the sector. In our continued effort to offer better-targeted courses, our training programme was designed with ILPA members' training needs in mind. We ask for feedback from our members on each training course and conference we deliver to identify thematic and regional training needs. We develop our training schedule with these needs in mind as well as responding to key developments in immigration, asylum and nationality law.

Conferences

ILPA delivered 7 conferences between 1 November 2018 and 31 October 2019. This included 2 inaugural conferences; 'Children's Rights in Immigration, Asylum and Nationality Law' and the 'ILPA Well-being Conference' that coincided with Mental Health Awareness Week in May 2019. The conference on 'Family Migration to the UK', 'Sponsor Licence' and 'Immigration Detention' ran for their second year. All our conferences were developed in collaboration with the ILPA Economic, European, Family and Personal Migration, Removals Detention and Offences and Well-being working groups respectively. All of our conferences were extremely well attended with 478 delegates attending in total. We welcomed 39 new panellists and keynote speakers at our ILPA conferences, including Dame Anne Owers, National Chair of Independent Monitoring Boards and George Shirley, Head of PBS, Citizenship and the Windrush Taskforce, Home Office – UKVI.

In addition, at our inaugural conference on 'Children's Rights in Immigration, Asylum and Nationality Law', we welcomed 7 young people to share their thoughts and experiences of the UK immigration system and their interaction with legal representatives and interpreters. They shared campaign initiatives, poems, role plays and participated in a Q&A focused on best practice and a child centred approach to working. ILPA would like to send a special thanks to

the Children’s Society, the Migrant & Refugee Children’s Legal Unit (MiCLU) at Islington Law Centre and Breaking the Chains (partnership project between MiCLU and Shpresa Programme) for facilitating these invaluable sessions.

ILPA will continue to expand its conference programme throughout the following year and looks forward to working with our members and working groups on these programmes.

Courses

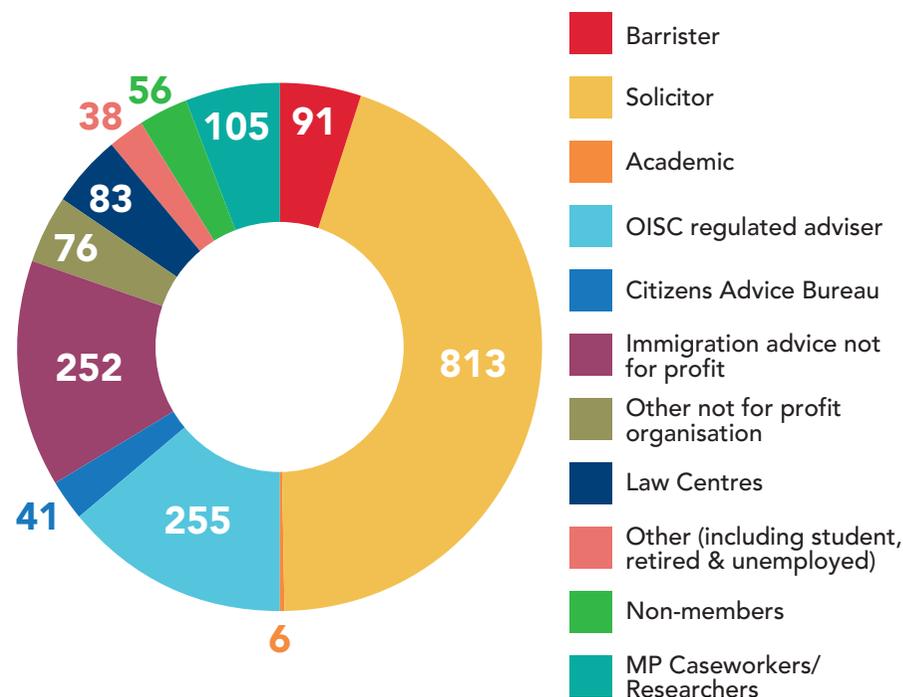
In the period between 1 November 2018 and 31 October 2019, we delivered 72 courses through our training programme in addition to our conferences, training a total of 1,338 delegates. Our courses and conferences combined delivered over 248 hours of training and trained a total of 1,816 delegates. This is a total increase of 622 delegates on last year’s figure of 1,194 delegates trained.

Alongside our regular core courses, we ran the following specialist courses:

- Asylum, Trafficking and Modern Slavery
- GDPR for immigration practitioners
- Psychological factors in credibility assessments of asylum seekers
- Tier 2 and 5 Sponsorship - practical issues (UKVI collaboration)
- Mergers and Acquisitions
- How to run a legal aid immigration file
- Innovator & Start-up – the new rules explained
- Mental Capacity - law and practice, for Immigration lawyers
- The Hostile Environment – Prevention of Illegal Working
- Children’s Citizenship Rights: training for legal practitioners

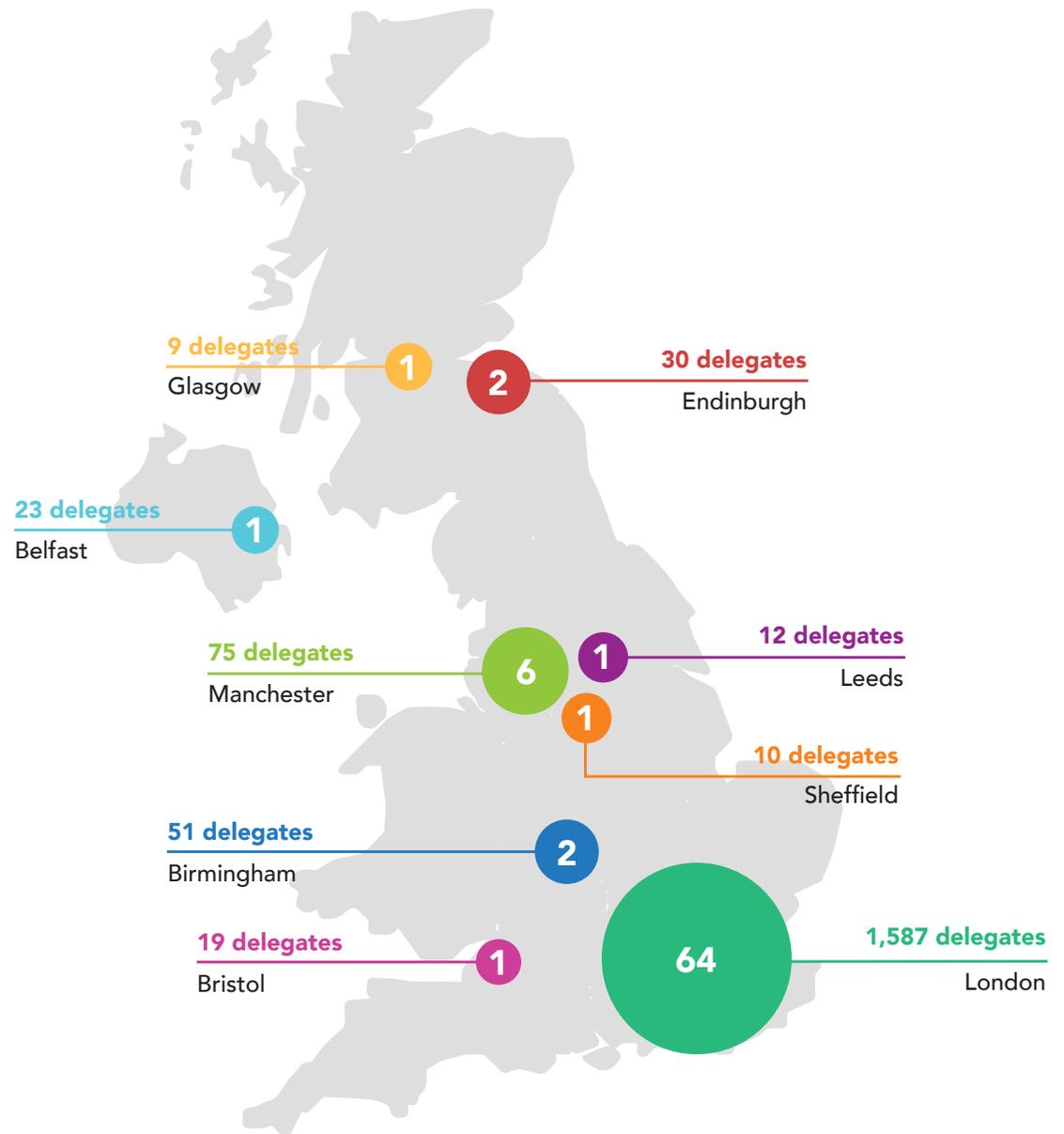
- Challenging Immigration Detention: a comprehensive toolkit
- Entitlement to NHS Health Care and Charging: Representing Migrant Clients in the Hostile Environment
- An Introduction to Business Immigration
- Applications and appeals under paragraph 276ADE(1) (iv) of the Immigration Rules ('7 Year Applications')
- Vicarious Trauma and Self-care
- EU Settlement Scheme

Who ILPA trainees are



Regional Training

Responding to the feedback from our out of London members, we have made a concerted effort this year to plan more regional training. We have planned training in Birmingham, Bristol, Manchester, Sheffield, Leeds, Newcastle, Glasgow, Edinburgh and Belfast and delivered a total of 15 courses in these regions, training a total of 229 delegates. Due to a lack of attendee sign up, we regrettably had to cancel a total of 3 trainings in Manchester, Leeds and Newcastle respectively. Our out of London training is planned either with our members' training needs in mind or as a direct response to member requests. ILPA will continue to plan training throughout the UK going forward and hope that more regional members take up the opportunity to attend these trainings.



Free Training and Seminars

As part of ILPA's continued initiative of capacity building within the sector we delivered 11 free courses and seminars this year, training a total of 458 delegates. We are able to deliver free training for our members through external sponsorship or support in kind. Our free training, conferences and seminars included:



- Legal Developments in Children's Cases (Uprights - Sponsored by ECRE, delivered in Leeds)
- Good Practice in Working with Unaccompanied Children (Uprights – Sponsored by ECRE)
- ILPA Well-being Conference (Supported by Freedom from Torture)
- Taking stock of Mental Health in Immigration Practice (Supported by Fragomen)
- Family Reunion for Children and Young People with Refugee Status/ Humanitarian Protection (supported by the Migrant Legal Project at Islington Law Centre and Doughty Street Chambers)
- Human Trafficking and Modern Slavery [Birmingham and London] (Sponsored by Penningtons Manches Cooper and supported by Optimus Law)
- The Past, Present and Future of Refugee Law: Refugee Week Seminar
- Practising Immigration Law: everything you need to know x 2 (Supported by Queen Mary University and Doughty Street Chambers)
- Children Citizenship Rights: training for legal practitioners (Supported by PRCBC, Amnesty International and Garden Court Chambers)

MPs Training

ILPA continued to provide training to MP's Caseworkers/Researchers based in Edinburgh, Manchester and London. Over the past year we have delivered 7 training courses on 'Introduction to Asylum Law' and 'Introduction to Immigration Law', delivered to a total of 105 MP's staff. We will continue to work with UK Parliament to ensure sufficient training is delivered to MP's staff throughout the UK, and are in discussions about expanding the remit of courses we deliver to include 'Introduction to the EU Settlement Scheme'.

Training Programme Highlights

EU Settlement Scheme:

In June 2019 we launched our EU Settlement training programme developed in collaboration with the ILPA European working group. This programme comprises of 18 sessions delivered in 8 regions across the UK between June 2019 – December 2019. The programme is being delivered in 2 parts; beginners and intermediate/advanced, with part 1 having come to completion in October 2019. Part 1 of the EU Settlement Scheme programme was delivered in Glasgow, Manchester, Birmingham, Bristol, Sheffield, Belfast and 3 times in London, providing 218 practitioners with the comprehensive tools to navigate the EU Settlement Scheme. Our tutors took the delegates through the life cycle of the Android app, covering the legal framework of the scheme, highlighting evidential requirements and focusing on issues impacting clients with vulnerabilities. As a response to the feedback we received from this course around issues of particular vulnerabilities ILPA will be delivering two additional courses in this programme on children and derivative rights of residence within the EU Settlement Scheme. Part 2 of this programme will commence in November 2019 and will cover citizenship, deportation, rights, restrictions and conditions of leave and the mechanics and interplay of relevant legal instruments.

Strategic Legal Fund and Public Law Project collaboration:

ILPA has collaborated with the Strategic Legal Fund (SLF) and the Public Law Project on a series of workshops to explore how to use strategic litigation to challenge unfair systems. The SLF recently conducted a consultation with the sector which showed that organisations are keen to learn more about undertaking strategic work in order to challenge disadvantage and discrimination against young migrants. The SLF is keen to support such capacity building of the sector, so this course has been developed for that purpose. The first day-long workshop is designed for practitioners with little to no experience of strategic litigation and is being delivered in November 2019. This will shortly be followed by an intermediate/advanced course for practitioners who are familiar with the litigation process and is being delivered in early 2020. We hope that the facilitation of these workshops will not only contribute towards capacity building but also effective collaborations within the sector.

Innovator and Start-up: the new rules explained

On 29 March 2019 new Rules came into force, introducing the new Start up and Innovator categories, to replace the Tier 1 (Graduate Entrepreneur) and Tier 1 (Entrepreneur) categories. Changes were also made to Tier 1 (Entrepreneur) extension/ILR requirements and to the Tier 1 (Investor) requirements. In our continued effort to be responsive to changes within the sector we delivered 2 courses covering this subject in April and July 2019. Both courses were the best attended courses of this reporting year, with 63 and 64 attendees respectively, training 127 delegates in total. The course aimed to provide delegates with a comprehensive understanding of the requirements of the new Start-Up and Innovator categories, including an awareness of the potential advantages/disadvantages compared with predecessor categories. We are acutely aware that our members continue to experience issues with regards to these new Rules and hope that our training programme can continue to support our members' needs of capacity building and sharing best practice.



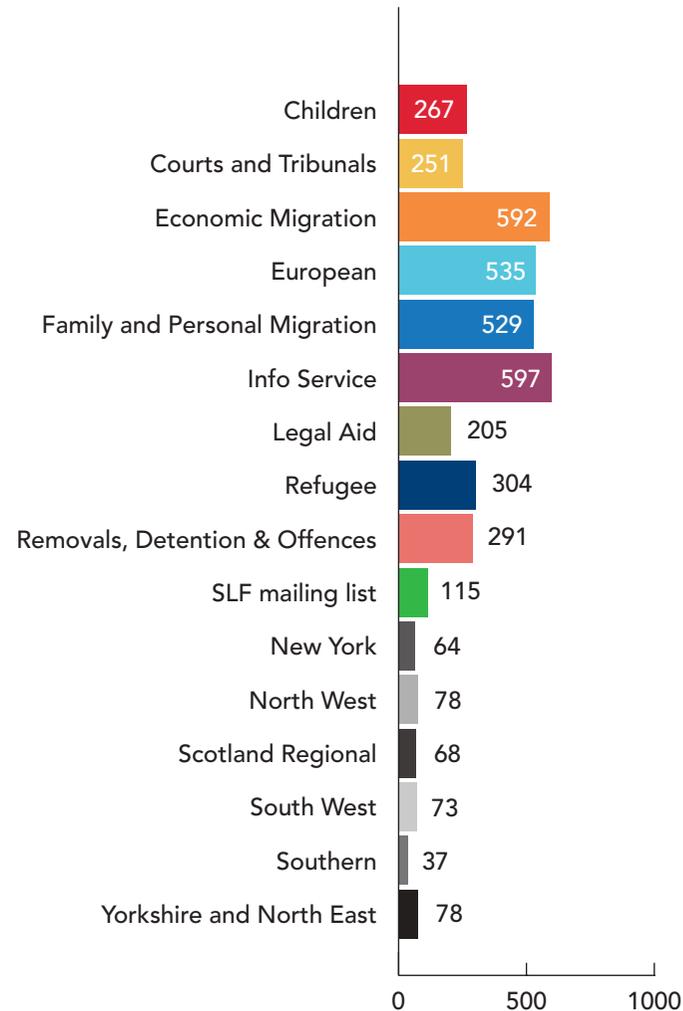
We would like to thank all of our members that hosted and supported our training programme in kind last year: No5 Barristers' Chambers, Freeths, Macfarlanes, Queen Mary University, Doughty Street Chambers, Freedom from Torture, Garden Court Chambers, Eversheds Sutherland, Bindmans, Fragomen LLP, McGill & Co Solicitors, Garden Court North Chambers, Maternity Action, Burges Salmon LLP, The Princes Trust, Optimus Law, Magrath Sheldrick LLP, Drystone Chambers and Osbornes Solicitors. ILPA relies on the generosity of our members to ensure the sustainability and affordability of our training programme.



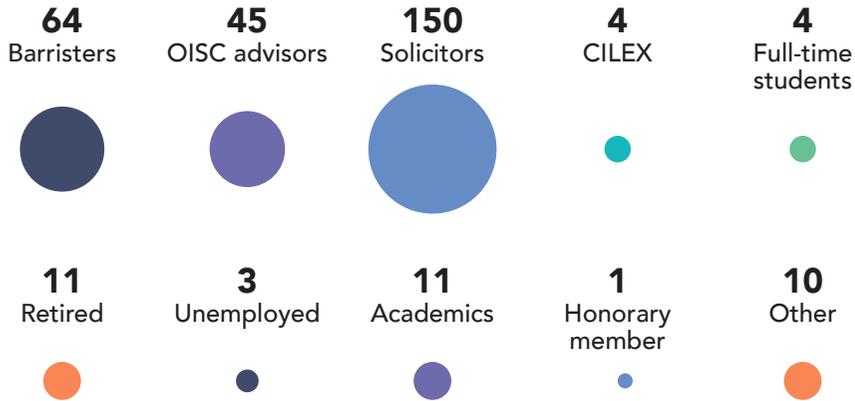
Membership



Areas of interest (by working group membership)

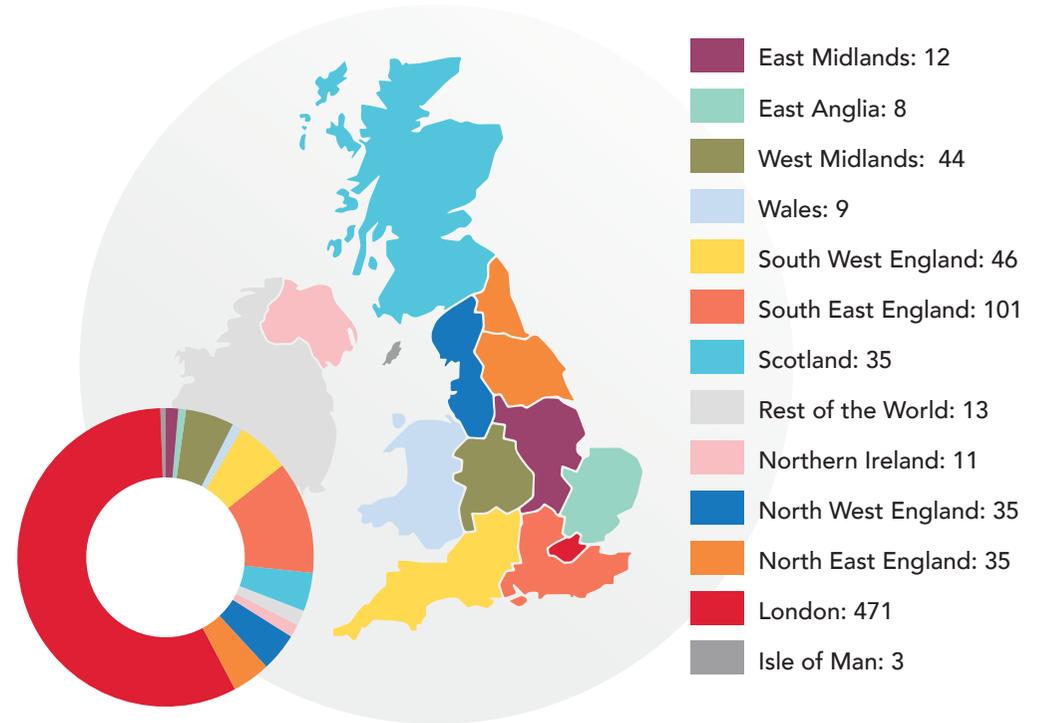


Individual members by profession

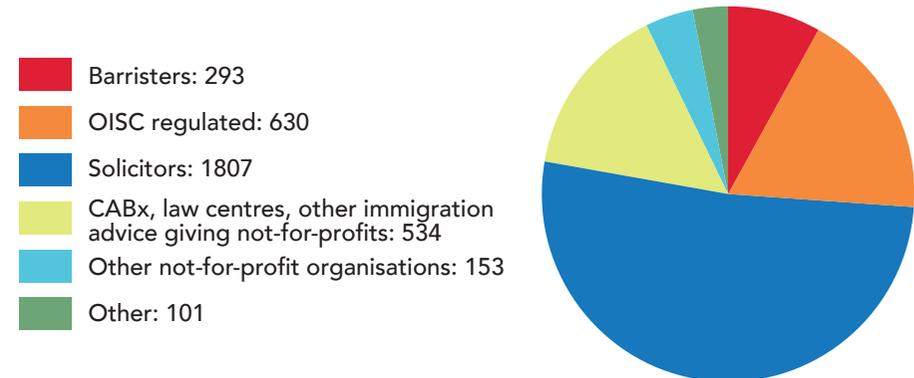


Organisation members by profession

ILPA members by region



ILPA members are/work for



Membership News

We welcomed 95 new members to ILPA this year, a mix of 61 organisations and 34 individual memberships, and we now have 829 members (down from 878 at AGM 2018).

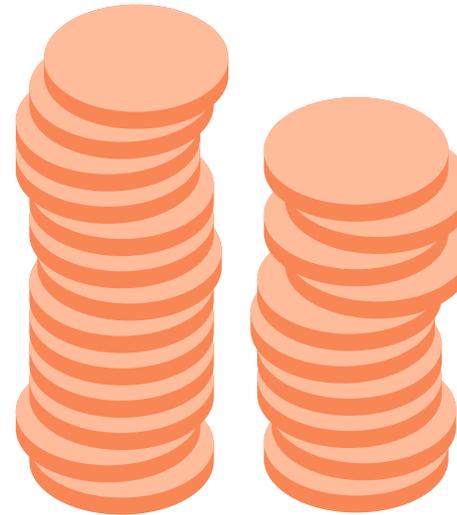
This in fact comprises a total of 3516 contacts who are considered members of ILPA (up from 3471 at AGM 2018). To explain, as we are a membership organisation which allows individual and organisation membership types, this figure includes all individual members, plus all contacts who have signed up under an organisation membership. Whilst it is a drop in member numbers this year, this number of 3516 contacts represents the reach of ILPA membership and is following our trend of annual increase.

Thank you members for your ongoing support – if you find us useful please spread the word – we are sure there are practitioners out there who should be members and join our project.

Members Survey

We completed our annual members survey in January 2019, and as ever it was a valuable source of ideas, criticism and feedback. Keep an eye out for the next one, and please encourage your colleagues to complete it, we had 128 respondents this year and would like to greatly increase that number to hear from more of you – it is a great opportunity to shape YOUR organisation and is a vital tool for the committee of trustees and secretariat in shaping the strategy and activities for the year ahead.

But don't just wait for the survey – please contact us at any point to let us know your ideas, criticism, feedback.



94%

agree that ILPA represents value for money

90%

felt that ILPA represents them effectively



94%

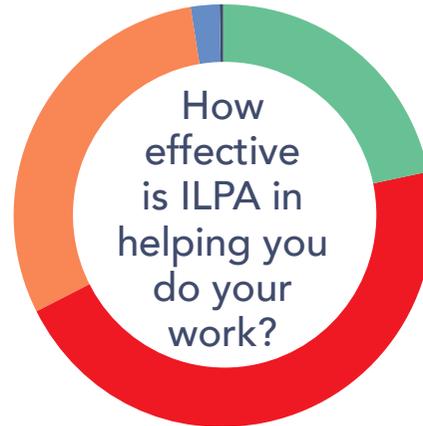
are satisfied or very satisfied with ILPA membership

88%



agreed that ILPA meets their education /development needs

- Extremely effective - 22%
- Very effective - 46%
- Somewhat effective - 30%
- Not so effective - 3%
- Not at all effective - 1%



Top 3 reasons for joining and remaining a member of ILPA:

- To get resources available to ILPA members only
- So I do not miss out on important developments in law, policy and practice
- To share best practice

ILPA should prioritise influencing work in the following areas (top 3):

- Attending meetings with Home Office/UKVisas and Immigration (UKVI) officials
- Work in parliament on bills, secondary legislation and with committees
- Responding to written consultations

Helen Williams, Membership Manager

ILPA is an excellent organisation and an invaluable resource for practitioners in the UK (in terms both of published material and also in terms of ability to collaborate with other practitioners to aim to influence positive change in the law).

The updates help us to stay on top of an area of law that is always changing.

I like being able to dial in to meetings, they are now more accessible to those of us outside London.

Immigration lawyers are generally really busy and don't have time to be involved in government advocacy or putting pressure on parliament. However I think we all think it's really important and that ILPA fills this gap really well - I'm reassured and relieved that an organisation who understands immigration law has a voice in shaping the law.

Some of the ways we have responded to your feedback

- The training suggestions we receive through the survey directly inform the development of our training programme.

- A number of members commented on the need for us to continue to address well-being in the sector

“More events around well-being and self-care are also great - I really enjoyed them this year and they address an urgent need in the sector.”

ILPA is committed to this; see the growth of the well-being working group and their ongoing activities.

- *“There need to be more training sessions and conferences in the North.”*

We regularly receive some criticism that we are “too London-centric” and that we neglect practitioners training needs out of London to develop a training programme that meets their needs. (See the training report in this document for an increased number of training sessions outside of London this year). We also currently have a very healthy pro-active working groups in both Yorkshire and the North East, and North West who both met frequently this year and we would urge you to join these working group email lists and attend the meetings when you can.

- Emails

“can be a bit too much but I understand that this is not easily avoidable in immigration.”

“information should be condensed in fewer correspondence.”

We regularly review our communication with members and appreciate your input on this and amend our systems where we can (within the restraints of staff and budget resources). This year we have been working on developing a new website (watch this space ...) and as part of that project we hope to improve our communication to members.

GOCARDLESS

Direct Debit for membership renewals

This year we have changed our provider of Direct Debit services and this is now being managed for us by GoCardless, we hope that this will provide a better, more secure, easy to use service for members. We appreciate anyone signing up to Direct Debit for membership renewal as this allows savings to ILPA in time and money which will free up staff to provide other services to members, and for you there is more control – you know exactly when payment will be taken from your account, and there is no danger of membership lapsing by mistake.

Practising Immigration Law – everything you need to know

This year we held two fantastic round table events where Chair Elspeth Guild, and various speakers spoke passionately and honestly about their routes into and through the immigration profession. These events have been well attended and are an excellent way to encourage new people to our sector, to

talk about the role of ILPA in helping and nurturing practitioners, as well as inspiring current members to consider different career routes. We hope to repeat them next year, including a session out of London.

Was really inspirational and reassuring to talk to you and hear from others about their route into the profession. Was great to hear it's more than possible to get there unconventionally, it has really given me a boost!

Becoming a trustee of ILPA

On 19 September we held an informal networking evening at ILPA's office for interested members to find out more about the role of a trustee. Many thanks to all who came and to ILPA CEO Nicole, current trustee Hazar El-Chamaa and former trustees Sue Shutter, Sophie Barret-Brown and Meghan Vozila who all generously gave their time and spoke enthusiastically about being a trustee. Our committee of trustees must both reflect and represent the interests of all ILPA members, from all sectors of immigration work and throughout the UK and we hope to continue with such efforts to make visible the work of trustees, and to encourage the interest of new applicants throughout the year.



Reminder of our Member of ILPA logo

We were pleased to introduce the Member of ILPA logo in early 2018 and are thrilled to see it in use by many of you.



Children's Rights in Immigration, Asylum and Nationality Law Conference 2019

Finances

Accounts for 2018-2019

The audited accounts for the financial year 2018-2019 indicate a healthy financial performance in an increasingly challenging environment.

This is reflected in income of £745,169, which is £49,101 (7%) more than in 2017/18 (£696,068), and carried-forward funds of £753,578.

Looking in greater detail at ILPA's income in the year 2018/19, it can be seen that:

- Income from training increased to £175,558 in 2018/19 from £166,780. This is due to the fact that we put on more one day conferences, 6 in 2018/19 compared to 2 in 2017/18.
- Income from membership increased slightly to £199,890 in 2018/19 from £194,420 in 2017/18.
- Income from grants increased to £336,415 in 2018-19 from £296,776 in 2017-18. This is mainly due to ILPA's role in managing the Strategic Legal Fund

ILPA's overall expenditure was £662,032, which is £1,309 (or 0.2%) higher than in 2017/18 (£660,723). This resulted in a net surplus of £83,137, which is £47,792 (or 135%) higher than the 2017/18 surplus of £35,345. A detailed analysis of expenditure is at pp. 18-20 of the Audited Accounts.

In 2019/20, ILPA has planned to run a deficit budget, due to higher overheads, including rent. ILPA continues to provide free training to the members and support them in areas identified by them in our annual survey.

ILPA has allocated money to "designated funds" for use for specified purposes approved by the committee of trustees. In 2018/19, ILPA allocated £10,039 for

use in projects that focus on refugee children; £40,586 to develop and improve ILPA's website, providing a better interface for members and the general public; and £110,766 to cover ILPA's lease commitment for the first 3 years which ends in September 2020.

As of 31st March 2019, ILPA's funds stood at £753,578. Of this £218,871 (29%) was held as restricted funds and £161,391 (21%) was held as designated funds (see above). The remaining £373,316 was held as general reserves.

Since taking over the management of the Strategic Legal Fund, ILPA has awarded a total of £233,883 in grant funding to various organisations for their strategic legal work in any area of law where vulnerable young migrants experience disadvantage or discrimination as a result of their migration status.

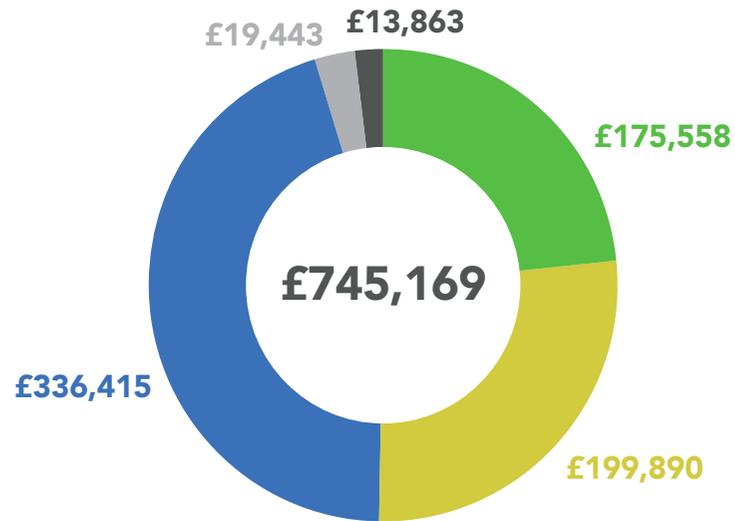
In 2016/17, ILPA was awarded three years' operational funding from Unbound Philanthropy, which started in the year 2016/17. The funding ended on the 31 August 2019.

ILPA continues to be very grateful to our funders, staff and members for supporting our work. Thanks also go to Ramon Lee and Partners for auditing our accounts.

Lana Norris

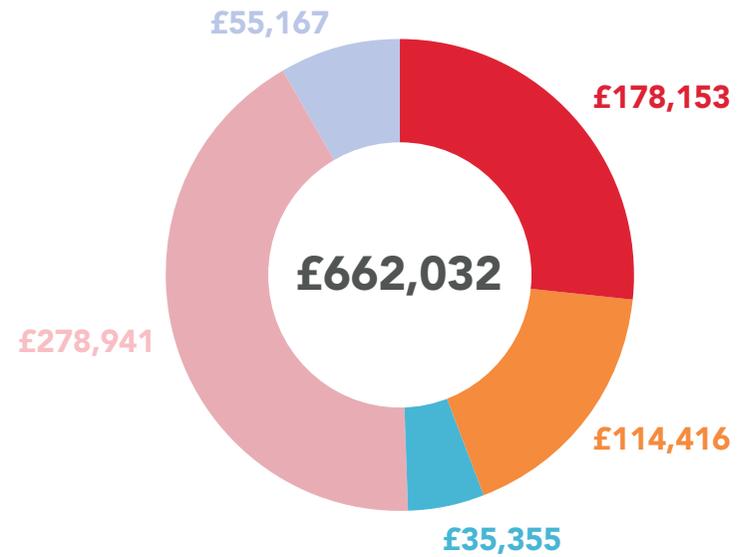
Finance and Officer Manager

Income for 2018–19



- Training and conference fees
- Members' subscriptions
- Grants and donations
- Other
- Consultancy fees

Expenditure for 2018–19



- Training and conferences
- Membership services
- Information services
- Legal policy research and litigation
- Governance

Thank you

To our trustees and convenors

ILPA has benefitted immensely from the important and valuable contribution of time, expertise and skills that our Trustees make to the Committee's work. Thanks are also due to the Convenors of the thematic and regional working groups, whose work is vital to ILPA across the range of areas in which we are engaged.

To our tutors and speakers

ILPA would like to thank all tutors and guest speakers, who have provided their time and expertise to ILPA's training programme during the year and continue to receive excellent feedback from delegates.

To our funders

ILPA would like to thank our grant funders for their continuing support of our work:

- Joseph Rowntree Charitable Trust for the funding for our Legal Officer post.
- Unbound Philanthropy for their contribution to our General Operating costs.
- Trust for London for funding the work of our Legal and Parliamentary Officer.
- The Transition Advice fund for funding some of our work on the EU settlement scheme.
- To all the funders of the Strategic Legal Fund. The five funders who have contributed are Esmée Fairbairn, Trust for London, Joseph Rowntree Charitable Trust, Paul Hamlyn Foundation and Unbound Philanthropy.

To our auditors

Once again, our accounts were audited by Ramon Lee and Partners. We are grateful to them for their hard work and advice.

Design & Print: Rubicon Marketing Ltd

Photography: David Brunetti Photography



ILPA

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