

ILPA

IMMIGRATION LAW PRACTITIONERS' ASSOCIATION
PRESIDENT: IAN MACDONALD QC

ILPA Annual Report 2007/2008

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TABLE OF CONTENTS

OBJECTS OF THE ASSOCIATION.....	2
CHAIR’S REPORT.....	3
EXECUTIVE COMMITTEE MEMBERS.....	6
SUBCOMMITTEE CONVENORS	
TREASURER’S REPORT.....	8
GENERAL SECRETARY’S REPORT.....	10
ILPA Staff	
Role of the Secretariat	
Context.....	12
Training.....	15
ILPA meetings.....	21
Membership.....	22
Dissemination of Information.....	23
Other Publications and Projects.....	24
Liaison with government and other organisations.....	24
Responses and submissions.....	31
Summary.....	34
ACCESS TO JUSTICE SUBCOMMITTEE REPORT.....	36
CHILDREN SUBCOMMITTEE REPORT.....	38
DETENTION AND ASYLUM FAST TRACK SUBCOMMITTEE REPORT.....	40
EUROPEAN SUBCOMMITTEE REPORT.....	43
ECONOMIC MIGRATION SUBCOMMITTEE REPORT.....	43
FAMILY AND GENERAL IMMIGRATION SUBCOMMITTEE REPORT.....	48
LEGAL AID SUBCOMMITTEE REPORT.....	50
OFFENCES SUBCOMMITTEE REPORT.....	53
ILPA SOUTH-WEST SUBCOMMITTEE REPORT.....	54

OBJECTS OF THE ASSOCIATION

The objects of the Association are:

- To promote and improve the giving of advice to and the representation of immigrants from whatever part of the world whether coming or intending to come to the United Kingdom for settlement or some limited purpose and to promote further and assist by whatever means the giving of advice to and representation of immigrants or emigrants to or from any other part of the world.
- To disseminate information and views on the law and practice of immigration and nationality in the United Kingdom and elsewhere.
- To enhance and expand the teaching of immigration and nationality law in the United Kingdom or elsewhere.
- To coordinate the activities and interests of immigration and nationality law practitioners, to make contact with similar bodies in other countries and to make representations for and on behalf of immigration and nationality practitioners.
- To secure a non-racist, non-sexist, just and equitable system of immigration and nationality law and practice in the United Kingdom and elsewhere.

Note: It has come to our attention that the Chair's Report in the Annual Report distributed at the Annual General Meeting was incomplete and missing the final paragraphs. These have now been inserted. The opportunity has been taken to correct minor typographic errors at the same time.

CHAIR'S REPORT

The past twelve months have marked another highly active and important year for ILPA. Details are set out in the reports of the Officers, General Secretary and the Convenors of our sub-committees, elsewhere in this report. The General Secretary's report in particular highlights the remarkable breadth and depth of work ILPA has been involved in this year and enormous thanks are due to our members, Sub-Committee Convenors, the Secretariat and Executive for these achievements.

This has also been a year of almost unprecedented change in immigration law and policy. To name but a few examples, this year has witnessed new legislation (the Criminal Justice and Immigration Act 2008), the publication of the Draft (partial) Immigration and Citizenship Bill, numerous statements of changes to the Immigration Rules, the commencement of the implementation and continued development of the Points-Based System, a new Immigration Minister, yet another name change for the UK Border Agency and a plethora of consultations.

In addressing these challenges, ILPA has once again demonstrated its ability to shape and influence policy and it continues to have a significant impact in the sector. For example, I would highlight ILPA's excellent work in substantially mitigating the government's draconian proposals on general grounds of refusal/re-entry bans. ILPA also continues to play a vital role in informing our members, quickly and effectively, of important changes, through our mailings, our information service, our e-mails to members, and in the longer term through our courses. Some improvements in ILPA's systems have assisted in the rapid dissemination of information and I hope that this Annual Report illustrates how ILPA has continued to respond quickly, thoughtfully and effectively in all its spheres of activity.

I would like to pay tribute to our past Chair, Chris Randall whose exceptional dedication to ILPA for over 15 years (culminating in his role as Chair for the last two of those years) made my transition to the post of Chair an easier task than it may otherwise have been. This transition was also greatly assisted by having a strong Secretariat and Executive in place. Thank you to all those who served on the Executive this year and special thanks to Philip Turpin for serving as Treasurer, overseeing a year in which ILPA has successfully recovered its financial position, and welcome to Kahiye Alim, who is standing unopposed as Philip's successor, having already made important contributions as a member of the Executive this year. I am also delighted that Sue Shutter, our long-serving Secretary is standing (also unopposed) for that office.

I must specifically commend Alison Harvey, our General Secretary, for her exceptional work in her first full year in the role (having succeeded Susan Rowlands in August 2007, a tough act to follow!). Her tireless work and tremendous energy and drive have provided an invigorating new boost for ILPA. Her intellectual vigour and sheer determination have been apparent in her activities representing ILPA and many members have commented to me on her impressive performance on members' behalf. The Executive very much looks forward to her continuing contributions in the forthcoming year of new challenges. Special thanks are also due to Kit Eaves,

Helen Williams, Elizabeth White, and Steve Symonds, for their sterling work during the year and of course more recently to Zoe Marsden who has joined the team to cover Kit's maternity leave.

The General Secretary's report sets out in detail the very extensive written output of ILPA over the last year and our attendance at numerous meetings and stakeholder groups. This is partly in response to increasingly frenetic government activity, and to the publication of more and more consultations (with seemingly ever-decreasing deadlines). Members who are already hard-pressed with their own caseloads have made an essential contribution to these responses and meetings and the increased role of the Secretariat in co-ordinating and drafting responses has also been vital to ILPA's effectiveness.

The Treasurer's report provides more detail about our financial situation. After a very challenging period, ILPA worked hard this year to achieve a stronger financial position. Whilst the situation has improved, this work must continue to secure ILPA's future. ILPA cannot do the vital campaigning and lobbying work from which the whole sector benefits without funds. Our core source of income is you, our members, through your membership fees and through your attendance on courses. ILPA is continuing to strive to optimise operational efficiency to cost-effectively fulfil our objectives and assist members.

We continue to look closely at our costs base. Having researched and costed numerous alternatives, ILPA re-negotiated and renewed its lease to remain in its current premises (again, with thanks to Alison for all her work on this). In all the circumstances the Executive found this to be the most cost-effective way forward. In the medium term the electronic distribution of the mailing and the establishment of a website with a secure members' area will reduce certain costs and aid effective dissemination of information, although this will require considerable initial investment. We will of course continue to look for additional sources of funding, particularly to fund the Legal Officer's work for instance and Alison has already started some good work on applications for funding, with some success. In the short term, maximizing income from training and membership remains our essential financial platform.

I am delighted that this year we welcomed over 200 new members to ILPA and saw a slight increase in the overall number of members. Sadly some members did not renew their memberships and with the continuing huge financial pressure in the publicly funded sector resulting in that sector contracting and in some cases consolidating into larger units, it is likely that this trend will continue. ILPA is however implementing measures to better facilitate prompt membership renewals (e.g. electronic payments).

We need to continue to increase our membership and, as the previous Chair did, I would ask all members to publicise the benefits of ILPA membership (including the extensive lobbying work we do) to potential new recruits in the sector and the benefits of ILPA's excellent courses (which are also open to non-members for a higher fee!).

An excellent, varied and successful training programme was developed this year and has been key, both to funding ILPA and to informing and assisting members. We have tried to keep training costs down in a variety of ways, including by conducting smaller courses at the ILPA office and using free venues where possible for larger ones (we are most grateful to those members who have generously provided their premises without charge). Training is of course a vital part of achieving our objects, as well as being an essential income generator. Whilst small courses are often not economic for us, particularly when they are based out of London, we continue to try to run them wherever possible for the benefit of members and have held courses in four regional centres outside London this year. We hope that attendance levels will continue to make this possible and enable us to expand the programme for next year. We have put on a wider range of courses than ever this year and numbers have risen again, particularly through the excellent work of Alison and Helen. Many thanks to them and to the training sub-committee.

Enormous thanks are due to all those who train for us. Your contribution has been invaluable. We would also welcome new trainers from the membership, as well as continued suggestions for new courses (please direct to Helen and the Training Sub-Committee) – one of our strengths in a competitive market is the speed with which we can react to requests. More importantly please remember that by choosing ILPA as your trainer you are not just choosing an excellent provider, but helping support all the lobbying, information and other work which we do, day in day out, and which other trainers do not.

Turning to some of the highlights and lowlights of the year which have been a focus of the various sub-committees, I would draw attention in particular to the disappointing proposals to abolish the Asylum and Immigration Tribunal and incorporate immigration and asylum appeals into a new two-tier tribunal (proposals developed in a working group from which ILPA was excluded and members represented only the respondents and the judiciary's position, with no input from representatives from the appellants' perspective) and proposals to transfer judicial review to the upper tribunal. These changes to the appeals and judicial review procedures will no doubt remain a major priority of the access to justice sub-committee and ILPA as a whole in the coming year. The conclusions of the Detained Fast-Track and Detained Non-Suspensive Appeal Intake Selection AIU instruction, identifying individuals with learning difficulties as suitable for detained fast-track procedures, was also lamentable and opposition to these proposals will continue. Despite the successful Law Society litigation, the subsequent compromise (again negotiated without ILPA's input) has led to complex funding arrangements and further pressures on the publicly funded sector, marking another busy campaigning year for the Legal Aid Sub-Committee. The continued erosion of rights of appeal, including in entry clearance cases under the new Points-Based System, is also a much regretted development.

Members will be aware of the excellent work undertaken by the European sub-committee, particularly through the detailed briefings that go out with the mailing. Our thanks to members for ensuring that ILPA remains so influential in this vital area. The decision in *Metock* marked a welcome development in this area of practice.

Steve Symonds has continued ILPA's excellent work with other NGOs. Members will note the section on the website devoted to his briefings, which we know are being circulated more and more widely. His work with a wide range of organisations and campaigns is set out in the report. As members will be aware, two thirds of his salary is funded by the Joseph Rowntree Charitable Trust, to whom we are very grateful. This funding is now coming to an end this year. Securing further funding for this post is one of the priorities for the Executive and the recent news of the £10,000 grant from the IBA is most encouraging (with thanks to Julia Onslow-Cole and Alison Harvey on this bid).

One of the most encouraging aspects in my first year as Chair of ILPA, which has given me cause for optimism despite the current immigration climate, has been the incredible dedication of members who are doing excellent work in this area – and still finding time to contribute to ILPA for the benefit of all practitioners and the migrants they represent. So many of you have given a great deal of your valuable time in so many ways, including representing ILPA at meetings with the UK Border Agency, the Judiciary and members, devising and delivering excellent training, disseminating essential technical information and UKBA correspondence to ILPA, drafting submissions and briefings, convening sub-committee meetings, dealing with press enquiries and answering members queries. Many of those who have contributed have been named in the enclosed report. However there are a vast number of you who contribute widely and make ILPA the effective organization it is today; ILPA depends on the commitment and contribution of its members and my thanks to you all cannot be overstated. Having been an active member of ILPA and in particular to Economic Migration Sub-committee for some 11 years, I have found my first year as Chair immensely rewarding, seeing first hand the exceptional work and commitment of our members and our staff, striving to increase knowledge, enhance best practice and assist and represent migrants, including some of the most vulnerable members of the community and I look forward to seeing ILPA's excellent work continue in future.

Sophie Barrett-Brown

Chair

Executive Committee Members and Sub-committee convenors

The Executive Committee

Ian Macdonald, QC – President	Sophie Barrett-Brown – Chair
Sue Shutter – Secretary	Philip Turpin – Treasurer
Kahiye Alim	Nick Armstrong
Tim Barnden	Mark Henderson
Alasdair Mackenzie	Julia Onslow-Cole
Jackie Peirce	Abigail Smith

There were no changes to the membership of the Executive Committee during the year.

Sub-committee convenors during the year:

Access to Justice Sub-committee:	Mark Henderson, Michael Tarnoky
Detention Fast Track Sub-committee:	Russell Blakely, Pierre Makhoulouf
Economic Migration Sub-committee:	Philip Barth, Nichola Carter, Philip Trott, Owen Davies, Sarah Keeley
European Sub-committee:	Elsbeth Guild, Alison Hunter
Family & General Sub-committee:	Sue Shutter
Legal Aid Sub-committee:	Jackie Peirce, Sonia Routledge
Offences Sub-committee	Jawaid Luqmani, Richard Thomas
Personnel Sub-committee:	Sophie Barrett-Brown, Philip Turpin, Sue Shutter, Abigail Smith
Training Sub-committee:	See General Secretary's Report (Training) below. The Committee is supported by Helen Williams

TREASURER'S REPORT

“Much ingenuity with a little money is vastly more profitable and amusing than much money without ingenuity” Arnold Bennett

Achievements over the last 12 months

Through great effort by the ILPA staff, executive and members we have, over the last twelve months, reversed the decline in income against increase in expenditure. Income has exceeded expenditure such that we have been able to restore our reserves. This has been achieved primarily through increased income from Training and is a reflection of all the hard work that has been done in identifying, planning, organising and delivering training courses on a wide range of topics (but a significant amount focused on the Points-Based System).

Sustaining membership has been a challenge, particularly because 12 months ago the membership fees were increased.

In early 2008 there was close scrutiny of income and expenditure and *accurate and realistic* projections of income and expenditure for the financial year were drawn up. This has enabled a more focused month- by-month review of the finances.

ILPA has moved to on-line banking enabling payments to be made more rapidly, fewer cheques to be written (with all the expense associated with that) and greater financial control by having immediate on-line sight of the statements of account. A protocol for the operation of the on-line accounts was drawn up and agreed in March 2008 and has been applied successfully.

Following the resolution last year HW Fisher and Co were appointed as ILPA's new Auditors. They approved the presentation of the accounts in a clearer and more workable structure and carried out a most thorough audit; (and all for half the cost of the previous auditors).

Challenges for the Future

Kit Eaves is now on Maternity Leave. Alison, supported by Kahiye Alim, moved swiftly to recruit for Maternity cover and we were fortunate to identify and appoint Zoe Marsden. There remain significant savings to be made in staff time through purchasing updated software enabling less repetitive data inputting.

We will of course still be dependent on the provision of exciting training courses on vital topics delivered by hardworking trainers.

It is also important that we make it easy to pay membership fees and training course fees so that we do not lose income through non-renewal of membership or failure to pay fees due. This will entail card payment facility and use of direct debit mandates.

Identifying possible sources of income from grant giving bodies and making the funding applications must be a priority in the coming year.

Philip Turpin, Treasurer

GENERAL SECRETARY'S REPORT

This year I have worked closely with a very hard-working Executive Committee that has directed its attention to governance, including all the policies listed below, and to ILPA's strategic direction, agreeing a strategic plan and protocols for convenors of subcommittees, for those responding to consultations on behalf of ILPA and those representing ILPA at meetings. Considerable work has been done to develop new tools, systems and procedures for work with the Executive Committee to ensure that they can work efficiently with ILPA and that they are not overburdened. They have also got involved in recruitment, in providing supervision for the General Secretary and have been very hands on when it comes to the work of the Secretariat as well as ILPA's presence in the outside world. ILPA could not have accomplished all that it has this year without them and I am very grateful for their support. A special mention must go to Sue Henderson, PA at Laura Devine to ILPA's Chair, Sophie Barrett-Brown. Sue's help in organizing busy diaries and a mountain of documents to sign off has been invaluable.

ILPA Staff

Kit Eaves	Administrative and IT Manager
Alison Harvey	General Secretary
Zoe Marsden	Office Manager with Finance (Maternity Cover for Kit Eaves)
Steve Symonds	Legal Officer
Elizabeth White	Personal Assistant to the General Secretary
Helen Williams	Training and Membership Administrator

In addition, Anne Singh has given us invaluable assistance as our professional intern.

Role of the Secretariat

The core functions of the ILPA secretariat are:

- 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
- The design and implementation of the ILPA training programme
- Updating members and others on all matters of asylum, immigration and nationality law, practice and policy
- Servicing and supporting the Executive Committee 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 Executive Committee 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 sub-committees and members active on ILPA's behalf
- Responding to enquiries from members, the media and the public.

Huge demands have been made on the staff of the Secretariat this year as ILPA has overhauled internal procedures, and its training programme, increased its output in responses and submissions, increased the information available on its website and increased the numbers of meetings hosted at the Secretariat as well as the external conferences and events attended by staff and members. We have built and strengthened management information within the Secretariat, including systems for information management, budgets and reporting timescales, evaluation and monitoring, allowing us to take steps to improve ILPA's dissemination of information to members and others. This year Zoe Marsden has joined us to provide cover while Kit Eaves is on maternity leave. The transition has been smoother than we could have dared to expect and Zoe is taking forward the work to improve our systems and procedures. Members old and new, as well as ILPA's many interlocutors continue to reap the benefits of the energy and professionalism of the staff and their willingness to re-evaluate and make changes to our ways of working to provide a better service to members.

We have been assisted by Helen Dewar (librarian), Andy Humphreys (IT), Pat Kahn (designer) and Jeremy Stone (Book Keeper) to whom thanks for their support and assistance.

A combination of hard work from staff and oversight from the Executive Committee has assisted in getting the Association back on a secure financial footing although we need to improve our ability to obtain support from funders. 2008 sees the two-third funding of the Legal Officer post by the Joseph Rowntree Charitable Trust come to an end. The funding has allowed ILPA to provide information on, and analysis of, legal and policy developments to support the work of refugee and migrant community organisations and non-governmental organisations working with them. ILPA members, including but not limited to those who are NGOs, benefit from much of this work, and the Info Service has become a popular resource for lawyers as well as non-lawyers, while Steve has devoted the rest of his time and skills to providing support to subcommittees and members through training, drafting of submissions and responses, stakeholding and responses to enquiries. We are very grateful to the Joseph Rowntree Charitable Trust for their support. The end of the year brought the good news of a grant from International Bar Association of £10,000 toward ILPA's work with refugees and migrants.

We succeeded in negotiating a lease that has made it possible for us to remain at Lindsey House, at least until it is demolished, as intended, as part of the cross-rail project. We have taken steps to improve our situation where we are: staff members have attended courses on health and safety and on fire training, as well as training in IT and project management. New policies and procedures have been developed for the Secretariat: a new Health and Safety Policy; a complaints procedure; an appraisals procedure; new financial controls; a protocol for on-line banking; an expenses policy; an information technology strategy; a volunteer policy; a policy on requests for in-house training and a protocol for responding to media requests. We are writing down what we know and working to improve it in the process. The enormous task of information management is being tackled steadily and staff are working hard to find ways to work more efficiently so that the Secretariat can meet the increasing demands placed upon it. We have updated the staff handbook and reviewed staff job descriptions.

Context

The pace of change has continued unabated this year, and has indeed increased. Not only new primary legislation but also a change of name for the responsible part of the Home Office now seem to be annual events. This year the Border and Immigration Agency changed its name to the UK Border Agency and the new primary legislation was the Criminal Justice and Immigration Act 2008. The provisions of this act on Special Immigration Status seemed to pull in the opposite direction to the government's stated aim of simplifying immigration law.

Perhaps the most worrying of the many worrying trends during the year has been the increase in the already devastating pressure on those providing publicly funded legal advice and representation. Whatever the UK Border Agency chooses to throw at clients, if they can obtain good quality legal advice and representation there is much in national and international law that can be invoked to challenge unreasonable and unfair policies and decisions, as has been demonstrated this year by a succession of very significant judgments of the House of Lords on Article 8 of the European Convention on Human Rights, the right to private and family life: *Chikwamba* [2008] UKHL 40, *Beoku-Betts* [2008] UK HL 2008 39, *EB (Kosovo)* [2008] UKHL 41 and *EM (Lebanon)* [2008] UKHL 68 .

Legal aid lawyers have continued to achieve groundbreaking results against all the odds. The Law Society litigation offered a glimmer of real hope, but the settlement negotiated with the Legal Services Commission has yet substantially to mitigate the effect of the fixed fee regime. ILPA is a member of the Civil Contracts Consultative Group set up as a result of the Law Society litigation and has pressed members' concerns vigorously. For those working in asylum, the retention of hourly rate payments for older cases has provided a cushion but the failure to make arrangements to deal with the substantial, in some cases enormous, amount of unpaid work in progress many firms are carrying, as a result of the abolition of stage billing, despite the Legal Services Commission's having, reluctantly, recognised the matter as urgent is of pressing concern to many firms. The Legal Services Commission bureaucracy with which legal representatives have to contend has increased over the year and the problems with the functioning of LSC-online have added to the problems. ILPA has benefited from the pro bono work of the Public Law Project and of Michael Fordham QC and Naina Patel of Blackstone Chambers to threaten judicial review of the proposed, and currently impossible, requirement to achieve 40% success rates in Detained Fast-Track cases. The year closes with the Legal Services Commission consultation for tenders from 2010 before us and it is to be hoped that the current problems are a result of their having lost interest in the interregnum and that they will be more interested in ensuring that they get the 2010 tenders right. There are few signs that such optimism is founded at the moment, but we shall work to make it so.

Creative litigation strategies have been used outside the legal aid field to take forward cases of concern. In the *HSMP Forum Ltd* judicial review ([2008] EWHC 664 (Admin) and in the *BAPIO* case ([2008] UKHL 27), individuals formed limited liability companies, enabling them to pursue litigation leading to important condemnations of retrospective and unfair immigration rules.

The HSMP Forum Ltd judicial review is particularly significant because this year has seen the removal of many appeal rights in entry clearance cases in cases under the Points-Based System. Spare a thought for ILPA's work on the Immigration, Asylum and Nationality Act 2006, without which appeal rights would have been lost in in-country Points-Based System cases also and there would have been few opportunities to challenge that system. So far the Points-Based System has been characterised by a proliferation of incomplete guidance, issued at the last moment, exemplified by the creation of the Statement of Intent, a glorified press release. The most characteristic feature of the system is its prescriptive approach to evidencing that one meets the requirements of particular category and a rigidity in the application of the rules that works, in the case of 'maintenance' requirements, to the disadvantage of applicants from non-OECD countries and builds discrimination on the basis of country of origin into the scheme. ILPA's Economic Migration subcommittee has been active in criticising the new system and members have worked very hard to share the information and explanations that they have obtained, assisting each other in being able to challenge the new schemes wherever the opportunity has arisen.

The effects of the new civil penalty regime on migrant workers' rights have yet fully to be felt, but the fears and signs are that they are making migrant workers more vulnerable to exploitation. The significance of the introduction of biometric identity cards, in the workplace and beyond, should not be underestimated and may change the way rights and entitlements of those under immigration control are handled.

The richly deserved OBE conferred upon Susan Rowlands in the Birthday Honours list for services to human rights provided recognition of the significance and importance of the fight for a just and equitable immigration law.

At the European level, the *Metock* (Case C-127/08) case in the European Court of Justice should have put an end to the denial of rights of third country family members of EU nationals, but, in a shocking disregard for the rule of law, three and a half months on, the Home Office has failed to produce an official reaction to the judgment or guidance and information to those who stand to benefit from it. The same lack of respect for the rule of law has characterised the failure to react to the judgment in *Baiai* ([2008 UK HL 53) which condemned the operation of the Certificate of Approval to marry regime and its discriminatory application. Perhaps the most bitter disappointment of the year was the judgment of the European Court of Human Rights in *Saadi v UK* 13229/03, accepting the principle of deprivation of liberty for administrative convenience (although the judgments of the Asylum and Immigration Tribunal in third party support cases come a close second). The *Saadi* judgment appears to have been treated by the UK Border Agency as a green light to expand the Detained Fast-Track and reduce the safeguards afforded to those subject to this punitive and unfair regime.

While litigation has been a vital part of fighting for a just and equitable immigration law, influencing work has also played an important part. When in February 2008 the Statement of Changes in Immigration Rules HC 321 was laid before parliament introducing, without warning,

re-entry bans, ILPA members from all areas of practice were united in their determination to fight these inequitable rules. ILPA briefed the Joint Committee on Human Rights, which promptly put the Minister on the spot. We then persuaded both the House of Lords and the House of Commons to pray against the rules and held meetings with officials, both in the UK Border Agency and in the Department for Business, Enterprise and Regulatory Reform and in the Ministry of Justice. First we won a small concession, for those leaving the UK before 1 October 2008. Then we achieved a real breakthrough: no mandatory re-entry bans for those applying to come to the UK to join family members. Substantial injustices remain, and we shall continue to fight them. As the year closes, we have persuaded the Conservative Front Bench in both Houses of Parliament to try to pray against a subsequent statement of changes in immigration rules, HC 1113, introducing sponsor-licensing.

The government backed down on its proposals to deny migrant domestic workers a route to settlement and the right to change employers, but proposal in HC 1113 not to retain the limited protection for domestic workers in diplomatic households sounds a sour note. Nor has destitution been abandoned as a goal of public policy: the failure to do anything for nationals of Zimbabwe here without leave, by giving them a period of leave, allowing them to work and study, at a time when there is so much public sympathy for their plight, suggests that the constant references to public confidence in the immigration system are an excuse and not a reason for many punitive policies.

The UK Border Agency, in its consultation *Immigration Appeals: Fair Decisions, Faster Justice* has shown a determination to keep its stranglehold on the procedure rules that so influence the conduct of the Asylum and Immigration Tribunal, while taking advantage in the immigration field of the possibilities offered by the Tribunals, Courts and Enforcement Act 2007 of replacing judicial review with review in the upper tier of the Tribunal and limiting onward rights of appeal. There are shades of the ouster clause in this proposal. ILPA considers that it is the scrutiny of the higher courts, rather than the AIT, that has provided a measure of control over the Home Office's conduct as a decision-maker and a litigant, and we shall continue to emphasise how vital the role of the higher courts has been. Meanwhile the Asylum Support Tribunal is now part of the lower chamber of the Tribunals Service.

ILPA has also been busy with UK Border Agency's plans for future changes. The publication of the Draft (partial) Immigration and Citizenship Bill provided a glimpse of what consolidation might look like, but also made clear that the commitment to change, in the form of broad, sweeping and unconstrained powers for the UK Border Agency is unabated.

A new consolidating Act will provide an opportunity to audit the promises made and assurances given during the passage of successive immigration acts over the years. ILPA's collections of Ministerial Statements will stand us in good stead here. If we needed inspiration for this project, it has come this year in the form of many reminders that perseverance, and time invested in helping networks to understand the complexities of immigration law and working with them, does pay off. The UK is to ratify the Council of Europe Convention on Action against Trafficking

in Human Beings in December. The UK government has this year announced its intention to remove its reservation to the UN Convention on the Rights of the Child and has accepted that the UK Border Agency must be made subject to duties to safeguard and promote the welfare of children, although there remain signs that the intention is to keep these obligations to a minimum, not least in the Agency's desire to press on with plans forcibly to return unaccompanied children to orphanages in Bangladesh, Pakistan and Afghanistan. After many years of lobbying the UK Border Agency has been made subject, if not to s. 11 of the Children Act 2004, then at least to a duty to safeguard children and, under the Draft Bill, to promote their welfare also.

Training

ILPA has provided 76 training sessions since the last AGM across all areas of its work, most in London, but also outside, this year in Manchester, Birmingham, Leeds and Glasgow, an increase of 21 sessions on last year and with the addition of one new city (Glasgow).

In addition ILPA put on three training for trainers courses, providing free training to 25 of its tutors, delivered by Jane Aspden, who previously worked at ILPA and developed ILPA's much-respected Asylum Caseworker Training Project, and Tim Barnden.

Considerable work was done by Helen Williams and Kit Eaves during the year on the presentation of the ILPA training programme, with the redevelopment of the pages on the website and increased use of email alerts to accommodate a rolling programme of training that allows ILPA to respond rapidly to new developments in the law and the provision of more information about courses. These developments have proven popular with members and attendance on training courses is up on the previous year. They mean more work for the staff in the Secretariat and I am very grateful for their can do attitude and determination to provide the best possible range and quality of training. We have succeeded in our aim, set out in last year's report, to reinvigorate the training programme.

A big thank to all those who have contributed to the development of the ILPA training programme through suggestions and feedback. Your suggestions continue to be highly valued.

The market for training continues to be a competitive one, whether training is provided by individuals or commercial providers or used as a marketing tool by firms and chambers. ILPA's training programme is holding its own because of its quality and its responsiveness to the needs and demands of practitioners. It is gratifying to see how many evaluation forms state 'the best training I have ever been on' and to receive enthusiastic emails and phone calls after courses. It is important to us to be able to continue to provide courses for specialists even where, because of their specialist nature, these attract only small numbers of attendees, as well as providing courses that have a broad appeal. Pressure on firms' time and budgets has been felt in attendance levels on some other training courses, in particular in the asylum field. ILPA's training raises revenue essential for the survival of the Association and the provision of the range of services we offer to

members as well as our influencing work and we are always keen to discuss with chambers and firms how they can achieve their marketing goals by providing training in conjunction with ILPA and to be invited to explore new opportunities for training. As part of this process, we have put in place a system that will allow us to respond to requests for in-house training, drawing on tutors who have trained for ILPA and been on our training for trainers courses, who will be able to use ILPA training materials in preparing their courses. A lot of effort went into coming up with a scheme that would provide a fair recompense for the tutors, cover ILPA's costs and offer value to those requesting training.

The Executive Committee, advised by the training subcommittee, took the decision during the year to sell two training packs; a first for ILPA. These are the Introduction to Immigration and the Concessions training packs. It was felt that these were stand-alone resources from which people could benefit even without the course, and that they should be offered for sale to those unable to attend the courses. Selling of other packs will be assessed on a case-by-case basis; some packs are excellent training aids but not suited to self-study, and these ILPA will not sell, because while the selling might raise profits, it would not raise standards. Early bird discounts have been introduced with the aim of increasing our and our tutors' ability to plan courses.

A huge thanks to all of our trainers, who train for ILPA because of their commitment to ILPA's objectives and commitment to supporting the range of ILPA's work, preferring training for ILPA over more lucrative offers and giving up their very precious time. Throughout the year many trainers have sat down with new rules, provisions and cases as soon as they were printed, to be able to turn around and impart that knowledge to ILPA members within a matter of days. On some courses, as with those on HC 321, the Statement of Changes in immigration rules, trainers had to contend with government backing down in the face of ILPA's influencing work only hours before the course – turning the course into a celebration. In a year when developments have come thick and fast, often couched in lengthy and turgid documents, the sense of trainers and participants working together to achieve excellence and push the boundaries of the law pervades training sessions. Trainers and attendees are engaged in a common project to realise ILPA's objectives. This makes our training courses unique and we say a heartfelt thank you to all of you.

Training sub-committee

The training subcommittee has supported ILPA in evaluating and developing its training programme and input from the subcommittee has been invaluable to us. Thanks to those who have attended our training. Thank you in particular to those who have attended our training subcommittee meetings: Tim Barnden, Sophie Barrett-Brown, S Chelvan, Chris Randall, Sally Thompson, and Alison Stanley.

Training Partners

ILPA worked in partnership with CAFID (Civil Actions Arising From Immigration Detention) to promote a series of three courses at special rates on Challenging Misconduct in Immigration Detention. We also worked with Garden Court Chambers on the conference Trafficking for Sexual and Labour Exploitation. In April we worked in partnership with the Anti-Trafficking Legal

Project (ATLeP) on training on the implications of psychological status for the determination of claims for asylum. In September we worked in partnership with the Union Internationale des Avocats and the Law Society on their seminar on immigration compliance. In October we ran a training session in conjunction with UK Lesbian and Gay Immigration Group (UKLGIG) on Asylum on the grounds of sexual and gender identity.

Venues

This year ILPA courses have been generously hosted by Baker Mackenzie, Bindmans LLP, CMS Cameron McKenna, Fragomen LLP, Greater Manchester Immigration Aid Unit, Kingsley Napley Solicitors, Matrix Chambers, PricewaterhouseCoopers Legal LLP, the Scottish Refugee Council and UKLGIG.

ILPA is always pleased to hear from firms and chambers who are willing to provide venues for ILPA training or assistance in copying materials.

ILPA/ILPA supported Seminars/Conferences

- ILPA/LSE Migration Studies Unit conference: Migrants and involuntary return, Article 3 of the European Convention on Human Rights, 14 December 2008
- Garden Court Chambers/ILPA conference Trafficking for Sexual and Labour Exploitation 07 March 2008 (London)
- The Implementation of Directive 2004/38 (the 'Citizens' Directive) 19 April 2008, generously hosted by Kingsley Napley Solicitors
- Union Internationale des Avocats and Law Society Conference on Immigration Compliance, supported by ILPA and with ILPA speakers 18-19 September 2008

Courses

2007

28 November	Legacy cases & the impact of Article 8, delay and previous policies
29 November	Overseas Domestic Workers, current practice and procedure and the way ahead (Manchester)
3 December	Victory for Turkish business people: <i>Tum and Dari</i> in the ECJ
4 December	Civil remedies in immigration detention cases
4 December	Legacy cases & article 8, delay & previous policies (Glasgow)
5 December	Work permits and other applications to work in the UK
12 December	The UK Borders Act
17 December	Tier I Mainstream & Enterprise, applications under the new system

2008

22 January	Extradition, asylum and human rights: a guide to extradition law for immigration practitioners
25 January	Sponsorship applications under the Points Based System
5 February	Appeals procedure in immigration cases
13 February	Update on European law

19 February	The UK Borders Act
22 February	Appeals procedure in immigration cases, Birmingham
26 February	Update on the Points Based System
27 February	Update on asylum law
4 March	Employment law for immigration practitioners
5 March	An introduction to immigration law, getting started, the first step to accreditation
10 March	Significant others: applications for fiancées, partners and spouses
11 March	Introduction to Irish Immigration Law
12 March	Working with children and young adults
14 March	The UK Borders Act (Birmingham)
14 March	Subsidiary Protection under the Qualification Directive: Article 15
7 April	Challenging immigration detention: an update
11 April	Student Applications and appeals under the Rules (Leeds)
14 April	Update on the Points Based System (Birmingham)
15 April	Indefinite leave applications: a practitioner's guide
17 April	ILPA/ATLeP training, asylum cases: implications of psychological status for the preparation and presentation of asylum cases
22 April	Update: recent developments in immigration cases
24 April	Student applications and appeals under the Rules
30 April	Update on the Points Based System, the system in action
14 May	HC321 General grounds for refusal, re entry bans and deception
19 May	ILPA workshop: Immigration, EU Free Movement Law in the UK: how to implement the rights of EU Nationals and their third country national family members
22 May	Tier 2 and Sponsorship: update
28 May	Advising EEA Accession State Nationals: A8 and A2 Nationals, immigration rights, access to housing, social security and community care
29 May	An introduction to immigration law, getting started, the first step to accreditation
4 June	HC321 New paragraph 320: the general grounds for refusal, re-entry bans and Deception
5 June	Administrative Review and Judicial Review
11 June	Getting started in business immigration
12 June	Challenging immigration detention, an update (Birmingham)
17 June	Professional conduct and ethics in immigration cases
19 June	Making fresh claims: from representations to judicial review
24 June	Legacy and support
26 June	Applications on entry clearance, all you need to know
3 July	European Immigration law for business practitioners
7 July	Training the Trainers
10 July	Update: Article 8 (Leeds)

14 July	Training the Trainers
17 July	Tier 2 and Sponsorship, update (Leeds)
22 July	Update: Article 8
24 July	Tier 1 (General) in practice, five months on
30 July	The new deportation regime (Manchester)
31 July	An introduction to immigration law, getting started, the first step to accreditation
7 August	Tier 1 Entrepreneurs, Investors, Post Study & Sole Representatives
11 August	Training the Trainers
11 August	Training the Trainers
20 August	Tier 2 and Sponsorship update
8 September	Challenging Immigration Decisions; Appeal rights and other remedies (Leeds)
10 September	Tax law for immigration practitioners
16 September	An introduction to immigration law, getting started, the first step to accreditation
18 September	Current challenges for UK immigration lawyers
23 September	Update on asylum law
25 September	The new deportation regime
8 October	Adoption for immigration practitioners
9 October	The new deportation regime (Glasgow)
10 October	Home office policy, concessions and the exercise of discretion outside the immigration rules, Manchester
10 October	EEA Family members: running cases following the ECJ Decision in <i>Metock</i>
15 October	Home office policy, concessions and the exercise of discretion outside the immigration rules
16 October	Overseas domestic workers, current practice and procedure, and the way ahead
20 October	Update: recent developments in immigration cases
22 October	Tier 1 General: 8 months on – a comprehensive ‘how to’ guide and analysis of the scheme in practice
27 October	ILPA/UKLGIG training: Asylum on the grounds of sexual and gender identity
29 October	Update on HC321, General grounds of refusal
10 November	Challenging Immigration Decisions, Appeal rights & other remedies
19 November	UK nationality law: current developments

Speakers

Our thanks go to the following, who have delivered training for ILPA during the year:

Naomi Angell, Osbornes
Tim Barnden, Wesley Gryk Solicitors LLP

Jane Aspden
Liz Barratt, Bindmans LLP

Sophie Barrett-Brown, Laura Devine Solicitors
Adrian Berry, Garden Court Chambers

Kathryn Bradbury, Gherson

Nichola Carter, Gherson

Mick Chatwin, Renaissance Chambers

Katrina Cooper, Fragomen LLP

Owen Davies, Fragomen LLP

Judith Dennis, Refugee Council

Annette Elder, Elder Rahimi Solicitors

Mark Emery, Bindmans LLP

Nadine Finch, Garden Court Chambers

Madeleine Garlick, Senior EU Affairs Officer,
UNHCR (Article 3 Conference)

Vicky Guedalla, Deighton Guedalla Solicitors

Alison Harvey, ILPA

Alison Hunter, Wesley Gryk LLP

Peter Jorro, Garden Court Chambers

Samantha Knights, Matrix Chambers

Surekha Kukadia, Bates Wells Braithwaite LLP

Rachael Mason, Ernst and Young LLP

Michal Meduna, European Commission
(Citizens Directive Seminar)

Jo Middleton, Doughty Street Chambers

Sonali Naik, Garden Court Chambers

Julia Onslow-Cole, PricewaterhouseCoopers
Legal LLP

Emily Pope, CMS Cameron McKenna

Mahmud Quayum, Camden Community
Law Centre

Kate Roberts, Kalayaan

Nicola Rogers, Garden Court Chambers

Linda Rowe, PricewaterhouseCoopers Legal LLP

Mark Scott, Bhatt Murphy Solicitors

Philip Barth, Penningtons Solicitors LLP

Syd Bolton, Medical Foundation for the Care
of Victims of Torture (Article 3 Conference)

Kathryn Cronin, Garden Court Chambers
(Article 3 Conference)

Lee Chapman, PricewaterhouseCoopers
Legal LLP

David Chirico, I Pump Court

Simon Cox, Doughty Street Chambers

Graham Denholm, I Pump Court Chambers

Laura Dubinsky, Doughty Street Chambers

James Elliot, Wilson and Co. Solicitors

Judith Farbey, Doughty Street Chambers

Laurie Fransman QC, Garden Court
Chambers

Stephanie Harrison, Garden Court Chambers

Elspeth Guild, Kingsley Napley

Jane Herlihy, Centre for the Study of Emotion
and Law

Raza Husain, Matrix Chambers

Jonathan Kingham, Kingsley Napley

Raggi Kotak, I Pump Court

Jawaid Luqmani, Luqmani Thompson and
Partners

Jonathan McCarthy, Designated Immigration
Judge (Citizen's Directive Seminar)

Dr Valsamis Mitseligas, Queen Mary College
(UIA/Law Society conference)

Nuala Mole, Centre for Advice on Individual
Rights in Europe (Article 3 Conference)

Barry O'Leary, Wesley Gryk LLP

Muhunthan Paramesvaran, Wilson and Co.
Solicitors

Simon Pugh, Wilson and Co. Solicitors

Chris Randall, Bates Wells Braithwaite LLP

Philippa Roffey, Elder Rahimi Solicitors

Nicolas Rollason, Kingsley Napley

Rick Scannell, Garden Court Chambers

Judge Sikuta, Judge of the European Court of
Human Rights (Article 3 Conference)

Anne Singh, Refugee Legal Centre

Abigail Smith, Tooks Chambers

Alison Stanley, Bindmans LLP

Steve Symonds, ILPA

Dr Stuart Turner

Amanda Weston, Tooks Chambers

Colin Yeo, Renaissance Chambers

Nikos Sitaropoulos, Lawyer, Council of Europe, Dept for the Execution of Judgments of the European Court of Human Rights (Article 3 Conference)

Hugh Southey, Tooks Chambers

Mark Symes, Garden Court Chambers

Ronan Toal, Garden Court Chambers

Frances Webber, Garden Court Chambers

Sue Willman, Pierce Glynn Solicitors

ILPA Meetings

Subcommittee meetings

ILPA's subcommittees are the powerhouse of the Association. Convenors give generously of their time to facilitate members' activities in these specialist areas and the active members of the subcommittees are the driving forces behind each one. The subcommittees provide opportunities for members to get involved in ILPA's work at whatever level of skill and with whatever time they have. The numbers of members on different dedicated subcommittee email groups and lists have increased over the year and dissemination of information to members through the lists has also increased. The Secretariat is committed to facilitating the broad reach, transparency and accountability of the subcommittees, the flow of information and joint working between them and to supporting their smooth administration. We shall be working over the coming year to keep the activities and functioning of the subcommittees under review and further to develop their activities and members' involvement in them.

Many subcommittee meetings have been well-attended. Lord Justice Carnworth, President of the new Tribunals Service, attended an access to justice subcommittee meeting. External speakers from the UK Border Agency attended two of the Economic Migration Subcommittee meetings to address members, and these meetings attracted over 80 members each. A representative of the European Commission in the UK attended a European Subcommittee meeting. A representative of the Legal Services Commission attended a meeting of the Legal Aid Subcommittee on legal advice for those detained in prison service establishments. Representatives from Southall Black Sisters and the Islington No Recourse project attended a special meeting of the family and general subcommittee on domestic violence.

Access to Justice	1
Asylum fast-track	2
European	8
Family & General	7
Economic Migration	12
Immigration Offences	1

Legal Aid	5
Training	3
Children	4

In addition the Access to Justice and Legal Aid subcommittees held a joint meeting on Costs in the Higher Courts on 18 June 2008.

Members' meetings

We have sought to ensure that wherever possible meetings for members take place under the auspices of the most appropriate subcommittee, but that special topics and themes being dealt with by subcommittees are publicised widely to all members. This approach helps to strengthen the subcommittees and increase involvement in them. Some topics are clearly cross-cutting and these have formed the subject of members' meetings, as follows:

- Lord Goldsmith's Citizenship Review – Tuesday 11 December 2007
- Statement of Changes in Immigration Rules HC 321, Monday 11 February 2008
- Path to citizenship – new plans for settlement and citizenship – Monday 7 April 2008
- Trafficking in the Greater Mekong Region – with Professor Susan Kneebone, Faculty of Law, Monash University, Australia – Wednesday 11 June 2008
- Draft (partial) Immigration and Citizenship Bill – 29 July 2008

In addition, ILPA South West held its inaugural meeting on 6 November. Special thanks go to Natasha Gya Williams for setting this up. She and Solange Valdez spoke at this first meeting. We are in discussion with members in other regions and hope to see further regional meetings in the year 2008-2009.

Membership

Membership is up. As of 13 November 2008 the total of ILPA members was 978. Two hundred and seven new members have joined since the last AGM. Of this number, 118 are individual members and 89 organisations. Forty-seven are OISC regulated organisations and 20 are OISC regulated individuals. ILPA implemented its new membership categories and new membership fees in December 2007. Pupil barristers can now join at a reduced rate and pupil barristers and trainee solicitors have the opportunity to attend training courses at reduced rates. The new fees are designed to be calibrated to ensure that costs are spread equitably.

We have fallen short of the target set in the last report, to bring membership back up to November 2006 levels, although we are heading in the right direction. That such a large number of new members has produced a rise of 46 new members overall is a matter we are seeking to address through the introduction, early in 2009 we hope, of the ability to pay membership fees by direct debit, thus avoiding members lapsing by accident. We have seen a changing pattern whereby we have a greater number of individual members as compared to firms: in 2006-2007, 54% of members were organisations and 46% individual, this year 43% are organisations and 57% individuals. It remains the case that we do receive letters where people cancel membership

because the firm is closing its immigration department and they are moving out of immigration. Each such letter causes us to redouble our efforts to provide the best possible support to those in the field.

Dissemination of information

From December 2007 to November 2008 members have been sent 12 mailings and 322 numbered enclosures, an increase of 48 enclosures over last year. This has been supplemented by 66 documents/bundles of documents publicised through the mailing as documents available from ILPA, many of which are restricted documents and responses that we cannot put on our website and that are not available elsewhere. The information circulating through the mailing is supplemented by a wealth of information circulated electronically to specialist subcommittees. Electronic distribution of the publications section of the mailing has proven popular, with members making use of quick links to documents identified as important by ILPA.

The training section of the website has been further developed. The ability to post job ads on the ILPA website has been welcomed by those advertising jobs and those seeking them. Two ILPA subcommittees now make use of google groups: the Legal Aid and the Asylum and Detained Fast Track subcommittees. Steve Symonds' work on the Simplification Google group that supports ILPA's work on new legislation has made full use of the resources of the Google group format to share documents and notes of meetings, and use calendars to assist members in identifying documents past and events to come.

Work toward a new website has been slower than we should have wished, partly because of pressure of other work but also because the task of identifying and making plans to overhaul some of ILPA's antiquated IT and procedures has been bigger than was perhaps expected. We are seeking to achieve not just a new website, but better office systems and procedures that will allow us to improve our information dissemination and services to members. Our plans are ambitious and we have scrutinised all aspects of our work during the year and are confident that this careful examination of our work will pay dividends in the way we move forward.

ILPA has participated in research projects by a range of organisations and individuals including the Hansard Society's research into the legislative process (Alison Harvey) and Sue Lukes and Eleanor Krojman's research on gender and family immigration (Sue Shutter and Alison Harvey).

Info Service publications

Since the last AGM, the info service has produced nine Updates and 32 Information Sheets as well as notes from seminars and workshops. The Information Sheets cover topics including leading cases, the Draft Immigration and Citizenship Bill, the Points-Based System, Legacy Cases, Article 8, Long Residence Rules, Subject Access Requests, General Grounds for Refusal, Legal Aid and the Path to Citizenship. Notes from workshops cover topics including Issues Arising from the Detention of Migrants (October 2008), The Immigration and Citizenship Bill and its Impact on Refugee Protection (October 2008), Case Resolution (August & June 2008), Recent Article 8 Decisions and Legacy Cases (July 2008), General Grounds for Refusal (May 2008),

Future of Immigration Advice (April 2008) and Detention and Travel Documentation (March 2008). All of these publications are available in the Info Service section of the website.

Other Publications and Projects

ILPA's leading publication is the ***Journal of Immigration, Asylum and Nationality Law***. This year I have attended regularly the meetings of the Editorial Board and both Steve Symonds and I, as well as many ILPA members, have contributed articles to the journal. ILPA has publicised the journal through the mailing and at conferences ILPA representatives have attended and used the ILPA pages in the journal to present a range of information about the journal and its work. Through these methods, the links of ILPA with this prestigious publication, and the journal with ILPA's practitioner base, have been highlighted and strengthened, to the advantage of all.

The ***European Update*** remains a flagship (in-house) publication. Thanks to the convenors of the European Sub-committee and to all contributors who have maintained the very high standards of this publication throughout the year. Extracts from the update have been shared with members of the European Council on Refugees and Exiles (ECRE) via ECRE's website.

This year saw the publication of ***The Detained Fast-Track: a Best Practice Guide***, with the support of the Legal Services Commission and a foreword by its Chief Executive, Carolyn Regan. The guide was launched in the House of Commons at a meeting on 25 February 2008 hosted by John Battle MP and with the support of Neil Gerrard MP, chair of the All Party Parliamentary Group on Refugees. Carolyn Regan spoke, as did Matthew Davies, Russell Blakely, Raggi Kotak, Wesley Gryk and Amanda Shah from Bail for Immigration Detainees. In the coming year, supported by the Legal Services Commission, we shall be taking forward training for those with contracts for detained fast-track work, using the guide.

Also published during the year, in electronic format, were ILPA's ***Ministerial Statements on the UK Borders Act 2007***, compiled by Steve Symonds. ILPA took this opportunity to collate the Ministerial Statements it has produced over the years and make them available on a CD-Rom to members and to other organisations working on the Draft Immigration and Citizenship Bill. At the AGM we launch the next in the series: ***Ministerial Statements on the Criminal Justice and Immigration Act 2008***, compiled by Anne Singh.

Mick Chatwin did further work updating the Community Legal Service leaflets described in last year's report during the year and ILPA will be continuing work on these leaflets.

Liaison with government and other organisations

It is difficult to do justice to the full range of ILPA's work in liaison with government and other organisations. Members are actively involved with and in a range of organisations and ILPA plays an important role in bringing together information from a wide range of sources and also in ensuring that individuals and other organisations can get the information they need from official bodies. This year, for the second consecutive year, Steve Symonds was funded by the Joseph

Rowntree Charitable Trust to develop ILPA's work with non-governmental organisations. Examples are given below of the ways in which many networks and groups have benefited from ILPA's specific legal and practice expertise. Our support has ranged from small seminars for community organisations to specialist legal technical support to those involved in lobbying on new legislation. We apologise for any omissions in the lists that follow: there is much to record and we may inadvertently have missed a name or two. ILPA is keen to see members represent ILPA at as many meetings as possible: collecting the views of members to take to meetings, representing those views and reporting back.

Home Office liaison

The formal 'stakeholding' groups and the ILPA representatives who attended during the year, are:

- Border and Immigration Agency Corporate Stakeholders' Group and *ad hoc* stakeholding and strategy meetings: Alison Harvey.
- Child Trafficking Advisory Group: Alison Harvey
- Detention User Group: Steve Symonds and Alison Harvey
- Employers' Task Force: Philip Trott and Nichola Carter and, for their Intra-Company Transfer Subcommittee, Philip Barth
- National Asylum Stakeholder Forum and its Case Resolution Sub-committee (and specific workshops including on section 4 support, statistics, access to legal advice): Steve Symonds, Sam Hunt, Sheona York and Sonia Routledge
- Home Office Human Trafficking - NGO Stakeholder Consultative Group: Nadine Finch and Alison Harvey
- UK Border Agency International Group (formerly UKvisas) Entry Clearance User Panel (and specific workshops, including on Administrative Review): Nichola Carter, Alison Harvey

In addition to these regular, formal meetings, representatives of the Economic Migration subcommittee (Sophie Barrett-Brown, Nichola Carter, Philip Barth, Philip Trott, Owen Davies, and Julia Onslow-Cole) attended regular meetings with the Home Office on the Points-Based System and those working on the system met with the Economic Migration Sub-Committee and attended ILPA training sessions. There were regular meetings with the Litigation and Appeals Management part of the agency, which were also attended by representatives of other parts of the UK Border Agency such as the Criminal Casework Directorate, attended by Vicky Guedalla, Alasdair Mackenzie, Smita Bajaria, Mark Henderson and Alison Harvey. Steve Symonds represented ILPA when the Still Human Still Here group met with the UK Border Agency officials and the Home Secretary to discuss support at the end of the process.

There were one-off meetings as follows:

- Unaccompanied Asylum-Seeking Children 11 December 2007: Liz Barratt
- Workshop on biometrics 17 December 2007: Hilary Belchak, Ann Symmonds and others
- Home Secretary's reception 5 December 2008: Alison Harvey and Sophie Barrett-Brown
- Matthew Coats, Director UK Border Agency, Keith Lambert and New Asylum Model case owners 11 January 2008: Sophie Barrett-Brown, Steve Symonds

- David Willis UK Border Agency leading on the Guidance and Instructions project and Will Garner, UK Border Agency webmaster re creating a public-facing archive of UK Border Agency guidance and instructions 11 February 2008: Alison Stanley, Tim Barnden, Alison Harvey
- Emily Miles (Director), Case Resolution Directorate 19 February 2008: Anne Singh, Tim Barnden, Sam Hunt, Zofia Dusynska, Steve Symonds and Alison Harvey
- Prime Minister's launch of Path to Citizenship 20 February 2008: Steve Symonds
- Meeting at Harmondsworth and Colnbrook detention centres re age dispute cases 23 February 2008: Steve Symonds
- David Saville and Marc Owen, Managed Migration Policy re HC 321 6 March 2008: Tim Barnden, Philip Trott, Sophie Barrett-Brown, Alasdair Mackenzie and Alison Harvey
- UK Border Agency enforcement team (Refugee Children's Consortium meeting) 12 March 2008: Alison Harvey and Steve Symonds
- UK Border Agency seminar launch of new complaints management 17 March 2008: Alison Harvey (Speaker)
- Matthew Coats – 19 March 2008: Alison Harvey, Mark Henderson, Steve Symonds
- Minister of State (Liam Byrne) Reception to launch UK Border Agency 2 April 2008: Sophie Barrett-Brown
- UK Border Agency re Code of Practice on Keeping Children Safe from Harm 11 April 2008: Steve Symonds
- UK Border Agency meeting to discuss proposals for the National Referral Mechanism on human trafficking 12 May 2008: Alison Harvey
- Matthew Coats, Director UK Border Agency 12 May 2008: Alison Harvey and Sophie Barrett-Brown
- Jeremy Oppenheim, Home Office Children's Champion and Joe Heatley re the UK Border Agency proposed Code of Practice on children and its relationship to trafficked children (at ECPAT) 28 August 2008: Alison Harvey
- The representative of visa services at the British Embassy in China 13 November 2008: David Ho.

In addition ILPA representatives (Steve Symonds, Daniel Furner and Pierre Makhoulf) attended UK Border Agency workshops on expulsion and on bail on the Draft (partial) Immigration and Citizenship Bill.

Liaison with courts and tribunals

- Administrative Justice and Tribunals Council: Mark Henderson
- Asylum and Immigration Tribunal Stakeholders' Group: Mark Henderson
- Administrative Courts User Group: Judith Farbey, Jawaid Luqmani, Mark Henderson
- Meetings on proposals to regionalise the Administrative Court: Amanda Weston (Steve Symonds and Alison Harvey also attended one meeting)
- Meeting with Judge Hodge, President of the Asylum and Immigration Tribunal 21 April 2008: Sophie Barrett-Brown and Alison Harvey

See also the report of the Access to Justice Subcommittee, below.

Legal Services Commission

ILPA's work with the Legal Services Commission on the publication, *The Detained Fast Track a best practice guide* is detailed in the publications section below. We are grateful to the Legal Services Commission for their support for this publication. Alison Harvey represented ILPA on the Civil Contracts Consultative Group set up following the Law Society litigation. Sonia Routledge, Jackie Peirce and Alison Harvey represented ILPA at meetings of the Immigration Representatives Body set up as part of this process, and Alison Harvey and Sheona York represented ILPA at the Legal Services Commission Stakeholder Group. ILPA members met with Fiona Hannan of the Legal Services Commission to discuss how immigration advice can be delivered to those detained in prison service establishments and have contributed to this work. In addition specific meetings were held on the Detained Fast Track, attended by Jackie Peirce, Simon Pugh and Alison Harvey. See the report of the Legal Aid Subcommittee below.

International Organisations

Inter-governmental

- Council for Europe's Commissioner for Human Rights 8 February 2008: Alison Harvey
- Professor Luca Riccardi, Advisor on international migration to the Italian Minister of the Interior (at Demos) 26 February 2008: Alison Harvey
- With representatives of the Parliamentary Assembly of the Council of Europe to discuss asylum procedures (at UNHCR) 2 April 2008: Steve Symonds
- UNHCR Director for Europe 16 June 2008: Alison Harvey
- European Commission Representation in Britain meeting on policy plan 'A common immigration policy for Europe' 17 June 2008: Alison Hunter
- UN High Commissioner for Human Rights (at Amnesty International International Secretariat) 11 November 2008: Alison Harvey

Alison Harvey also attended the reception given by UNHCR and the European Commission on 17 June 2008, at which the UN High Commissioner for refugees was a speaker.

Non-governmental

- With Hugo Storey and Jim Latter of the International Association of Refugee Law Judges 17 April 2008: Sophie Barrett-Brown and Alison Harvey
- European Council on Refugees and Exiles Bi-annual General Meeting (Paris) 28 October 2008: Alison Harvey

Other Government Departments

ILPA has been active this year in its efforts to get other government departments to police the UK Border Agency, and the following meetings have taken place:

- Bill Rammell, Minister for Lifelong learning re new English language policy initiative 27 November 2007: Owen Davies, Sarah Keeley and Alison Harvey
- Representatives of the Department of Business, Enterprise and Regulatory Reform, the Home Office Better Regulation Unit, the Ministry of Justice, the UK Border Agency and

the Legal Services Commission re HC 321 21 May 2008: Sophie Barrett-Brown, Barry O’Leary, Vicky Guedalla and Alison Harvey

- Meeting with the Department for Children, Schools & Families & the UK Border Agency re guardianship for separated children 10 June 2008: Alison Stanley, Nadine Finch and Steve Symonds
- Department for Innovation, Universities & Skills (DIUS) English as a Second or Other Language (ESOL) and community cohesion consultation event 12-13 June 2008: Alison Harvey
- National Audit Office 23 June 2008: Russell Blakely, Steve Symonds and Alison Harvey
- Meeting with representatives of the Department of Business Enterprise and Regulatory Reform, the Home Office Better Regulation Unit and the Peter Wrench of the UK Border Agency re the Draft (partial) Immigration and Citizenship Bill 9 July 2008: Sophie Barrett-Brown and Alison Harvey

ILPA representatives also attended a reception at the Ministry of Justice

Other official bodies

Regular meetings

- Advisory Panel on Country Information: Mark Henderson, Alison Harvey and Anne Singh
- 11 Million (Office of the Children’s Commissioner for England and Wales) Advisory Group (refugee children): Steve Symonds. Alison Harvey also attended a meeting with 11 million on forced returns of children
- Office of the Immigration Services Commissioner, quarterly meetings: Alison Harvey. In addition Steve Symonds, Kahiye Alim and Alison Harvey represented ILPA at the OISC Annual Conferences
- Mayor of London Board for Refugee Integration in London and Community Safety Forum: Steve Symonds

One-off meetings:

- Lord Goldsmith’s citizenship review team 21 February 2008: Alison Harvey & Steve Symonds
- Independent Police Complaints Commission 17 January 2008: Alison Harvey
- Equality & Human Rights Commission 12 August 2008: Alison Harvey and Steve Symonds.

ILPA representatives also attended meetings with John Vine, the new Chief Inspector of the UK Border Agency, both a general meeting and a meeting specifically on the Advisory Panel on Country Information.

Parliament

ILPA representatives attended meetings of the All Party Parliamentary Groups on Migration, Children, Chinese, Refugees and Trafficking (Zofia Duszynska, Vicky Guedalla, Louise Hooper, Alison Harvey and Steve Symonds).

Sophie Barrett-Brown and Alison Harvey met with Keith Vaz MP, Chair of Home Affairs Select Committee and clerks to the Committee on 28 February 2008 to discuss the Committee’s

enquiry into the Points-Based System and Sophie Barrett Brown was a speaker at the launch of the enquiry on 23 June 2008. Steve Symonds attended the Joint Committee on Human Rights Awayday in November 2008. He also met with the Lord Ramsbotham as part of a Medical Justice meeting and with Robert Menitschuk (Neil Gerrard MP's researcher). See the Responses and Submissions section below for details of oral evidence given.

Non-governmental organisations, networks and others

The leading non-governmental organisations in the field are ILPA members, and non-governmental organisations are represented among the convenors of ILPA subcommittees. ILPA members are active in many networks and it is difficult to reflect the breadth and depth of engagement with non-governmental organisations. ILPA strives to provide continuity, support and the broader immigration law perspective to these networks. What follows can only be as a sample of our work in this field. Those with a specific mandate to represent ILPA are named, but ILPA attendance and engagement goes much wider. See also the training section for work in partnership with non-governmental organisations and networks for training.

Regular meetings include:

- Asylum Rights Campaign: Steve Symonds
- Foreign National Prisoners Network: ILPA Offences subcommittee has worked through and with the Foreign National Prisoners Network during the year
- Housing and Immigration Group: Sheona York, Alison Harvey, Steve Symonds
- The Law Society: Stefan Vnuk represents ILPA on The Law Society's Immigration Committee and ILPA worked closely with the Committee during the year and attended meetings on the settlement between the Law Society and the Legal Services Commission
- Children's Rights Alliance for England, Legal Advocacy for the Rights of Children seminars: Alison Harvey
- Medical Justice: Steve Symonds
- Refugee Children's Consortium: Nadine Finch, Steve Symonds, Alison Harvey
- Still Human Still Here: Steve Symonds
- Trafficking Law and Policy Network: Alison Harvey

The Asylum and Access to Justice, Detention and Asylum Fast Track subcommittees, the Legal Officer and the General Secretary use the Refugee Legal Group (RLG) to ensure the dissemination of information of interest to its users.

In addition ILPA representatives attended meetings with a wide range of organisations as part of a wider programme of ILPA involving ILPA members spanning influencing work, training and support. These included Amnesty International, Anti-Slavery International, Asylum Aid, the Asylum Support Appeals Project, Bail for Immigration Detainees, the Centre for Social Justice, the City Parochial Foundation, the Children's Legal Centre, the Children's Rights Alliance for England, Comic Relief, the Diana Fund, European Council on Refugees and Exiles, the Glasgow Immigration Law Practitioners' Group, the Immigration Advisory Service, Kalayaan, the Legal Aid Practitioners' Group, JCWI, the Joseph Rowntree Foundation, the Information Centre for Asylum Seekers and Refugees (ICAR), the Medical Foundation for the Care of Victims of Torture,

the Migrants Rights Network, the Migration Policy Group, the NSPCC, the Refugee Council, the Refugee Legal Centre, the Royal Commonwealth Society, Save the Children, the Scottish Refugee Council, Shelter, Southall Black Sisters, the TUC, Unite, and the Zimbabwe Association.

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

- Advice Services Alliance conference 18 April 2008: Steve Symonds (workshop)
- Legal Services Alliance Conference Glasgow 3 December 2007: Steve Symonds
- Student Action for Refugees, Kings College London 6 December 2007: Steve Symonds:
- Praxis seminar undocumented migrants – Case resolution 2 February 2008: Alison Harvey
- Medsin conference on asylum-seekers access to health care 23 February 2008, Steve Symonds
- Kent Social Services, Dover, Separated Children 27 February 2008: Steve Symonds
- Royal Commonwealth Society Migration Conference 28 March 2008: Mahmud Quayum and Alison Harvey (workshop)
- Association of Visitors to Immigration Detainees AGM 29 March 2008: Steve Symonds
- Praxis event on HC 321 17 May 2008: Steve Symonds
- Medical Foundation for the Care of Victims of Torture West Midlands Network 3 June 2008: Steve Symonds
- Association of Visitors to Immigration Detainees Visitors' Groups' Coordinators Conference 4 June 2008: Steve Symonds
- North South Immigration Group meeting on trafficking (Dublin), 9 July 2008: Alison Harvey
- Capita conference on Trafficking 14 July 2008: Alison Harvey
- Terrence Higgins Trust mentors 16 July 2008: Steve Symonds
- Hansard Society launch of Law in the Making: Influence and Change in the Legislative Process 16 July 2008: Alison Harvey
- Migrants Resource Centre 7 August 2008: Steve Symonds
- Islington Refugee Forum 2 September 2008: Steve Symonds
- The Children's Society 8 September 2008: Steve Symonds
- Electronic Immigration Network 25 September 2008 Mark Henderson and Alison Harvey
- Scottish Refugee Council Conference 10 October 2008: Steve Symonds (new legislation)
- Legal Aid Practitioners' Group Conference 10 October 2008: Alison Harvey (workshop)
- Confederation of British Industry (CBI) Migration Summit, 29 October: Sophie Barrett-Brown (workshop)
- Independent Monitoring Boards Chairs' Forum 30 October 2008: Steve Symonds
- Cambridge Oakington Concern 3 November 2008: Steve Symonds
- Association of Visitors to Immigration Detainees 8 November 2008: Steve Symonds

Responses and submissions

ILPA responds to numerous UK and EU proposals and consultation documents and is proactive in writing letters and making submissions on matters of concern. The list below illustrates this: more than one response for every week of the year, which is all the more impressive when one considers that many are very lengthy and detailed documents. The list is a testimony to all the work that has been done not only by the sub-committees, their convenors, other members, the General Secretary and the Legal Officer, but the Chair who, has approved the final text of all submissions and policy letters.

Oral evidence was also given: Sophie Barrett-Brown gave evidence to the Home Affairs Select Committee enquiry into the Points-Based System and by Alison Harvey to the Joint Committee on Human Rights as part of its enquiry into the Draft (partial) Immigration and Citizenship bill.

Lengthy as the list is, it is not complete. Briefings on legislation form a substantive part of ILPA's output. This year we briefed extensively on the Criminal Justice and Immigration Bill. The Info Service, described below, augments ILPA's output as the many emails seeking clarification or providing information as part of follow-up work to meetings. ILPA is frequently asked to comment on submissions and reports being prepared by other organisations and this too forms an important part of our influencing work. Responses were as follows:

1. Response to Amendments to the Asylum and Immigration Tribunal Procedure Rules and the Asylum and Immigration Tribunal Fast Track Procedure Rules – December 2007
2. Submission to Lord Goldsmith for the Citizenship Review: The Different Categories of British Nationality – December 2007
3. Letter to Judge Hodge, Asylum and Immigration Tribunal re video conferencing for bail hearings - 2 January 2008
4. Response to Border and Immigration Agency Equality Impact Assessment – January 2008
5. Submission to the Solicitors Regulation Authority proposals for a review of professional accreditation – January 2008
6. Response to the Border and Immigration Agency Equality Impact Assessment: Points-Based System Tier I
7. Information to the House of Lords Committee on Economic Affairs Inquiry into the Economic Impact of Migration, 1 February 2008
8. To Liam Byrne MP re HC 321 - 7 February 2008
9. To Alan Bucknall, UK Border Agency, re Arts & Entertainment Taskforce – 14 February 2008
10. To Joint Committee on Human Rights re HC 321 – 15 February 2008
11. To Home Affairs Committee re Statement of Changes in Immigration Rules HC 321 – 18 February 2008
12. Comments re Administrative Review Documents and Guidance – February 2008
13. Response to Border and Immigration Agency feedback questionnaire on biometrics – February 2008
14. Submission to the Home Affairs Committee Enquiry into Trafficking – February 2008
15. To Border and Immigration Agency re their review of the Regulation of Immigration Advice & Services: Office of the Immigration Service Commissioner (OISC) – 18 February 2008

16. Response to review of Border and Immigration Agency statistics on “Control of Immigration” – February 2008
17. Response to Border and Immigration Agency consultation on Marriage Visas: Pre-Entry English Requirement for Spouses – February 2008
18. Response to Marriage to partners from overseas: a Border and Immigration Agency consultation paper - February 2008
19. Response to Border and Immigration Agency consultation on draft DFT and DNSA – Intake Selection (AIU instruction) February 2008
20. To Border and Immigration Agency re Interviews of unaccompanied children under the New Asylum Model – 5 March 2008
21. To Border & Immigration Agency re Certificates of Identity (Somali nationals)– 9 March 2008
22. Submissions to Home Office officials re HC 321 Statement of Changes in Immigration Rules 12 March 2008
23. Response to Border and Immigration Agency Visitors consultation paper March 2008
24. Response to the Equality Impact Assessment: Points Based System Youth Mobility Scheme (Tier 5) – March 2008
25. Letter to Liam Byrne MP, Minister of State re HC 321 – General Grounds of Refusal – 26 March 2008
26. Letter to The Lord Adonis, Parliamentary Under Secretary of State for Schools and Learners re Debate on Guardianship for Unaccompanied Asylum-Seeking Children during Report Stage of the Children and Young Persons Bill on 17 March – 2 April 2008
27. Response to DIUS consultation Focusing English for Speakers of Other Languages on Community Cohesion – April 2008
28. Letter to the Rt Hon Jack Straw MP and the Rt Hon John Hutton MP re Legal Aid and Other Impact Assessments – HC 321 Statement of Changes in Immigration Rules 2 April 2008
29. Response to Ernst and Young/Regioplan Policy Research Questionnaire on Impact Assessment on Community Instruments on Economic Migration: Seasonal workers, remunerated trainees and Intra-Corporate Transferees April 2008
30. Comments on Tier I (General) Form and Guidance – April 2008
31. Briefing on House of Commons debate on the UK Border Agency’s Points- Based System – 24 April 2008
32. Response to the draft Lord Chancellor’s Direction on Cross Border Disputes (implementation of Council Directive 2003/8/EC), 27 January 2008 – 25 April 2008
33. Response to the Border and Immigration Agency Code of Practice for Keeping Children Safe from Harm consultation – 25 April 2008
34. Response to Migration Committee Call for Evidence re shortage occupation lists for the UK and Scotland for use alongside the launch of Tier 2 of the new Points-Based System 28 April 2008
35. Response to UK Border Agency consultation on Compulsory Identity Cards for Foreign Nationals – May 2008
36. Briefing for House of Commons Debate - Changes to the General Grounds for Refusal in the Immigration Rules to be introduced by Statement of Changes in the Immigration Rules HC 321 – May 2008

37. Response to the Home Office consultation The Path to Citizenship: Next Steps in Reforming the Immigration System – May 2008
38. Letter to Matthew Coats, Director, UK Border Agency re interviews of unaccompanied children under the New Asylum Model 29 May 2008
39. Letter to Judge Hodge, President of the Asylum and Immigration Tribunal re Asylum Procedure Rules, Rule 50
40. Response to Ministry of Justice consultation on Amendments to the Community Legal Service (Funding) Order 2007 (SI 2007/2441) – May 2008
41. Trafficking and National Referral Mechanisms: ILPA paper following the UK Border Agency workshop on Monday 12th May – 29 May 2008
42. Comments on the Draft Asylum Process Instruction (API) on Children – June 2008
43. Letter to Keith Lambert, Litigation and Appeals Management Directorate, UK Border Agency re the role of Presenting Officers June 2008
44. Response to Legal Services Commission consultation on Managing Legal Aid Cases in Partnership – Delivery Transformation – July 2008
45. Evidence to Home Affairs Select Committee Inquiry Managing Migration: the Points-Based System – July 2008
46. Response to Tribunal Procedure Committee consultation First-tier Tribunal (Social Entitlement Chamber) Rules 2008 – July 2008
47. Response to Tribunal Procedure Committee consultation Upper Tribunal (Administrative Appeals Chamber) Rules 2008 – July 2008
48. Response to UK Border Agency consultation on Points-Based System: Students (Tier 4): Equality Impact Assessment – July 2008
49. Letter to Seonaid Webb, UK Border Agency re follow-up from ILPA Seminar on Implementation of Directive 2004/38 – 15 August 2008
50. Letter to Bridget Prentice MP, Parliamentary Under –Secretary of State, Ministry of Justice re guardianship for unaccompanied asylum-seeking children 26 August 2008
51. Joint ILPA and Bail for Immigration Detainees (BID) response to Detained Fast Track and Detained Non-Suspensive Appeals – Intake Selection (AIU) Instruction) – September 2008
52. Memorandum of Evidence to the Home Affairs Select Committee on the Draft (partial) Immigration and Citizenship Bill – 17 September 2008
53. Memorandum of Further evidence to the Home Affairs Select Committee inquiry into Managing Migration: the Points-Based System – September 2008
54. Response to UK Border Agency proposed amendments to section 4 eligibility criteria and regulations – September 2008
55. Comments on the addendum to the Draft Asylum Process Instruction on children on family tracing and the ‘removal of asylum-seeking children’ – October 2008
56. Submission to the UK Border Agency Strengthening the Common Travel Area Consultation Paper – October 2008
57. Response to UK Border Agency consultation – Immigration Appeals, Fair Decisions; Faster Justice – October 2008
58. Letter to Lin Homer, Chief Executive of the UK Border Agency re Points-Based System: additional support for sponsor-licensing - September 2008

59. Briefing for opposition day debate on immigration: Will Sponsor Licensing under the Points-Based System happen or will parliament say no? - October 2008
60. Response to Joint Committee on Human Rights: Draft (partial) Immigration and Citizenship Bill – October 2008
61. Briefing to the Joint Committee on Human Rights on the withdrawal of the Right of Abode as provided by the draft (partial) Immigration and Citizenship Bill - October 2008
62. Request to Parliament to pray against Statement of Changes in Immigration Rules HC 1113 – November 2008
63. Supplementary Parliamentary Briefing on Statement of Changes in Immigration Rules HC 1113 November 2008

Summary

Much has been accomplished this year to strengthen the links between different areas of work so that training, influencing, subcommittee work and publications support and inform each other. ILPA cannot stand still: the world of immigration law changes rapidly and with it the needs of clients, the range of organisations and informal groups active in the field is also in constant flux. In all this, ILPA remains a base to which to return, where members can do the work that they want to do to raise their standards and those of others, to impart and receive information and to continue the struggle for a just and equitable immigration law in the company of their peers. What a home base is has constantly to be reassessed and adapted in the light of the changing context but here we have the advantage that, as a membership organisation, it is members who determine the shape and work of ILPA. I said in last year's report 'The bulk of ILPA's work is done by members in a voluntary capacity; ILPA's main sources of funding are membership fees and revenue from training. This is good for us; it keeps us responsive to the needs of members. It is challenging when members are under such pressure as it means that at the time when you most need ILPA, ILPA too faces the greatest challenges, but the role of the Secretariat lies in facilitating your work, not in substituting for it'. That remains true and it is the creativity of members and the willingness of the Executive Committee, Secretariat and subcommittees to respond to this that has allowed us to strengthen our position in this past year.

My main aims for the next year will be

- With the Executive Committee to take forward plans to obtain charitable status for ILPA;
- To redevelop the systems in the Secretariat, and ILPA's website, to find new ways of working that allows us to work more efficiently with you in the dissemination of information, in the delivery of training and in ILPA's influencing work;
- With the Executive Committee to assess and work to strengthen ILPA's subcommittee structure and representation at meetings to offer the best and most responsive structure that gives members the maximum possible number of opportunities to get involved;
- To increase revenue from funders to supplement income from training and membership;
- To ensure that ILPA members' expertise can be at the forefront of work on the new Immigration and Citizenship Bill and accompanying changes to the benefit of all those striving for a just and equitable immigration law;

- To build ILPA's membership

The task of the Secretariat is to facilitate you in supporting each other. The new Bill is a mammoth project: to hold the government to account for past broken promises and not to waste this golden opportunity to force them and others to stare the results of past disastrous policies in the face will require all our efforts. I draw courage from the enormous commitment so many people have shown to ILPA's work over the year: the Executive Committee, the convenors of the subcommittees, those who lead on responses for ILPA, those who represent ILPA at meetings, the active members in subcommittees and those members who, from time to time, drop me a line saying 'this may be of interest to ILPA members'. Your efforts are extraordinary, there can be few professional bodies who have so much thrown at them and you rise to the challenge every time.

Alison Harvey
General Secretary

ACCESS TO JUSTICE SUB-COMMITTEE REPORT

ILPA has been busy as usual pressing members' views and concerns in relation to various consultations and on various consultative bodies dealing with access to justice. The year has seen amendments to the Asylum and Immigration Tribunal Procedure Rules. ILPA made substantial submissions. ILPA has been represented on the users groups of the Administrative Court and the Asylum and Immigration Tribunal and argued members' concerns on a range of issues.

Those issues have included further pressing ILPA's opposition to the current procedure for designating a tiny proportion of determinations 'reported' and preventing citation of unreported determinations. More flexible listing procedures in light of the fixed fee regime have also been a priority. ILPA successfully opposed a new procedure for reconsideration applications which would have required a reply to be lodged to a successful Home Office reconsideration application within an unreasonably short time.

ILPA has also had a series of bilateral meetings with the Home Office during which concerns have been raised about the role of Presenting Officers and the circumstances in which they raise new issues at appeal hearings and communication with the Home Office in the run up to the appeal hearing.

During the final year of the Advisory Panel on Country Information (APCI), ILPA continued to press for effective review of Operational Guidance Notes and the material used to justify designating countries for the non-suspensive appeals process. The APCI's work has now been subsumed into that of the new Chief Inspector, John Vine and ILPA has already explained its concerns to him.

The biggest issue during the second half of 2008 has been the proposal to abolish the Asylum and Immigration Tribunal and incorporate immigration and asylum appeals into the new two tier general tribunal. ILPA has made a detailed written response to the consultation and Carnwath LJ, the Senior President of Tribunals attended a meeting on the proposals at the ILPA offices to hear members views.

ILPA has expressed particular concern that the proposals were developed by a working group involving representatives of the judiciary, the Asylum and Immigration Tribunal, and the Treasury Solicitor, who acts for the Home Office in the higher courts and important Asylum and Immigration Tribunal cases. ILPA has submitted that it is inappropriate for a working party to consist of the respondent to the appeals, the respondent's solicitor and the judiciary, without any representation of the other side in this adversarial litigation.

The main aim of the proposals is to reduce the volume of immigration and asylum cases being considered by the higher courts. ILPA has expressed grave concern that the Government's agenda is to achieve by the back door what it failed to achieve by the ouster clause which it proposed when the Asylum and Immigration Tribunal was established. The designation of the

new Upper Tribunal as a superior court of record will not change the reality that the senior immigration judiciary at Field House will continue to deal with most cases as they do now and indeed as the IAT did before its abolition.

ILPA has also expressed concern at proposals to transfer immigration and asylum judicial review claims into the Upper Tribunal and at the proposal that access to the Court of Appeal should be restricted to cases of public importance. The changes to the appeal procedures will be ILPA's biggest priority on access to justice issues over the next year.

Convenors: Mark Henderson, Michael Tarnoky

CHILDREN'S SUB-COMMITTEE REPORT

The Children's Sub Committee met for the first time on 23rd March 2007. There have been 5 subsequent meetings. The active Committee members are legal representatives, people working in international and national children's organisations (e.g. UNICEF, Refugee Council, Children's Legal Centre, Children's Society) and people working in voluntary organisations with a child-specific brief (e.g. Medical Foundation for the Care of Victims of Torture).

We have formally responded to a number of UK Border Agency consultations and we have proactively responded to a number of changes (proposed and already implemented) by the UK Border Agency and the Legal Services Commission affecting children. We summarise a list of our main actions taken in the last year below.

- **Children in the New Asylum Model (NAM)**
 - letters to the UK Border Agency and representations at stakeholder meetings on the non-child specific form of interviews and questionnaire forms; offering child-specific training to Caseowners; access to good legal advice and representation through the process; the role of the legal representative in the process.
- **Legal Services Commission**
 - application of the Controlled Legal Representation (CLR) merits test to children; definition of “unaccompanied” asylum-seeking child to be brought in line with the UKBA definition; adequate provision of high quality legal advice and representation to children.
- **Better Outcomes: The Way Forward – Improving the Care of Unaccompanied Asylum Seeking Children January 2008**
 - formal response to consultation available on www.ilpa.org.uk.
- **The Border and Immigration Agency Code of Practice For Keeping Children Safe From Harm Consultation January 2008**
 - formal response to consultation available on www.ilpa.org.uk
- **The Border and Immigration Agency Visitors Consultation Paper December 2007**
 - contribution to ILPA's formal response to consultation available on www.ilpa.org.uk
- **Draft Asylum Process Guidance – Processing Asylum Applications From Children**
 - letters to the UK Border Agency and representations at stakeholder meetings, in particular re. changes to guidance on the interpretation of “Adequate Reception Arrangements”
- **UNHCR Quality Initiative on Decision-Making in Children's Asylum Cases**
 - meeting with the audit team to advise on specific issues to be included and assessed in their auditing of UK Border Agency decision-making

- **ILPA's Age Determination Research – When is a Child Not a Child?**

- active promotion of the ILPA research report at meetings, conferences and in direct communication with the UK Border Agency and the Legal Services Commission

A sub-group of the subcommittee has met during the year to discuss children in the New Asylum Model. The subcommittee met on Thursday, 6 November 2008 under the leadership of Baljeet Sandhu (Wilson & Co.) and Lisa Nandy (The Children's Society) who will be co-convening the group in future. The group is very grateful to Hermione McEwen for all that she done in building up the group over the year and to all those who have been active during the year. Future challenges identified at the 6 November meeting included the UK Border Agency's plans forcibly to remove unaccompanied children under 18 whose claims for asylum have failed and the implications of the lifting of the reservation to the UN Convention on the Rights of the Child and possible litigation strategies.

Convenors: Hermione McEwen, who handed over to Baljeet Sandhu and Lisa Nandy in October 2008

DETENTION AND ASYLUM FAST TRACK SUB-COMMITTEE REPORT

Summary

The year has been marked by the further entrenchment and toughening of the Detained Fast-Track system in the UK's asylum determination mechanism. Not only has the higher judiciary failed to control the UK Border Agency and the Asylum and Immigration Tribunal, but they have approved policy documents deliberately drawn so wide as to be meaningless. Inevitably the situation has exposed the UK to criticism by public international bodies

Consultation on induction to the Detained Fast-Track

The sub-committee's activity was dominated by participation in consultation exercises undertaken by the Border and Immigration Agency and its successor the UK Border Agency (herein we use the term UK Border Agency throughout)

In its consultation paper in October 2007, the UK Border Agency set stakeholders the following conundrum, which we set out in full as it illustrates the central problem with scheme of inducting asylum claimants into the Detained Fast-Track -

Can stakeholders think of a way in which to improve the screening system, to improve the functioning of DFT and Oakington cases by reducing the number of cases which are entered into and then removed from the process prior to conclusion?

Any solution will need to maintain the robustness of our process, and:

- *Must not place a requirement on the BIA to fully accept at face value unsubstantiated statements material to DFT and Oakington suitability, made by applicants at screening stage;*
- *Must not move the substantive consideration of the facts of a case to the screening stage.*

This was discussed at a screening workshop 6 November 2007, and further at a workshop dedicated to the Detained Fast-Track on 12 February 2008. The UK Border Agency made clear that it was pointless to address the fundamental injustices of the DFT, as ministers were wholly committed to the Detained Fast-Track. ILPA made detailed submissions to the UK Border Agency on 29 February 2008.

Whilst this consultation process rolled on, the UNHCR published its Quality Initiative Fifth Report & Briefing. This was extremely critical of the Detained Fast Track -

... In UNHCR's view, DFT decisions often fail to focus on the individual merits of the claim. Particular concerns highlighted in this report include an incorrect approach to credibility assessment, a high prevalence of speculative arguments and a lack of focus on material elements of the claim. There is also evidence that an excessively high burden of proof is being placed on applicants. Some Case Owners demonstrate a limited understanding of refugee law concepts... The Office further notes concern regarding the assessment of claims of torture and ill-treatment in the DFT. There is limited understanding of the purpose of medical evidence in decision making evidenced by frequent use of standard wording to the effect that medical evidence would not assist the applicant in substantiating a claim of ill treatment...

UNHCR considers that the screening of asylum applicants and procedures for the application of flexibility and the removal of unsuitable cases from the DFT are often not operating effectively to identify complex claims and vulnerable applicants. As a result, UNHCR is concerned that inappropriate cases are being routed to and remaining within the DFT.

The consultation process concluded, and on 21 July 2008, the UK Border Agency issued the “DFT & DNSA – Intake Selection (AIU Instruction)”. This was a shocking example of administrative cynicism. The suggestions we had made in our submissions had been taken on board to the extent that the policy had been finessed, with the clear intention to make it more difficult for an applicant to take judicial review action on the grounds of legitimate expectation.

It is a mark of the ruthlessness of the officials involved that they took the opportunity to Hoover up other another class of totally unsuitable people into the Detained Fast-Track: people with learning difficulties. They are now suitable for the Detained Fast-Track unless they require “24 hour nursing care”. There is now not even a requirement that the person can be removed at the end of the Detained Fast-Track process.

Try as the Home Office might to ignore the grotesque injustices of the Detained Fast-Track, they cannot hide them. In September, the Council of Europe Commissioner for Human Rights issued a report following his visits in February and April -

... the Commissioner notes with concern the absence of a special and precise legal framework regarding detention of asylum seekers in “Fast Track Processes”.

...The law should expressly proscribe the application of —Fast Track Processes“ to particularly vulnerable persons, such as asylum-seeking unaccompanied minors and persons with regard to whom there are reasonable grounds to believe that they are victims of torture, sexual violence or human trafficking, cases whose examination and analysis require de facto more time.

The Government’s response was simply to deny there was a problem, in doing so completely misrepresenting their operational policy.

Tribunal members and the Judiciary

This lamentable situation is only possible because of the active collaboration of the immigration judges at Yarl’s Wood and Harmondsworth, and the *laissez-faire* attitude of the higher judiciary. The Home Office has been allowed to create a black hole at the centre of the UK’s asylum determination procedure, in practice sucking in any type of claim, no matter how unsuited to an accelerated procedure: *HK (Turkey) v Secretary of State for the Home Department* [2007] EWCA Civ 1357 (19 December 2007), and *MT, R (on the application of) v Secretary of State for the Home Department & Ors* [2008] EWHC 1788 (Admin) (25 July 2008).

The Immigration and Citizenship Bill 2008

The Sub-Committee has also contributed to ILPA’s response to Part 5 of the Government’s partial draft of its Immigration and Citizenship Bill. The Government press releases that accompanied the publication of the Bill focused on the requirement that sureties be made to

provide bail bonds prior to a detainee being released by either the AIT or the UKBA. The Bill in fact only enables and does not make this requirement mandatory. But the clear intention is that the UKBA will hold the bail bond, begging the question of how the UKBA will cope with the administration of the new system including how they will receive, hold and return funds belonging to sureties. ILPA participated in a Workshop at the UKBA on Part 5 of the draft Bill where these concerns were also raised by UK Border Agency officials themselves.

The terms 'temporary release' and 'temporary admission' are also to be replaced by the single term of 'bail'. So those currently on temporary admission pending a decision on their case will instead find themselves on 'bail', which will no doubt raise concerns for many people that they may in fact be under investigation for a suspected criminal offence. While it is almost certainly the intention of the Government to use such terms to convey a tougher line towards immigration applicants, the fallout will certainly be further alienation of migrant communities.

Please see the ILPA submissions to both the Home Affairs Committee and the Joint Committee on Human Rights that can be found on ILPA's website for a summary of the central issues arising from Part 5 of the Bill.

And finally we must note the dénouement of the *Saadi* litigation in the Grand Chamber of the European Court of Human Rights, reducing the right to liberty of people caught up in the precursor the Detained Fast-Track, the Oakington process, to so much bureaucratic small change.

Convenors : Russell Blakely and Pierre Makhlouf

EUROPEAN SUB-COMMITTEE REPORT

The European Sub Committee this year has been very preoccupied (still!) with the implementation of the Citizens Directive and the jurisprudence from the European Court of Justice. Our aim has been to try to inform members of the jurisprudence for which we have provided updates in the mailings of such cases as *Eind, Jia, Metock*.

Our concerns about the Citizens Directive led us to provide another training course on the directive which UK Border Agency and commission officials participated at where we addressed, once again, the issues which most concerned practitioners. From that training, a letter was drafted to UK Border Agency raising the concerns of members on the outstanding issues which was circulated with its response in the ILPA mailing.

One of the highlights of the year was of course the *Metock* judgment. The Sub-Committee provided training on the implications of the *Metock* case in UK practice. As yet, the full implications are somewhat unclear for the UK as the Home Office has yet to issue guidance on the case. A further members meeting on *Metock* and the wider implications including reverse discrimination is planned for 26 November 2008. All members are welcome to attend.

Further training throughout the year included a course on European law and business, A8s, A2s and a course updating participants on European law. Many thanks to the trainers Adrian Berry, Jonathan Kingham, Nick Rollason and Nicola Rogers.

In December 2007, the Sub-Committee held a conference on Article 3. This was a joint conference with the Migration Studies Unit at the London School of Economics. Alison Hunter was central to the organisation of this conference which brought together a judge from the European Court of Human Rights, a representative from the UNHCR among others and experts from the United Kingdom to discuss UK and European Union law and practice. A book proposal has been submitted to a publisher in relation to the subjects discussed at the conference and is currently awaiting acceptance by the publisher.

In response to the Home Office's poor record on issuing residence cards, the Sub-Committee started a campaign to inform practitioners about their potential rights to damages caused by the delay and the possibility of writing to the European Commission setting out what has occurred. Our thanks go to Adam Weiss of the AIRE who drafted standard letters which could be adapted by practitioners.

The Sub-Committee has relied heavily on the hard work of all the members which is particularly necessary for the regular publication of the updates. Every three months the Sub Committee prepares an update of the latest information on EU developments, including decisions of the European Court of Justice and summaries of what is going on in Europe in terms of immigration and asylum. Our thanks go to Steve Peers for his continuing cooperation in preparing the legislative updates for these European updates, our thanks also go in particular to Helen Toner for her review of the national AIT decision since the implementation of Directive 2004/38 and

Adrian Berry for his summary social security cases which could influence the interpretation of Directive 2004/38.

The Sub-Committee aims to keep an eye on the key decisions in the national and European courts and help to keep ILPA members well informed about developments. We hope it has proved a valuable venue for practitioners to discuss cases they have and issues which they see in terms of European law. We would welcome new members who wish to attend and join these discussions.

It remains for us to thank all the members of the Sub-Committee for their hard work which allows us to remain so active.

Convenors : Elspeth Guild and Alison Hunter

ECONOMIC MIGRATION SUB-COMMITTEE REPORT

The year 2007-2008 has seen the biggest changes in the United Kingdom's economic migration law history with the introduction of the Points Based System on 29 February 2008, when Tier I (General) was implemented for in-country applications and the Register of Licensed Sponsors opened.

The employment of overseas nationals remains at the forefront of British political and media debate and the introduction of the Civil Penalty regime, also on 29 February 2008, means that every employer in the UK is realising the potential implications of the Government's (and its predecessors) previously lackadaisical attitude in relation to the employment of those without the correct permission to work.

The Sub-Committee has undoubtedly experienced its most demanding year since its inception and the convenors have worked constantly to ensure that members are updated and that pressure on the Government and the UK Border Agency is maintained.

From May 2007-October 2008 the convenors of the Sub-Committee represented ILPA at generally monthly meetings with senior officials of the Points-Based System policy team, called the ILPA/UK Border Agency Points-Based System working group. Although this was not a formal consultation on policy, the UK Border Agency was nevertheless persuaded to drop a number of highly contentious proposals from the Points-Based System agenda.

The Sub-Committee thanks those ILPA members who have been involved with its work, particularly in ensuring that unreasonably restrictive UK Border Agency deadlines, which are now commonplace, are met. We hope that they will continue their support during the forthcoming year. We also give particular thanks to Alison Harvey and Sophie Barrett-Brown for their valuable assistance, energy and dedication to the Sub-Committee.

The Economic Migration Sub-Committee meetings are open to all ILPA members interested in this area. At each meeting we update members and consult with them on representations being put forward by the Sub-Committee on various aspects relating to Business and Employment Immigration Law. To meet the demand for new information and sharing of knowledge (in particular to report back on ILPA/UK Border Agency Points-Based System working group meetings) we increased our meetings from six weekly intervals to monthly meetings last year and have maintained this time-table this year. The dates of our meetings are sent out in the ILPA mailing.

The Sub-Committee represents ILPA on the UKVisas User Panel dealing with Entry Clearance matters and on the Employer Taskforce (and the Intra-Company Transfer sub-group) and the ILPA/UK Border Agency Points-Based System working group.

Over the last year the Sub-Committee has regularly discussed and raised issues relating to employment and business immigration law and practice by the Home Office (both to the UK Border Agency and the then UKVisas (now UK Border Agency International Group)). The majority of this year has been dedicated to assessing and responding to the Government's implementation of Points-Based System, originally unveiled in February 2005 as part of the Five Year Plan.

There follow some examples of the specific matters with which we have been involved, however our Co-Convenors are working on a weekly, if not daily basis, to raise issues with the UK Border Agency, spread information to ILPA members and react to announcements by the Home Office throughout this period of change. The Sub-Committee has:-

- reacted promptly and firmly in conjunction with other ILPA Sub-Committees to the Home Office implementation in February 2008 of new mandatory ban proposals contained in Paragraph 320 Immigration Rules and ensured that this was raised by mainstream media (BBC and Radio 5 Live) on the Tier I go-live date;
- highlighted to members the need to proceed with caution in relation to Sponsor Licence matters as we sought clarity and advice on their behalf from UK Border Agency and the Law Society as to the potential conflict issues and inherent risks of the scheme for both employers and legal advisors alike and linked the Sponsor Licence system directly to the Civil Penalty regime;
- drafted and submitted various papers on policy matters for consideration by the UK Border Agency, eg "Joint Investment for the Entrepreneur and Investor Categories & Evidence Required in Order to Confirm Funds for Tier I Entrepreneur and Investor Categories" and expanding the definition of an intra-company transfer
- identified and subsequently ensured that members are aware of problems relating to the PBS entry clearance application date, specifically in relation to Tier I (General) applications, and lobbied UKBA for clarity and a fair system;
- arranged two well attended meetings where initially Steve Lamb and then Neil Hughes (director of the Points-Based System) attended ILPA meetings to address members queries directly;
- reported back in depth to ILPA members after each monthly ILPA/UK Border Agency Points-Based System working group session (such sessions often lasting in excess of four hours and requiring significant preparation in terms of reviewing and commenting on substantial draft guidance and legislation);
- securing greater clarity on the definition of, and evidence to substantiate, earnings for Tier I (General) applications
- lobbying against the requirement to provide additional evidence from educational institutions located in majority English speaking countries that the relevant course was taught in English
- urged the UK Border Agency to reassess the maintenance requirements for both Tier I and Tier 2 and specifically the '7 day evidence' issue for entry clearance;
- drafted ILPA's evidence to support the Chair's attendance at the Home Affairs Committee Enquiry into Managed Migration: the Points-Based System in July 2008;

- successfully persuaded the UKBA to ensuring that entry on to its list of 'trusted partner' organisations for Sponsor Licence applications was a fair and transparent process open to all;
- consistently lobbied for a statement of policy on permitted absences for migrants in categories leading to settlement.
- successfully lobbied for change to the 12 month limit on funds being located in the UK for Tier 1 (Entrepreneurs)
- Drafted the definition of an Intra-Company Transferee which was accepted in full by the UKBA for inclusion in the Tier 2 sponsor guidance notes
- in addition, the Economic Migration Sub-Committee has contributed to ILPA training on business and employment related immigration law and has hosted several open meetings with Home Office speakers.

Finally, the Sub-Committee thanks all those ILPA members who have turned up and contributed to the meetings and work of the Sub-Committee and also wishes to thank the ILPA staff for all their support during the last year.

Convenors : Philip Barth, Philip Trott, Owen Davies, Sarah Keeley and Nichola Carter

FAMILY & GENERAL IMMIGRATION SUB-COMMITTEE REPORT

The subcommittee has met on six occasions this year, initially in a room in SOAS, for which we are grateful to Professor Werner Menski, and then at the ILPA office. The subcommittee has also facilitated two ILPA members' meetings, on the long residence rules and on recourse to public funds for people applying to remain under the domestic violence rule and has drafted ILPA responses to consultations.

The subcommittee led on ILPA's responses to the two consultations on the marriage rules in late 2007. The changes in the proposed minimum age for marriage visas, and that spouses seeking entry clearance should have passed an English language test before arrival in the UK, were ostensibly to help to prevent forced marriages but would impact on all those with partners from abroad. ILPA opposed the changes.

In its response, the Home Office dropped the language proposal as the responses made it clear that it was impracticable and would be discriminatory; but the other marriage proposals still remain current, though with no timetable for implementation. The unheralded withdrawal of the instructions DP2/93 and DP3/96 does not however encourage optimism. But the lobbying ILPA did on HC321, resulting in those coming to rejoin families being exempted from its new provisions on mandatory entry clearance refusal, and the changes in the immigration rules for spouses, giving 27 months initial stay, and cutting down on the documents needed when applying for settlement, are positive.

Together with the Economic Migration subcommittee, we responded to the consultation on the visitor rules in December 2007. We argued against different visitor rules for different categories of visitor; this was not successful and a Statement of Intent on business visitor rules was published in October 2008. The UK Border Agency plans that sponsors of family visitors will have to register as such but there are as yet no published details.

The subcommittee worked on ILPA's detailed response to Lord Goldsmith's review of citizenship law; his report, *Citizenship: our common bond*, recommended, among other things, the end of second-class British citizenships with the exception of British Nationals (Overseas)s (BN(O)s); we await action. We joined in ILPA's response to *The path to citizenship* and are currently working on ILPA's responses to and briefing on the Draft (partial) Immigration and Citizenship Bill, as it becomes a complete Bill and in its progress through Parliament. Members are involved in the ILPA Google group on simplification and participate in its discussion. We also worked on ILPA's response to the Department for Innovation, Universities and Skills' consultation on the use of English as a Second or Other Language (ESOL) towards community cohesion.

The subcommittee supported JCWI's legal challenge to the Certificate of Approval regulations in the case of *Baiji*, and after its success has pressed the UK BA to issue instructions to implement the decision fully. We contributed to ILPA's response on the consultation on the Common Travel Area. We are monitoring the developments on issuing biometric Identity cards for non-

British nationals and the way in which they may be used. We continue to oppose the high level of fees charged for immigration applications and the idea of charging extra fees to non-European Union migrants to pay towards the 'local impacts of migration.'

The subcommittee facilitated a well-attended ILPA members' meeting in July on the long residence rules and the very technical way in which they are being operated, excluding many people from gaining settlement because of tiny breaches of the law. We urge ILPA members to remain vigilant on these rules and to send ILPA examples of their operation. The previous immigration minister, Liam Byrne, had stated that he would be consulting on changes in this and in the rule on access to children; the present Minister now states there will be no consultation but ILPA fears there may still be rule changes.

We also facilitated a meeting in October between ILPA and Southall Black Sisters to discuss UK Border Agency proposals for some extremely limited financial support for women applying for indefinite leave under the domestic violence rule when they are destitute after escaping from violence. The proposal is for some money to be paid to accommodation providers, in arrears, and only if the immigration application is successful; this discussion is ongoing.

The subcommittee's future work will include continued involvement in ILPA's work on the new Bill and on the proposals for change on visitors and on marriage as they are revealed. We will continue to oppose measures which make it more difficult for families to remain or to live together in the UK, and welcome all members who want to become involved in this work.

Convenor: Sue Shutter

LEGAL AID SUB-COMMITTEE REPORT

It has been a busy year, although by comparison with the previous year, there were far fewer major changes. In her last report as convener, Vicky Guedalla recounted the steps up to the introduction of the graduated fees and predicted that there would be further departures from legal aid work as a result. She also bemoaned the immense complexity of the graduated fees scheme and imagined the difficulties that this would cause for practitioners.

Certainly, one year on, those remain major issues. We know, anecdotally at least, that many suppliers have scaled back the amount of legal aid work they are doing. There have been exits from the field altogether, most notably the announced closure of White Rylands (who were later able to negotiate a transfer of the business to Duncan Lewis). White Rylands had one of the largest contracts for matter starts in the country and their decision that they could not make the Graduated Fee System pay sent shockwaves around the membership.

Over the year the complexity of the scheme has if anything got worse. We are now in a situation where we are on our third version of SPAN coding guidance for reporting claims to the LSC (which stretches to 16 pages), and we have the euphemistically titled “Frequently Asked Questions” supplementing the specification and other guidance and stretching to 69 pages. The inherent difficulties were compounded by the dramatic failure of the Legal Services Commission online system (which crashed spectacularly in November as soon as it was launched). It was riddled with bugs and unable to cope with the number of users trying to use it at any time. It quickly became apparent that the whole preparation and design of the system and the roll out to providers had been hopelessly ill-thought through. Now, 11 months later, most providers are only now starting to use the system for themselves as it is slowly re-introduced (and still not without difficulty. ILPA has repeatedly brought the concerns and experiences of practitioners to the attention of anyone who will listen (and often those who won't).

There was major turmoil at the end of December 2007 following the Court of Appeal ruling in the litigation brought by the Law Society and a number of firms against the Legal Services Commission alleging the Unified Contract was unlawful. The Court of Appeal judgment in favour of the Law Society was much more sweeping than even the Claimants had dared to hope. The Legal Services Commission responded by threatening to terminate the Unified Contract unilaterally. A compromise deal was reached between the parties in closed negotiations (from which we and other groups were excluded). For immigration, a small increase in pay rates for new cases started on or after 1 July 2007 resulted. However, the increases were limited only to the graduated fixed fees so much work is still at the lower rates and we now have a more complex funding scheme still as a result.

ILPA's Legal Aid Sub-Committee has a relatively small number of active members. We have perhaps relied more heavily this year on the input of the General Secretary (for whose help we are always grateful). As conveners we are aware that we have had a fairly limited engagement

with many of our legal aid members and it does need to be a focus for the coming year that this should improve. ILPA is disadvantaged if it does not have the input of our wider membership.

Particular Activities during the Year

- As a result of the settlement between the Legal Services Commission and the Law Society, we now have a “route map” for the future of legal aid funding. We now know that best value tendering is not to be introduced in civil work until at least 2013. We also have a plethora of groups meeting between the LSC and various stakeholders. Our experience so far of these has been overwhelmingly disappointing. Although we have had an opportunity to put both major and minor concerns, little progress has resulted. The LSC without any hint of irony suggested at one stage that ILPA should drop out from some of the groups as they complained we were just talking about the same things at all the meetings.
- A major agenda item during the year has been the effort to persuade the LSC of the need to introduce further ways for providers to bill their work-in-progress to aid cash flow. We have been working closely with LAPG and the Law Society on this. Promised actions from the LSC have not happened. We recently made detailed written proposals and await the LSC’s response.
- ILPA has long argued that requiring a 40% appeal success rate is based on bad statistics and is no more than a figure that the Legal Services Commission had plucked out of thin air. We argue particularly that in the context of the Detained Fast-Track it served as a strong perverse incentive for suppliers to refuse Controlled Legal Representation to cases where the chances of success are unclear (i.e. most of the cases in Detained Fast-Track) to protect their performance record. Prompted by the inclusion of the indicator as a criterion in the detention centre tenders issued in December 07, ILPA issued a letter before action jointly with the London Detainee Visitors’ Group and Bail for Immigration Detainees. The Public Law Project acted for all three. In a detailed meeting subsequently with the Legal Services Commission, it was clear that our arguments were unanswerable, but the Legal Services Commission was floundering needing something it could call a “measure of quality” within the tender process. Peer review is going to be limited to a very small number of cases as they have insufficient resources to roll it out widely. As a result of our action, the criteria was dropped when the Legal Services Commission re-ran the tender, but we wait to see whether it will try again with future contracts. A consultation was promised by the end of September on the outline of the contracts to April 2010 (when the unified contract ends) but that was delayed until November.
- In April we made detailed submissions about the limited hourly rate increases and, in particular, argued to maintain the percentage uplift between the standard hourly rate and risk fees in Controlled Legal Representation, but to no effect. The prospect for future increases in funding rates seems remote and it seems likely that the period of negotiation between the Law Society and the Legal Services Commission over their litigation was

probably the high water mark in terms of the influence that the professions had with the Legal Services Commission and Ministry of Justice.

- In April we also raised submissions with the Legal Services Commission about the unannounced production of reassessment of eligibility within Legal Help and Controlled Legal Representation, securing some more detailed guidance and so hopefully at least lessening the risk to suppliers of getting such decisions wrong. This was one of three examples in the year of the Legal Services Commission bringing in surreptitiously significant changes (the other two being the introduction of prescribed rates in the Court of Appeal and House of Lords and limitation of “complexity” uplifts in Controlled Legal Representation cases to counsel only).
- In June we responded to the Legal Services Commission consultation “Delivery Transformation”. This proposal had previously received fairly little attention. It was portrayed by the LSC as simply being about the increased computerisation of interactions between suppliers and the Legal Services Commission. Sonia was able to get a briefing document analysing fundamental causes for concern about the proposals prepared and circulated to a number of other stakeholders, as ILPA is concerned that there are fundamental concerns about client confidentiality and protection issues for children and other vulnerable client groups. Our detailed response to the consultation highlights how little thought the Legal Services Commission has given to these fundamental issues, and had viewed it merely as a way of outsourcing its data input work to suppliers so as to cut its own administration costs. The response is still awaited.
- In June we held a useful members round table meeting on costs and consent orders which had become a major concern for many practitioners.
- We have engaged regularly at practitioner group meetings with the Law Society with the hope they become better able to represent the views of immigration suppliers. What has become apparent through this is that the agenda for quality is becoming split between the drive to improve quality of representation (ILPA’s constitutionally set agenda) and the perceived need amongst other practitioner groups to defend their members who say that the rates of funding are now so low that they cannot be expected to achieve anything beyond mere competency. This will remain a difficult area over the next two years at least.

We will some time soon have the first detailed plans of what the LSC think the next contract will look like. Our experience recently leads us to feel that the LSC is struggling to keep to it’s own/the Ministry Of Justice’s agenda and time scales. They are increasingly reliant on the input of groups such as ILPA to do every thing from blue sky thinking to fine tuning their schemes. Whilst we in many ways resent being their unpaid consultants, this engagement is vital if we are to have the best chance of promoting our and our clients’ interests. We must rely on our membership to bring their experience and ideas to that table.

Convenors: Jackie Peirce, Sonia Routledge

IMMIGRATION OFFENCES SUB-COMMITTEE REPORT

The work of the committee was largely dominated by the radical removal of rights of appeal from a significant proportion of immigration act detainees following the coming into force of section 32 UK Borders Act 2007 from 1 August 2008.

During the year, the committee's work benefited greatly from a close collaboration with the Foreign National Prisoners Network, bringing with it not only significant knowledge from the ILPA immigration practitioner base, but also practitioners in crime, prison and discrimination, addressing not only prosecutions and recommendations for deportation, but also following the position of convicted persons through prison and deportation proceedings and in some cases, the conditions of detention.

A member of the committee was involved in the judgement of the House of Lords in R v Asfaw (2008) 2 WLR 1178 in which the law relating to protection of asylum seekers from prosecution was authoritatively stated. In the light of this case and other developments in the area, the Committee hopes to promote a wider understanding amongst many criminal practitioners of the important areas of defence in this increasingly complex field by providing training to duty solicitors, particularly around Heathrow, Gatwick and Stanstead.

The law relating to immigration offences appears to be changing yet again with the publication of the draft partial Simplification Bill and the Committee is involved in contributing to ILPA's response to this Bill.

The Committee also notes that the workload is likely to increase from the public pronouncements by the new Minister Phil Woolas who has expressed a desire to get tough on immigration, perhaps forgetting the significant contributions that former ministers and other parliamentarians have achieved over the last decade towards that goal.

Convenors: Richard Thomas and Jawaid Luqmani

ILPA SOUTHWEST

ILPA Southwest was established in the autumn 2008. Its first meeting was held on 5 November 2008, attended by 26 immigration practitioners involved in all aspects of immigration advice. The geographic spread of those attending reflected the large area which the Southwest covers- from Bournemouth to Cardiff. Members expressed interest in organizing quarterly events, focused around immigration law trainings. Following the meeting, UKBA Cardiff has contacted ILPA Southwest, proposing to hold a general meeting about the Points Based System. ILPA Southwest is pleased to act as a conduit, drawing practitioners together, in what can sometimes be a very isolating environment.

Convenor: Natasha Williams



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