



IMMIGRATION LAW PRACTITIONERS' ASSOCIATION
PRESIDENT: IAN MACDONALD QC

ILPA Annual Report 2004/2005

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OBJECTS OF THE ASSOCIATION

The objects of the Association shall be:

- 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.

CHAIR'S REPORT

In last year's Annual Report I apologized for the fact that I was offering my services as Chair of ILPA for the fifth year running. I explained that my attempts to find a successor had fallen on deaf ears and promised also that my fifth year would be my last. In presenting this year's Annual Report I can say immediately that I have been good to my word: this is indeed my last Annual Report as Chair. I am both delighted and relieved that Chris Randall – known to you all and an active Executive Committee member for many years - succeeds me as Chair with effect from this year's AGM. *Delighted* because I know that he will do an excellent job. He is held in great esteem by his peers and has all the necessary skills to continue to guide ILPA in what - as always – are difficult times. Moreover he is not a barrister which I consider to be commendation in itself after a long succession of barristers occupying the position! *Relieved* because having committed myself publicly to this being my last year as Chair I would not have wished to leave the organisation without a Chair. Thank you Chris for taking the role on. ILPA is in the safest possible hands.

The relief I express is particularly acute seen from another context – namely the fact that this year there is to be no election for membership of the EC. In last year's Annual Report I expressed pleasure that there was then to be an election for the EC, which was the first in several years. Reflecting as I did then on the burdens of serving on the EC I expressed the hope that such burdens might be able to be lessened were ILPA to appoint a Legal Officer. I am delighted that this step was taken and ILPA's interests are now being extremely well served in this respect by Alison Harvey (who has been in post since October and who is presently doing sterling work on the Bill). The appointment of a Legal Officer is a very positive step for the organisation which will pay huge dividends. The only regret is that such appointment did not lead to another election for the EC. With only five people having stood for election to the EC this year (leaving aside Chris Randall, Jawaid Luqmani and Sue Shutter) co-options will be needed. Yet again my call then is for the membership to offer their help. I have no doubt that Alison will lessen the burden and I would hope that members will come forward. Many do a huge amount already, but the continued success and vitality of the organisation depends on others 'stepping up to the plate'. The success of ILPA should not always continue to depend on the generosity of the same people. Others have to become involved.

As ever ILPA owes a huge debt of gratitude to Susan, Kit, Elizabeth and Helen. This Annual Report is again testament to ILPA's success and good health. It speaks for itself and I commend it to you.

It has been both an honour and a privilege to serve ILPA for the last five years. I have been extraordinarily well supported over those years by Susan and would like to express my deepest thanks to her and to Kit, Elizabeth and Helen (who have in fact only known one Chair in their four years or so with ILPA). Thanks to you all, and of course to everyone who has helped – particularly those who have served on this (and past) year's ECs. I will miss it – but not too much!

Rick Scannell
Chair

Executive Committee Members and Sub-committee convenors

The Executive Committee

Ian Macdonald, QC – President	Rick Scannell – Chair
Sue Shutter – Secretary	Jawaid Luqmani – Treasurer
Judith Farbey	Chris Randall
Nadine Finch	Mick Chatwin
Matthew Davies	Kathryn Cronin
Mark Henderson	Vicky Guedalla
Julia Jackson (co-opted)	Nichola Carter (co-opted)
Michael Hanley (co-opted May to July 2005)	

Sub-committee convenors:

Access to Justice Sub-committee:	Judith Farbey
Asylum Fast Track Sub-committee:	Matthew Davies
Employment & Business Sub-committee:	Philip Barth, Owen Davies, Philip Trott
European Sub-committee:	Elsbeth Guild, Nicola Rogers
Family & General Sub-committee:	Sue Shutter
Legal Aid Sub-committee:	Vicky Guedalla
Offences Sub-committee	Mick Chatwin, Jawaid Luqmani
Personnel Sub-committee:	Jawaid Luqmani, Rick Scannell, Chris Randall, Sue Shutter
Refugee Sub-committee:	Mark Henderson
Training Sub-committee:	Mick Chatwin

TREASURER'S REPORT

The accounts for the last year show a profit in the accounts of just over £21,000 before taxation. Whilst lower than the bumper year previously bringing the excess to more than £32,000, we remain a healthy organisation that has also been able to expand again following the end of the year's accounts with the recent appointment of a full time legal officer. The expansion is a natural progression for an organisation that has grown in personnel, members, respect and commitment.

Our principal objective remains to utilise the monies received for the benefit of the membership and for the benefit of those clients whom we seek to serve and whose interests we best seek to represent, and whilst we have an excess this year we are sure to find ways of providing an even better service for our members, with a vibrancy in the training programme that will continue to offer good value for money to our members as well as providing additional seminars and debates that enable the politically sensitive questions of immigration to be debated in a more balanced manner.

Despite the very many tasks and activities over the last financial year, a good barometer of our financial success can be made by analysing our profitability. Whilst we understand that the primary aim is not to make a loss we have maintained a healthy degree of profitability on our activities to 6.22%, slightly lower than the previous year, but almost double that of the year before. Despite the growth in size, the organisation manages through the dedication of the General Secretary and her team to deliver a very streamlined operation, maintaining a trend of financial efficiency

The other significant factor to feature in any analysis of the financial health of the organisation is the level of our reserves, which have increased from just over £207,000, to just over £228,000. That said, we anticipate that the additional costs of another full time member of the team, as well as other renewals, refurbishment and repair costs are likely to see some inroads into that figure over the next 12 months.

Membership fees

As anticipated last year, the membership fees were slightly increased over the last 12 months, with the anomaly on student membership (at a rate lower than the costs of providing the service) being ironed out. Our membership numbers continue to rise, with membership continuing to grow from both the regulated sector as well as the designated professional bodies, suggesting that ILPA truly speaks for most if not all immigration practitioners.

Course fees

We continue to offer good value for money in terms of the courses, including assistance being given to those seeking to accredit. The fact that the fees remain modest is largely due to the considerable effort put in by trainers who would be able to receive a far more commercial rate by teaching for other groups or organisations. We have a long history of being able to reach out to the membership and invite speakers on every area of immigration work. We want to thank these members for their continued support and recognise the considerable time and effort made by them for the organisation, and without which we would not be in the sound financial shape that we are. We would like to consider courses that practitioners felt would help them, and any specific advice that the members can offer ILPA should be directed through the training sub-committee so that ILPA as an organisation can, wherever possible, give to our members training in areas that are needed.

Legal Officer

Although our legal officer did not start in the previous financial year, her arrival is a natural progression for the increasing demands on the organisation with legislative changes continuing at such a rapid rate. The appointment will have a financial impact, but will, we believe, ultimately benefit the members, which must be the criterion for any financial decisions made by the organisation.

Lunch

We have had something of a tradition over the last few years that the lunch at the AGM should be paid for by the organisation. I am delighted that we are able yet again to continue with that tradition. We continue to hope that members agree that paying for the cost of the lunch (and a drink at the pub afterwards) is a good idea. We appreciate that taking out the time to attend the AGM is not easy for any of our members, particularly those based out of London.

The future

The organisation is healthy, our reserves are good, and we are planning for our future by offering more than ever to our members.

The past year has seen the substantial efforts of Susan Rowlands and the team giving 100% commitment to the welfare and interests of the organisation, and perhaps somewhat belatedly for the first time, in a long time, the EC is trying to ensure that the commitment is reciprocated through a thorough review of conditions and terms of employment. There is a cost implication to these also but again, having regard to the best interests of the organisation, these aspects are not only overdue, but also in the organisation's best interests.

Finally on a personal note I would like to say what a pleasure it has been to serve on an EC with Rick Scannell as Chair over the last 4 years. He has shown tremendous support and a dedication that will be hard to match. I am sure that Chris Randall will do his best to meet that challenge and wish him every success in that endeavour.

Jawaid Luqmani
Treasurer

GENERAL SECRETARY'S REPORT

The work of the Secretariat

The core functions of the ILPA secretariat are:

- liaison with government 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 on all matters of asylum, immigration and nationality law, practice and policy
- servicing the Executive Committee and implementing its policy decisions
- responding to enquiries from members, the media, and the public

The Government has kept ILPA and its members frantically busy this year. Before the 2004 Act was fully implemented, there has been a barrage of new proposals, reform strategies, and policy initiatives. In the area of asylum, we have seen the introduction of a new asylum case working model – “the NAM” – with a focus on removal. A single senior caseworker will be responsible for all aspects of the claim: it is a pity that they are allocated to a segment known as “late and opportunistic.” Other developments include: the expansion of fast track procedures; plans for new removal centres; the promotion of voluntary returns and strategies to increase removal statistics by both forced removals and recording as liable to removal those leaving voluntarily after expiry of leave.

It is also in the area of managed migration that proposals for radical reform are planned. . The government set out its strategy for the continuing reform of the immigration and asylum process in a paper: **Controlling our borders: making migration work for Britain, the Government's five year strategy for asylum and immigration.**

The implementation of some aspects of the reform are proposed in: **Selective Admission: Making Migration Work for Britain, A Consultation Document (July 2005) and The Immigration, Asylum and Nationality Bill 2005 .**

New Policies on Refugees were introduced by ministerial statement in July 2005.

ILPA has been represented at various meetings on the proposed reforms and has voiced its objections to them both publicly and in meetings with officials and the minister. (See 16. below) Members have been kept informed of ILPA's concerns about the Bill – starting with the letter to Pam Culley, APPD, IND (August 2005, sent to members in August) in which ILPA set out its objections to the appeals provisions of the Bill concerning in country appeals and alerted members and colleagues to the intentions of the provisions. This letter, and all subsequent submissions and briefings, are on the ILPA website; members have been referred to them in monthly mailings.

ILPA has supported the nomination of the Refugee Legal Centre for a human rights award and has nominated Richard Thomas for an award on the basis of the groundbreaking work he has done for those charged, prosecuted and sentenced for S.2 offences.

Responses and submissions – in addition to briefings on the Bill

ILPA responds to numerous UK and EU proposals and consultation documents. The list below illustrates the work that has been done not only by the sub-committees, their convenors, and other members, but the Chair who approves the final text of all submissions and policy letters.

1. Response to consultation on review of charges for immigration practices, December 2004
2. Response to Home Office consultation on the Implementation of Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers, December 2004
3. Response to the Hague Programme : EU Immigration & Asylum Law and Policy, January 2005
4. The Asylum and Immigration Tribunal – The Legal Aid Arrangement for Onwards Appeals, January 2005
5. Response to the Proposals for the ‘retrospective public funding’ of onwards appeals from the single tier Asylum & Immigration Tribunal from 1.4.05, January 2005
6. Response to the Asylum & Immigration Tribunal – Amendments to the General Civil Contract, February 2005
7. Response and paper on the use of expert evidence and interpreters in asylum and human rights appeals, February 2005
8. Response to the Asylum & Immigration Tribunal – Fast Track Procedure Rules, February 2005
9. Briefing on Immigration (Application Fees) Order 2005, March 2005
10. Response to the Commission Green Paper on an EU approach to managing economic migration COM(2004)811, April 2005
11. Response to publication of Work Permits(UK) Internal (caseworker) guidance, April 2005
12. Response to Economic Migration to the EU : written evidence to the House of Lords Select Committee on the EU, May 2005
13. Briefing on the Identity Cards Bill, Second Reading Tuesday 28 June 2005, June 2005
14. Submission to House of Lords Committee on the European Union : Sub-Committee E: Inquiry into ‘Human Rights Proofing EU Legislation’ , June 2005
15. Letter to David Dunford, cc. Nigel Hills, Christina Parry and Ian Walsh regarding Leave in Line, July 2005
16. Letter to Tony McNulty MP, Minister for Immigration, Citizenship and Nationality regarding New Policies on Refugees and Leave, July 2005
17. Response to the UK Presidency of the European Union, August 2005
18. Submission on Exclusion or Deportation from the UK on non-conducive grounds, August 2005

19. Letter to Tony McNulty MP, Minister for Immigration, Citizenship and Nationality regarding the meaning of 'continuous residence' : level of permitted absences during the four year qualifying period for ILR, August 2005
20. Letter to Pam Culley, Asylum and Appeals Policy Directorate, IND, regarding Appeals Clauses of the Immigration, Asylum and Nationality Bill 2005, August 2005
21. Response to Council on Tribunals Consultation on the use and value of oral hearings in the Administrative Justice System, September 2005
22. Submission to the Joint Committee on Human Rights regarding UK compliance with the United Nations Convention Against Torture, September 2005
23. Response to the Home Affairs Committee's Inquiry into the Home Office's Immigration and Nationality Directorate (IND), October 2005
24. Evidence to the Joint Committee on Human Rights Counter-Terrorism Policy and Human Rights: Initial Stage, October 2005
25. Response to the Selective Admission : Making Migration Work for Britain Consultation, November 2005

Home Office liaison

During the last year, ILPA has had meetings with officials in both the managed migration and asylum directorates; has been represented at the Home Secretary's events; and has established contact with the new Director General. Liaison meetings with the Asylum Casework Group North sometimes include officials from Nationality and the Immigration Service: the following are thanked for their contribution to the meetings in Liverpool:

Paul Morris - South Manchester Law Centre, Annand Misir, Hannah Lomax, Corine Hims - Jackson and Canter, Alison Parkinson and Neve O'Riley - Liverpool Central CAB, Richard Dunstan and John Paton – Citizens Advice, Beate Dasrathy and Hermione McEwen - GMIAU

ILPA is represented at the following user groups.

IND User Group (Susan Rowlands)

Asylum Processes Stakeholder Group (Susan Rowlands)

Detention User Group (Nadine Finch, Matthew Davies, Susan Rowlands)

UKvisas User Group (Susan Rowlands, Nichola Carter)

Work Permits (UK) User Group (Marian Dixon, Business and Employment sub-committee member; Philip Barth, Business and Employment sub-committee co-convenor)

European Union Policy Group (a member of the ILPA European Sub-committee)

Unaccompanied Asylum Seeking Children Stakeholders Group (Liz Barratt)

NASS forum (Sheona York, Nancy Fancott)

New Asylum Model Workshops (Susan Rowlands)

Thanks go to all those who contributed to these meetings either by attending the meetings, raising agenda items, commenting on outcomes and requiring further action/information. Simon Cox is the most attentive of members: he reads everything that comes to ILPA from IND and has made valuable input in responding to correspondence and eliciting further information

Liaison with courts

Immigration Appellate Authority

IAA Stakeholders Group: Judith Farbey, Chris Randall, Rick Scannell

Administrative Court Users Group: Judith Farbey, Jawaid Luqmani

Asylum Support Adjudicators User Group: Susan Rowlands

Liaison with other organisations

OISC (Office of the Immigration Services Commissioner) The ILPA Best Practice Guide to immigration appeals is being published in association with the OISC. The new Commissioner has met with Susan Rowlands and has attended an ILPA event.

ECRE (European Council on Refugees and Exiles): ILPA continues to contribute to ECRE's and other ECRE members' position papers, conferences and research. Fiona Lindsley (Hackney Law Centre) and Nick Oakeshott (Refugee Legal Centre) are the UK representatives of the ELENA (European Legal Network on Asylum).

Law Society Immigration Law Committee: A joint meeting on the new asylum model was held in June

GLA - meetings on legal services for asylum seekers in London (Susan Rowlands, Nadine Finch)

LSC - meetings and stakeholder meeting (Vicky Guedalla, Matthew Davies, Susan Rowlands)

Membership

Current total number of ILPA members 1099

138 new members have joined since the last AGM. Of this number, 73 were individual members and 65 organisations. Of these new members 37 are OISC regulated organisations and 4 are OISC regulated individuals.

Training

ILPA has provided 74 training sessions since the last AGM. Although most of these were held in London, we have continued to offer courses outside London, this year in Birmingham, Manchester and Leeds. We continue to encourage members, especially those outside London, to put forward any proposals to meet their training needs.

ILPA is committed to running training sessions to prepare practitioners for the Law Society Accreditation exams. We have held several successful sessions this year for probationers, level 1 and level 2, and we will be running further sessions throughout 2006.

Training sub-committee: Sarah Woodhouse chaired the committee for the first part of the year, followed by Mick Chatwin who has taken over. Invaluable input to the programme has been made by those who attended training sub-committee meetings and many others have contributed to the training programme with ideas and suggestions and we greatly appreciate their support. Special thanks to Tim Barnden, Melissa Canavan, Jane Coker, Matthew Davies, Alison Stanley and Sally Thompson.

Partners: Some courses have been jointly provided with Bail for Immigration Detainees (BID) and UKCOSA.

Venues and materials: This year ILPA courses have been generously hosted by Baker and McKenzie Solicitors, Bindman and Partners and Reed Smith.

Seminars/Conferences

ILPA, JUSTICE, BIICL Conference, How Much Freedom, Security and Justice? Developments in EU Asylum and Immigration Law, May 2005

ILPA and AILA sponsored the **IBA Global Immigration Conference**, November 2005, London

Publications and Projects

Publications:

CLS Leaflets *Claiming Asylum : your rights if you are a refugee*

Immigration and Nationality : your rights to live and work in the UK

These were prepared for publication by Mick Chatwin for ILPA.

Ministerial statements made during the passage of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 Martin Penrose, for ILPA. Available on disk.

Projects launched:

ILPA/EIN directory of experts

Working with children and young people subject to immigration control : Guidelines for best practice Heaven Crawley, December 2004 (funded by the Nuffield Foundation).

Projects finalized:

Child first, migrant second: ensuring every child matters Heaven Crawley, November 2005 (funded by the Nuffield Foundation).

ILPA Best Practice Guide to Immigration Appeals, in association with OISC Jane Coker, Jim Gillespie, Sue Shutter, Alison Stanley, November 2005 (funded by OISC and the Legal Services Commission).

Current and forthcoming projects:

Age-disputed children subject to immigration control (funded by the Nuffield Foundation)
Heaven Crawley has started work on this project, due to be completed in June 2006.

UKGLIG/ILPA Guidelines on sexual orientation

ILPA best practice guide to fast track asylum cases

RIS/ILPA guide to asylum legislation

Meetings

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

Access to Justice	3
Asylum fast-track	2
European	8
Family & General	8
Business & Employment	7
Immigration Offences	1
Legal Aid	1
Refugee	2
Training	3

Members' Meetings:

- **Members' meeting on the accreditation scheme**
Tuesday 18 January 2005
- **Launch of the ILPA/EIN Directory of Experts**
20 January 2005
- **Seminar jointly convened by the European sub-committee and JUSTICE, The Asylum Reception Directive comes into force on 6 February: how is the UK complying with it?**
Monday 7 February 2005
- **ILPA members' launch/training – with contributions from authors: Working with children and young people subject to immigration control: guidelines for best practice**
15 March 2005
- **Joint meeting of the Access to Justice and Refugee sub-committees, Meeting on AIT Procedure Rules 2005**
31 March 2005

- **Members' meeting on the five year strategy for asylum and immigration**
18 May 2005
- **Joint meeting of the Access to Justice and Legal Aid sub-committees, Legal aid and the AIT: issues arising two months on**
1 June 2005
- **Joint Law Society/ILPA meeting, The Government's five year strategy and changes to the asylum system**
28 June 2005
- **Special members' meeting, The rights of smuggled migrants**
10 August 2005
- **Joint meeting of Access to Justice and Refugee sub-committees, The AIT – Practice and Procedure: A discussion forum on developments**
21 September 2005
- **Members' meeting on Immigration, Asylum and Nationality Bill**
5 October 2005
- **The effective use of medical and psychiatric evidence in asylum cases**
2 November 2005
- **Special ILPA event, 100 Years of Immigration Law: 1905 – 2005**
7 November 2005

Mailings

Members have been sent 16 mailings and 253 numbered enclosures.

ILPA Staff

Susan Rowlands	General Secretary
Alison Harvey	Legal Officer (since October 2005)
Elizabeth White	Personal Assistant to General Secretary
Kit Eaves	Administration and IT manager
Helen Williams	Membership and Training administrator

We are assisted by Pat Kahn (designer), Helen Dewar (librarian), Andy Humphreys (IT), Jeremy Stone (book keeper), Rosie Brennan (consultant), Brian McKinlay (human resources consultant), Antoinette Jucker (company lawyer), Kate Wisbey (temporary administrative assistant from March to June). We thank them for their invaluable support and assistance.

Administration

This has been another busy year for ILPA. Our training programme was expanded to respond to the establishment of the AIT and to include more training on accreditation. ILPA is committed to providing training for the accreditation examinations in the forthcoming year. We welcome new trainers and ideas for new courses. Our events programme also included a two day conference, two launches, a seminar and reception to mark 100 years of immigration law, a roundtable on the children's policy paper, and many meetings for members.

The projects programme is also being extended. Funding by the Nuffield Foundation, the OISC and the LSC is gratefully acknowledged. Funding applications will be made for the projects listed above as "forthcoming". It has been a great pleasure working with the authors of the projects completed this year and enormous thanks are due to them and the members of the advisory groups.

We are working on improving the look of the monthly Information for Members – in the hope that members read it. We have had the office refurbished. Thanks to Kit's foresight in making permanent a separate circuit for electric radiators, we have heating in the ILPA office despite the lack of central heating in the building. We continue to host meetings of HIG and others, whenever possible.

ILPA's work output increases each year. This is only possible because the administrative team is well established, highly experienced and committed to the aims and objectives of the Association. Now in their fifth year with ILPA, Kit Eaves, Helen Williams and Elizabeth White continue to provide an expert service to members, colleagues in the sector, and the public. They continually demonstrate their ability to work as a team, take on new challenges, acquire new skills. Every year I try to find new ways to express my appreciation of them: they are certainly the most conscientious, collaborative, adaptable and good-humoured colleagues one could ever wish for. Organisations should never take this commitment for granted.

Since September 2004, Rosie Brennan has made a valuable contribution by working on S 2 on behalf of ILPA. When introduced, the offence was completely unknown and not readily understood by criminal practitioners who came across those charged under this section at police stations. She has liaised with the Law Society, drafted materials – to be found on the ILPA website - and, together with Richard Thomas and Nigel Leskin, has trained criminal solicitors on these offences. She has also prepared and minuted the ILPA members' meetings on immigration offences and has been accessible to all practitioners who have had enquiries. The new edition of her book on advising on immigration in police stations is in press.

Finally, we welcome to ILPA the first legal officer: Alison Harvey. The need for a legal officer was recognised and promoted by Rick. Alison joined us in mid October, on a 12 month contract, just in time for the committee stage of the Bill. She has been incredibly productive in that time and we wonder how we managed without her.

In addition to expressing my gratitude to Kit, Elizabeth, Helen and Alison, I would like to thank the many members without whose input ILPA could not be as effective and productive as it is. At the risk of leaving some out, I will not attempt to name them. "They know who they are." Once again, the ILPA Executive Committee has been the engine of all our work: thanks to all members and officers.

Rick has been an exceptional chair: not only because he put in five years but because he has always been accessible, truly inspiring and has supported and encouraged us through good and difficult times. Thanks, Rick!

Susan Rowlands
General Secretary

ILPA TRAINING

Courses

NB: course location is London unless stated otherwise

Date	Course Title	Delegates
November 30, 2004	Tips on advocacy from a barrister and an adjudicator	13
December 1, 2004	ILPA/BID course: Bail Applications: how to challenge detention	4
December 2, 2004	Emergency procedures for dealing with removals	8
December 6, 2004	Applications from co-habiting or 'married' same-sex couples (Manchester)	<i>Cancelled</i>
December 7, 2004	Arguing Article 3 at appeal	7
December 8, 2004	Home Office policy, concessions and the exercise of discretion outside the Immigration Rules	40
December 13, 2004	A practitioner's guide to the Asylum and Immigration (Treatment of Claimants, etc.) Act	14
December 13, 2004	How to deal with the evidence of minors	<i>Cancelled</i>
January 19, 2005	Advanced EU law including the Association Agreements	24
January 20, 2005	Basic Immigration Law training towards first level accreditation, part 1 of 2	32
January 25, 2005	Adoption - a guide for immigration practitioners	13
January 26, 2005	Training towards second level accreditation - part 1, legal knowledge paper - an overview of what is required	27
January 27, 2005	Basic Immigration Law training towards first level accreditation part 2 of 2	20
February 2, 2005	Training towards second level accreditation - part 2, exam technique and problem solving	30
February 10, 2005	The Asylum and Immigration Tribunal (AIT) - new procedures and legal aid	29
February 14, 2005	Moving workers and employees around Europe	16
February 16, 2005	Basic employment-related immigration law	14

Date	Course Title	Delegates
February 24, 2005	Immigration training for junior counsel	14
March 1, 2005	The Asylum and Immigration Tribunal (AIT) - new procedures and legal aid - Leeds	17
March 2, 2005	Basic EU Law	<i>Postponed</i>
March 3, 2005	Recent changes in nationality law and practice, including policies outside the rules	22
March 9, 2005	Making work permit and other applications to work in the UK	34
March 10, 2005	Ways for young people to work in the UK	<i>Postponed</i>
March 14, 2005	Course on immigration for experienced caseworkers (Manchester)	12
March 15, 2005	The Asylum and Immigration Tribunal (AIT) - new procedures and legal aid (Birmingham)	10
March 15, 2005	Working with children and young people subject to immigration control, guidelines for best practice	152
March 16, 2005	Applications from Bulgaria and Romania, entry clearance and in country switching under the EC Association Agreements	17
March 17, 2005	Specialist Seminar for Experienced Practitioners, How to deal with cases raising concerns about sexual and labour exploitation	13
March 31, 2005	An introduction to Immigration Law – getting started, the first step to accreditation	<i>Cancelled</i>
April 6, 2005	The Asylum and Immigration Tribunal: essential training for practitioners	48
April 12, 2005	Managed Migration	102
April 18, 2005	Basic Immigration Law: training towards first level accreditation (part 1 of 2)	25
April 20, 2005	Internal Flight	<i>Postponed</i>
April 20, 2005	Basic course on the Turkey Association Agreements: How to assist nationals from Turkey	12
April 21, 2005	An introduction to Immigration Law – getting started, the first step to accreditation	12

Date	Course Title	Delegates
April 25, 2005	Basic Immigration Law training towards first level accreditation (part 2 of 2)	22
April 28, 2005	Basic Asylum Law - towards level one accreditation	6
May 5, 2005	Training towards second level accreditation	14
May 11, 2005	Alternatives to businessmen applications (advanced business immigration law)	25
May 12, 2005	Getting the best results from the immigration authorities	15
May 13, 2005	How much freedom security and justice?	90
May 17, 2005	Ethics and immigration practice	20
May 26, 2005	Introduction to Immigration Law - getting started, the first step to accreditation	11
June 15, 2005	The Asylum and Immigration Tribunal - essential training for practitioners	47
June 16, 2005	Taking Cases to the Court of Appeal	15
June 21, 2005	Introduction to Immigration Law: getting started, the first step to accreditation	5
June 22, 2005	Making marriage applications	20
June 29, 2005	Tips on advocacy from a barrister and an adjudicator	14
June 30, 2005	ILPA/Asylum Support Appeals Project Training: Failed Asylum-seekers: access to welfare provision and ASA appeals, latest developments	18
July 4, 2005	The Asylum and Immigration Tribunal: essential training for practitioners (Leeds)	32
July 6, 2005	Basic EU law	5
July 13, 2005	Unlawful imprisonment: civil remedies	<i>Cancelled</i>
July 14, 2005	Highly Skilled Migrant Programme: all you need to know	23
July 18, 2005	The Asylum and Immigration Tribunal: essential training for practitioners	14

July 19, 2005	Introduction to Immigration Law: getting started, the first step to accreditation	10
July 20, 2005	Immigration Seminar for experienced caseworkers	23
July 25, 2005	ILPA/UKCOSA training: Student applications and opportunities for staying on to work	18
July 26, 2005	Ways for young people to spend a couple of years in the UK	17
August 23, 2005	Basic Asylum Law: towards level one accreditation	11
August 30, 2005	Basic Immigration Law: training towards 1st level accreditation, part 1 of 2	19
August 31, 2005	Basic Immigration Law: training towards 1st level accreditation, part 2 of 2	24
September 1, 2005	Training towards second level accreditation	23
September 14, 2005	Advanced course Asylum and Human rights law update	28
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Speakers

The following speakers are thanked for their contributions

Speaker	Organisation / Firm (at time of course)
Sally Adams	Kingsley Napley Solicitors
Jo Aldhouse	UKCOSA
Peter Alfandary	Reed Smith LLP solicitors
Naomi Angell	Osbornes Solicitors
Navita Atreya	Renaissance Chambers
Anneliese Baldaccini	JUSTICE
Liz Barratt	Bindman and Partners
Sophie Barrett-Brown	Laura Devine Solicitors
Philip Barth	Penningtons Solicitors
Peter Bartram	Bartram and Co
Tim Baster	Bail for Immigration Detainees
Kash Behbahani	Scudamores Solicitors
Hilary Belchak	Kingsley Napley Solicitors
Nichola Carter	H2O Law LLP
Mick Chatwin	Renaissance Chambers
S Chelvan	Mitre House Chambers
Azhar Chohan	Paddington Law Centre
Jane Coker	Immigration Judge
Simon Cox	Doughty Street Chambers
Heaven Crawley	AMRE Consulting Limited
Kathryn Cronin	Garden Court Chambers
Matthew Davies	Wilson and Co Solicitors
Owen Davies	Laura Devine Solicitors
Graham Davis	Immigration Judge
Tim Eicke	Essex Court Chambers

James Elliot	Wilson and Co Solicitors
Nancy Fancott	Hammersmith & Fulham Community Law Centre
Judith Farbey	Tooks Chambers
Nadine Finch	Garden Court
Jim Gillespie	Renaissance Chambers
Wesley Gryk	Wesley Gryk Solicitors
Tony Haque	Baker McKenzie Solicitors
Michael Hanley	Wilson and Co Solicitors
Stephanie Harrison	Garden Court Chambers
Mark Henderson	Doughty Street Chambers
Phil Heywood	Doughty Street Chambers
Julia Jackson	Magrath and Co Solicitors
Peter Jorro	Garden Court Chambers
Mike Kaye	Anti Slavery International
Charlotte Kilroy	Matrix Chambers
Fiona Lindsley	Hackney Community Law Centre
Ravi Low-Ber	Refugee Legal Centre
Jawaid Luqmani	Luqmani Thompson & Partners Solicitors
Ian Macdonald QC	Garden Court Chambers
Gulay Mehmet	Reed Smith LLP Solicitors
Anne Morris	Laura Devine Solicitors
Mark Ockelton	Immigration Appeal Tribunal
Barry O'Leary	Wesley Gryk Solicitors
Julia Onslow-Cole	CMS Cameron McKenna
Martin Penrose	ILPA
Melanie Plimmer	Garden Court North
Mahmud Quayum	Camden Community Law Centre
Sarah Rimmington	UKCOSA
Nicola Rogers	Garden Court Chambers
Nick Rollason	Kingsley Napley Solicitors

Laurence Saffer	Immigration Judge
Rick Scannell	Garden Court Chambers
Mark Scott	Bhatt Murphy Solicitors
Ben Sheldrick	Magrath and Co Solicitors
Sue Shutter	Parliamentary Researcher
Juliet Singer	National Missing Persons Helpline
Alison Stanley	Bindman and Partners Solicitors
Mark Symes	Garden Court Chambers
Steve Symonds	Refugee Legal Centre
Anne-Marie Tootell	Wilson and Co Solicitors
Philip Trott	Bates, Wells Braithwaite Solicitors
Philip Turpin	Turpin Miller and Higgins
John Walsh	Doughty Street Chambers
Amanda Weston	Tooks Chambers
Sue Willman	Peirce Glyn Solicitors
Nicholas Woolf	Woolf Symonds Solicitors
Sarah Woodhouse	Birnberg Peirce and Partners
Stefan Vnuk	Fisher Meredith and Partners Solicitors
Trevor Wornham	Wornham and Co Solicitors

ILPA Managed Migration Conference, 12 April 2005

ILPA would like to thank the following speakers from IND:

Wendy Bilton, Deputy Director, General Group, Chief Caseworkers – Quality

Alan Bucknall, Director, Charging and Customer Services

Kate Carr, Assistant Director, General Group, ECAA cases

Brendan Crean, Deputy Director, Charging and Customer Services

Sonia Dower, Deputy Director, General Group, Operations

Jon Downing, Assistant Director, General Group, Public Enquiry Office

Steve Hewett, Operations Manager, UKVisas

Rachel Howell, Project Manager, General Group, PEO Croydon

Chris Hudson, Director Work Permits (UK)

Steve Jacques, Deputy Director, General Group, Operations

Myra Jarvis, Assistant Director, General Group 2

Steve Lamb, Assistant Director, Work Permits (UK)

Jim Law, Deputy Director, General Group North

Eleni Mallourides, Deputy Group Leader, General Group 1 (European)

Christina Parry, Director, General Group, Croydon/Sheffield

Lorraine Rogerson, Director MMSR

Maxine Walton, Assistant Director, General Group North, Caseworking

ILPA/JUSTICE/BIICL: How Much Freedom Security and Justice? Developments in EU Asylum and Immigration Law,

13 and 14 May 2005

Speakers:

Anneliese Baldaccini, JUSTICE

Evelien Brouwer, Centre for Migration Law, Radboud University Nijmegen

Tony Bunyan, Statewatch

Ryszard Cholewinski, University of Leicester

Cathryn Costello, Worcester College, Oxford

Simon Cox, Doughty Street Chambers

Tim Eicke, Essex Court Chambers

Dr Maria Teresa Gil Bazo, Refugee Studies Centre, University of Oxford

Kees Groenendijk, Radboud University Nijmegen

Elsbeth Guild, University of Nijmegen/Kingsley Napley Solicitors

Carol Harlow QC, FBA, London School of Economics and Political Science

Agnes Hurwitz, IPA

Ian Macdonald QC, Garden Court Chambers

Dr Valsamis Mitsilegas, Queen Mary, University of London

Andrew Nicol QC, Doughty Street Chambers

Steve Peers, University of Essex

Dr Catherine Phuong, University of Newcastle

Nicola Rogers, Garden Court Chambers

Nick Rollason, Kingsley Napley Solicitors

Dr Bernard Ryan, University of Kent

Rick Scannell, Garden Court Chambers

Dr Helen Toner, University of Warwick

Daniel Wilsher, City University

ACCESS TO JUSTICE SUB-COMMITTEE REPORT

As in 2004, the Access to Justice Sub-Committee dedicated much of the year to addressing concerns about new procedures in the Asylum and Immigration Tribunal.

Judith Farbey, Chris Randall and Vicky Guedalla have attended the IAA Stakeholders Group. Judith and Jawaid Luqmani attend the Administrative Court Users' Association.

This year we have held successful meetings with the Refugee Sub-Committee and the Legal Aid Sub-Committee on issues relevant to practice in the AIT. In light of recent developments in caselaw, we also held a members' meeting on the effective use of medical and psychiatric evidence in asylum cases. We have also answered individual members' queries on the new AIT procedures.

We have submitted ILPA's response to the DCA consultation on the draft Asylum and Immigration Tribunal Procedure Rules; the AIT's consultation on the draft asylum and immigration practice directions; and the Council on Tribunals' consultation on the use and value of oral hearings in the administrative justice system.

Next year will see another Immigration Act with yet further serious changes to the appeals regime including the abolition of numerous current appeal rights. There is plenty of scope for ILPA members to be involved with the sub-committee and we would encourage you to join.

Convenor : Judith Farbey

ASYLUM FAST TRACK SUB-COMMITTEE REPORT

The ILPA EC decided to set up a sub committee to provide a forum for members who are involved in asylum fast track work where clients are detained either in Oakington, Harmondsworth or Yarlswood. ILPA continues to have serious concerns about the fairness of the fast track procedure. It is, however, a central plank of the Government's asylum policy and it is imperative that those applicants who are put through the fast-track system have competent representatives willing to give robust advice and ensure that cases that are not suitable for fast track are got out of the system.

The first meeting of the sub committee was well attended with both practitioners and NGOs with an interest in detention work. Our primary concern continues to be the processing of claims under the fast track which we believe are not suitable and promoting a high standard of practice amongst fast-track practitioners.

During the year we made a written response to the draft AIT fast track procedure rules. A number of our recommendations were adopted by the Government. We lobbied for the publication of the "flexibility policy" following the RLC litigation. This was finally published during the year. We have lobbied for better facilities for practitioners. We have attended meetings of the Detention Users Group and IND stakeholders group where fast track issues have been raised. We have sought to persuade the LSC to be more flexible in terms of what level of caseworker they allow to work on fast track cases.

We hope to publish a Fast Track Best Practice Guide and as part of our desire to promote good practice we are holding our first fast-track training course in November.

We have set up an e mail group which exists as a forum for people involved in fast track to exchange experiences and request information. However, many of the practitioners who are doing fast-track work under the duty schemes set up by the LSC are still not part of this e mail group. If you are such a practitioner please consider joining us. Please send an e mail to me at md@wilsons-solicitors.org.uk.

Convenor : Matthew Davies (with thanks to Michael Hanley who co-convened in my absence)

EUROPEAN SUB-COMMITTEE REPORT

On 1 May 2004 the first five year period for implementing EU rules in the fields of immigration, asylum and borders ended. The deadline which had been set by the Tampere Council Meeting in 1999 for the adoption of the first round of legislation finished with most fields covered by new EU legislation with the exception of asylum procedures which remains outstanding even now. The proposed directive was inadequate when first presented by the European Commission. It was subsequently changed substantially in negotiations in the Council, so much so that in April 2004 the UNHCR called for it to be withdrawn. We have strongly criticised the draft proposal (see the ILPA website for our submissions). Together with ECRE we have sought to alert the European Parliament to the dangers of its adoption in its current form. The proposal has still not been adopted not least as the European Parliament is not satisfied with the draft. Work continues on this matter.

While the UK was entitled to opt out of all the legislation in this field, it chose to opt in to all of the measures adopted in the field of asylum, a number of coercive measures in the field of illegal immigration but out of almost all of the measures on legal migration. While there is a new programme for EU action in this field, the Hague Programme, the emphasis has moved to operational measures. Also, as the transitional periods for implementing the EU measures in asylum began to come to an end, this year has seen an increase in the Sub Committee's activities around implementation in UK law and judicial interpretation. In December we produced and circulated an analysis of judicial competence at national and European level for EU immigration and asylum matters.

The first major activity of the Sub Committee over this year was a response to the Hague Programme: Strengthening freedom, security and justice. We prepared a critical analysis and response to the programme at the end of the year which was sent to the relevant authorities and is now available on the ILPA website.

We worked together with the Meijers Committee (a Dutch non-governmental organisation) on a critique of the Visa Information System, a proposal for a new database of information on individuals who seek short stay visas to come to the EU. This was completed by the end of the year and the Meijers Committee has taken up its distribution.

The Europe Agreements with Bulgaria and Romania and the EC Turkey Agreement were all matters of grave concern. The Sub Committee has taken the position that the commitments to the self employed under all three of these agreements are not being correctly interpreted in the UK. We have sought to raise attention to this issue and presented an important position paper to the UK authorities regarding this. It has also been the subject of repeated inquiries at the User Panel meetings organised by IND on EU issues where we have participated.

In April 2005, the House of Lords European Union Select Committee's Sub Committee F began an inquiry into EU Economic Migration. We submitted a detailed response to the inquiry which is now about to publish its report. Sub Committee E also held an inquiry into the European Commission's communication on a fundamental rights protection strategy and impact assessments. Again we produced both written and oral evidence to the inquiry.

In May we held an international conference entitled How much freedom, security and justice? Developments in EU Asylum and Immigration Law. Experts from across the EU came both to speak and participate at the event. The conference was co-hosted by Justice and the British Institute for International and Comparative Law. The event was a great success, bringing together practitioners, academics and ngos to discuss the state of the current *acquis* in immigration and

asylum and how it was likely to develop. Helen Toner and Anneliese Baldaccini are currently editing the contributions to the conference to be published as a book in 2006.

In July we prepared a response to the UK Presidency's plans in the field of immigration and asylum. This document is available on the ILPA website. By September, the Commission had issued four new documents – the most important of which is a proposed Directive on return (ie expulsion measures). It represents a substantial change in policy and the Sub Committee has now written a detailed response to the proposal which has been sent to the authorities. We are deeply concerned about the approach of the measure which seems directly aimed at speeding up removal at the expense of the rights of individuals and legal certainty.

In addition to the above concrete actions taken by the Sub Committee, we have followed closely the developments in Lampedusa, Italy, where the reception of asylum seekers does not appear to be in conformity with the Directive on reception conditions in respect of which the transposition period ended in February. (Justice has published a practitioners' guide to the directive which is binding in the UK and available from them). We have also monitored the judgments of the European Court of Justice and that of Human Rights and discussed the practical importance in the UK of the decisions.

In the forthcoming year we expect again to be very busy. Among the large projects which we are planning is a conference on Article 8 ECHR and the right to family reunification. As EU law becomes increasingly important in the UK (and the UK is taking the Council to the European Court of Justice in two cases in our field because of its exclusion on 'Schengen' grounds from participation in the European Borders Agency and in the measure on biometric data in passports) we expect that we will continue to be active.

Particular thanks this year must go to the following persons (in alphabetical order):

Anneliese Baldaccini who has gone to work for the House of Lords European Union Select Committee;

Sidika Deveci a new member of the Committee who has participated greatly;

Manpreet Dhani-Magne who has taken on much of the co-organising of the family reunification conference;

Valsamis Mitsilegas who left the House of Lords Select Committee for Queen Mary University and has joined the Sub Committee adding important new vigour and invaluable knowledge and experience;

Bernard Ryan who is now away on study leave and is sorely missed;

Helen Toner without whom the May conference would never have happened;

Steve Peers whose tremendous generosity and hard work keeps us up to date with the legislative developments at the EU level.

There are many other people whose participation is essential to the Sub Committee and who have helped enormously this year in our work.

Co-convenors : Elspeth Guild and Nicola Rogers

EMPLOYMENT & BUSINESS SUB-COMMITTEE REPORT

Once again the Sub-Committee has had a very active year and has responded speedily to a range of business immigration issues. The diverse experience of the Co-convenors has helped to make the Sub-Committee very effective. Philip Trott is a Partner and Head of Immigration at Bates Wells & Braithwaite. Philip has substantial experience in acting for a variety of corporate and individual clients in particular in entertainment and the arts. He is also an employment lawyer. Philip Barth is a Partner and Head of Immigration at Penningtons. Philip has substantial experience acting for corporate and individual clients with a particular emphasis on economically driven migration. Owen Davies is a partner in Laura Devine Solicitors and also acts for a number of large corporate, as well as individual, clients.

The Sub-Committee has relied heavily on several ILPA members who have participated in drafting sessions and attended meetings on behalf of ILPA at short notice. We thank all ILPA members for being involved in the work of the Sub-Committee and hope that they will continue their support during the forthcoming year.

The Employment and Business Sub-Committee meetings are open to all ILPA members interested in the area and at each meeting we update members and consult with them on representations being put forward on behalf of the Sub-Committee on various aspects relating to Business and Employment Immigration Law. We meet at six weekly intervals and the dates of our meetings are sent out in the ILPA mailing.

The Sub-Committee represents ILPA on the Work Permits (UK) User Panel for both work permit matters and also general business immigration related issues.

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 (including Work Permits (UK)). The majority of the year has been spent in assessing and responding to the publication of the Home Office, 'Selective Admission: Making Migration Work for Britain' policy and consultation documents which aim to be the most fundamental change to business related immigration law since 1973. The Sub-Committee has represented ILPA at several meeting with senior officials of the Home Office in this regard and has already achieved some change in position in a number of areas.

In addition, the Sub-Committee has, among other matters:-

- responded to the Home Office consultation document on charging earlier in the year;
- continued to press Work Permits (UK) for improved processing and timeframes of HSMP applications and better decision-making and general consistency for work permit and HSMP applications which has had positive results;
- finally succeeded in obtaining a change in Home Office practice to enable further leave to remain applications relating to work permit holders to be dealt with by the Home Office Public Caller Units

- procured transitional periods to the February 2005 changes to the working holidaymaker rules so that those individuals whose work permit applications were pending at the announcement of the changes could still switch status in the UK. Representations were also submitted to the Home Office complaining of the lack of consultation on the working holidaymaker changes; and
- in addition, the Employment and Business Sub-Committee has contributed to ILPA training on business and employment related immigration law.

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.

Co-convenors : Philip Barth, Philip Trott and Owen Davies

FAMILY & GENERAL IMMIGRATION SUB-COMMITTEE REPORT

The subcommittee has met on seven occasions throughout the year at the School of Oriental and African Studies, courtesy of Professor Werner Menski, and several of his students have attended meetings and given secretarial support - thank you to all.

The subcommittee has mainly concentrated on administrative changes at the Home Office. We worked together with the Business and Employment subcommittee in preparing ILPA's response to the massively-increased fees for immigration applications; representations were successful in securing varying fees for different applications from April 2005 but not in lowering the overall fees levels.

We have remained concerned about the operation of the immigration rules on marriage, with refusals of entry clearance or leave to remain for unjustified reasons. We also attempted to monitor the use of the certificates of approval for marriage and when these are granted, in particular the use of discretion. We are concerned about the inordinate delays in the Home Office 'family settlement exercise' allowing families who applied for asylum before 2 October 2000 to settle, which is causing great distress for applicants.

We have followed developments in the Home Office proposals to return separated asylum seeking children to their countries of origin with concern, and support the Medical Foundation's insistence that this should not happen without secure arrangements and monitoring of their situation on return.

We have followed the changes in the rules on working holidaymakers and how this has affected young people from new Commonwealth countries. We opposed the ending of visit visa applications by young people in Nigeria from 11 April, the 'temporary' suspension of working holidaymaker applications in Botswana, Malaysia, Sri Lanka and Namibia and the continuing impossibility for Pakistanis to apply as working holidaymakers. These changes again mainly affect black people, the poor and those who are already socially and economically disadvantaged. We are concerned at the increasing number of refusals of students, and that this will increase if the right of appeal against such entry clearance refusals is removed.

The subcommittee has made representations on the introduction of the new requirements for naturalisation, first on the assessment of applicants' knowledge of English, which was introduced quickly without adequate thought on how it would be assessed, leading to confusion and difficulties and extra expense for applicants requiring solicitors' confirmation of their knowledge of English. We have commented on inaccuracies in the Home Office book, *Life in the UK*, which is the basis for the second test, in force from 1 November 2005, and on the lack of knowledge of how this test will be taken and we will follow its operation. We continue to urge that ESOL classes should be available free of charge immediately for those intending to settle in the UK, rather than people having to live here three years.

The subcommittee remains concerned about the proposed Identity Cards legislation and how it will be enforced, fearing that there will be discrimination in its operation and effects. In this context, we also considered Passport Office plans for introduction of new biometric passports and for personal interviews of applicants, some aspects of which are intimately tied up with the ID Cards scheme and plan to keep track of both the cost factor and the recording and sharing of personal data that this will involve.

The subcommittee would welcome more participants – please contact the ILPA office if you would like to become more involved.

Convenor : Sue Shutter

LEGAL AID SUB-COMMITTEE REPORT

We have endured another year of changes on the legal aid front. It has been difficult enough to keep abreast for my own practice purposes let alone to represent ILPA's interests effectively, but with the help of EC colleagues and input from members I have done my best. Accreditation issues have mainly been covered by the sub-committee convened by Matthew Davies.

The dawning of the age of the AIT and of retrospective funding for appeal reconsiderations loomed ahead of us at the last AGM. I co-ordinated ILPA's submissions in response to the DCA and LSC consultations, and gave both written and oral evidence on ILPA's behalf to the House of Commons Constitutional Affairs Committee, informed by invaluable comments and contributions from members. I also attended the DCA "event" at London Zoo (yes, really) in March. The upshot of all of this as 4/4/05 came and went was continuing uncertainty on many aspects, but some reassurance that, in the absence of misrepresentation, costs could be expected if a court orders reconsideration. The review application itself, however, remains entirely at risk. We do not yet have enough experience of cases coming out at the other end of the process to report on the effect in practice. We have requested the LSC to keep ILPA informed about this from its perspective, and ask that members do likewise from theirs. Are s.103 orders being made without difficulty? Has anyone appealed a refusal? Are files submitted with costs claims being assessed promptly? How nit-picking are the assessments?

I also co-ordinated ILPA's submission to the LSC consultation on the use of experts. This was a general consultation, with a separate specific consultation on immigration cases promised but not yet forthcoming. It was, however, an opportunity to reiterate ILPA's position and to submit once again our 2003 paper on "The use of expert evidence and interpreters in asylum and human rights appeals" to which we did not receive a response. That remains the position.

Michael Hanley and I on behalf of ILPA attended a meeting at the LSC in early May to discuss the funding implications of the *Dirshe* judgement on the tape recording of Home Office interviews. Our view, shared by the Law Society and OISC representatives, was that tapes should be listened to immediately if instructions indicate a discrepancy, but this was subsequently disregarded, as we learnt when the LSC Immigration Services Team published its 20/6/05 Newsletter. This also included alarming and misleading guidance on implementation of the accreditation scheme in CLR and certificated cases which we challenged, resulting in the "clarification" in the LSC letter of 11/7/05 which has been circulated to members. We have subsequently received a welcome assurance that ILPA will be consulted prior to the publication of future guidance.

A well attended ILPA members' meeting on legal aid on 1/6/05 expressed grave concerns about, among other things, difficulties in obtaining Legal Help extensions (and the reported deplorable policy of some practitioners of dodging the problem by simply not working beyond the initial limit, to the detriment of clients) and the operation of the CLR merits test which seems to leave too many appellants, especially the detained, unrepresented. A fuller note of this meeting has already been circulated to members.

The issues raised have been taken up with the LSC via Paul Newell, the Acting Head of Immigration Policy, with whom Susan Rowlands first met informally, followed by a recent meeting in the ILPA office at which our concerns on a number of topics were aired, including accreditation issues, Home Office interviews, costs extensions and CLR issues (including the 40% success rate test), legal representation for detainees, the approach to cases involving children and other vulnerable applicants (including trafficking cases), fast-track issues, the vexed question of VAT and plans for police station advice. Fuller details will be circulated, but for the purposes of this report it should be recorded that we welcomed the opportunity of this meeting, found it useful

and are hopeful of productive future relations with Mr Newell. We must accept that the LSC has to operate within government constraints, and in the context of the new asylum model and legislative change. We cannot expect ILPA's agenda simply to prevail, but within those constraints we do detect genuine concern for quality of service to clients. We can aspire to have at least some influence on how that is delivered, however much we disapprove of the context.

One example is representation at Home Office interviews. The LSC is adamant that it will not change its funding policy so long as the role of representatives remains as circumscribed by the Home Office as at present. There are, however, some straws in the wind presaging a possible Home Office rethink about this. It is plain that if there is to be a change then it will come about through consultation between the Home Office and the LSC, a process into which ILPA will seek to contribute as a continuation of our policy work in the *Breaking Down the Barriers* report. Members' views will be sought if and when there is any development.

Meanwhile I am afraid we can hold out little immediate comfort to those struggling with the daily realities of Immigration Team decision making and poor pay, and we certainly cannot predict future respite from legal aid change. The indications are that an all-devolved power scheme, presumably involving a fixed fee regime, is on the horizon for 2007 and, as we all know, government attitudes are by no means softening. But we should not lose heart. I hope that members will continue to be brave in contending with the LSC in the interests of their clients, and that they will continue to feed in their concerns (to the ILPA office or, if I am re-elected to the EC, to me at vg@deightonguedalla.com) to help arm us in our attempts to influence LSC policy and practice for the better.

Convenor: Vicky Guedalla

Accreditation

At the last AGM there was considerable anger and frustration expressed by those who had experienced having to become accredited by the Law Society to continue undertaking publicly funded work. The ILPA EC decided to set up a sub-committee to give members a forum to express their concerns about accreditation and to provide feed back to enable ILPA to lobby both the Law Society and the Legal Services Commission for necessary change.

The sub committee met for the first time on the 18th of January 2005. It was a well attended meeting with representatives from private practice, Law Centres, Citizens Advice Bureau, the RLC, the IAS and JCWI. Members complained that the accreditation exams were too lengthy, ambitious, costly and stressful. Members queried whether they tested the appropriate range of knowledge for those doing publicly funded work. There was concern that applicants had to choose which level they thought they were suitable for and then have to sit and pass three separate assessments for that level. Failure to pass one assessment meant that the person failed totally and could not even practise at a lower level. There was concern that the highest level (Level 3) could only be reached with an extremely high mark in the exams and then on top of that you have to apply to the Law Society with a further application and paying a further fee. In return if you reach the holy grail of Level 3 you will be paid only 5% more than everyone else which contrasts poorly with the increments given in family law and crime of 15%.

The meeting provided much material to go away and lobby with. An email group was set up and we continued to swap experiences during the year.

We met with the Law Society on two occasions - once in a small group and once with a larger group of stakeholders. We put all our concerns to the Law Society. We also met with the Legal Services Commission on two occasions along with other stakeholders. Members' views were put frankly. A limited delay in the implementation of the compulsory scheme was agreed and a review of the whole scheme after one year's operation was promised.

Generally, we are hopeful that the Law Society and the LSC have taken members' concerns on board. The knowledge standards are currently being re-drafted by the Law Society and it is hoped that they will also publish a syllabus so that members have a much clearer idea of what they will be examined on. It is hoped that the exams will be more streamlined and limited to one sitting although it is likely that the interview will remain. It is hoped that Level 3 will be made accessible to more members and we continue to lobby for the increment to be 15% as opposed to the measly 5%. We are asking for a more practical division of labour between the Levels. We are asking that hours lost to accreditation will be off set against contracts when they are reconciled next April (this has been done for some NFP organisations already). We are hopeful that those who have had to go through this awful experience will not have to repeat it on such a grand scale when they have to apply for re-accreditation after 3 years.

Thank you to all members who have attended meetings, and provided ILPA with examples, anecdotes and angry emails. Please keep us informed of any accreditation related issues by emailing me at md@wilsons-solicitors.org.uk.

Convenor : Matthew Davies (with thanks to Michael Hanley who co-convened in my absence)

OFFENCES SUB-COMMITTEE REPORT

The “section 2” subcommittee was created following the introduction of the “lack of documentation” offence under s2 Asylum and Immigration (Treatment of Claimants etc) Act 2004 on 22nd September 2004. The subcommittee has since expanded its scope to include other offences with which people seeking to enter or remain on immigration, asylum or human rights grounds may be prosecuted. The most commonly occurring of these offences involve either an allegation of the use of deception under s24A Immigration Act 1971 or of a false passport under Part I of the Forgery and Counterfeiting Act 1981. The subcommittee also considers the ancillary issues arising in criminal proceedings such as bail, the potential “cross-impact” of the immigration and criminal cases and the representation of people facing prosecution from the police station onwards.

One of the main aims of the work of the subcommittee has been to highlight the particular issues affecting vulnerable asylum seekers and others prosecuted under criminal legislation and to attempt to raise in a variety of ways the human rights dimension to such cases as well as to challenge the basis of the prosecutions themselves.

There have been 4 meetings over the course of the year and members of the subcommittee have also met separately to consider the issue of immigration-related advice at the police station. Meetings are attended by criminal and immigration practitioners (and those practitioners undertaking both types of work) and have provided an extremely useful forum for the exchange of information. There is also a wider email group of those interested in the work of the subcommittee. As experience has developed of the prosecution of section 2 offences in particular, practitioners have been able to discuss and formulate ways in which to respond.

The subcommittee’s work has included the discussion of:

- **Legal argument** - the application of Article 31 of the 1951 Convention and human rights jurisprudence; the meaning of reasonable excuse, reasonable cause and duress; the wording of the statute etc. Appeals to the higher courts have been taken where possible and a number of matters are pending in November 2005. Frances Webber and Richard Thomas are currently working on the possibility of petitioning the House of Lords.
- **Practice and Policy** - practice by immigration and police officers; the application of PACE 1984 to an asylum screening interview where a person is asked about issues that might lead to prosecution for the offence; CPS policy etc. In response to these issues questions have been raised with the Home Office, a number of members of the subcommittee have given talks to criminal practitioners, information has been distributed as widely as possible via mailings and email updates to those representing clients at the outset of the prosecution.
- **Practice by the courts** – considerable work has been done in liaison with probation officers, youth offending teams, welfare departments in prisons and detention centres etc. as well as with the Refugee Arrivals Project and other organisations on bail applications in criminal proceedings. Progress has been made on the argument of bail so that courts no longer routinely refuse bail to asylum seekers.
- **Sentencing – the leading case remains *R v Wang (Bei Bei)* [2005] EWCA Crim 293** an appeal conducted by Richard Thomas which resulted in a considerable reduction in sentence (the quashing of a recommendation for deportation) and a recognition of the special position of asylum seekers.

- **The position of youths and vulnerable groups** – links have been set up with a number of the bodies encountering such persons to attempt to ensure effective representation, discontinuance of prosecution where possible and recognition of vulnerability in sentencing etc.

The Future: the subcommittee aims to continue its work to act as a focal point for the exchange and distribution of information to both the criminal and immigration professions and to undertake as many initiatives as possible to draw attention to the plight of those prosecuted for these offences and where possible to challenge this practice.

Rosie Brennan

Co-convenors: Mick Chatwin and Jawaid Luqmani

REFUGEE SUB-COMMITTEE REPORT

The year has seen the formation of the Asylum and Immigration Tribunal. Although in one sense, it is the biggest shake-up for asylum appeals since 1993, the AIT has been able to make the new one-tier appeal system to look remarkably like the old two tier system. In the “two stage” reconsideration process, the order for reconsideration replaces the grant of permission to appeal, the first stage of reconsideration heard by a panel in Field House mirrors the IAT hearing, and the “adjournment” for further reconsideration by a single immigration judge in some other hearing centre is not a million miles from a remittal de novo to an adjudicator under the old system. The main practical difference to the procedure is that the AIT no longer issues a determination explaining the basis upon which it found an error of law before the matter is ‘adjourned’ to a single judge for rehearing. This has caused predictable difficulties. The other difference of course is the ‘at risk’ nature of the funding which has been slightly mitigated by AIT determinations confirming that where an order for reconsideration is made, funding should ordinarily be awarded regardless of the ultimate result of the reconsideration.

The other main innovation for asylum cases was the Case Management Review for each asylum appeal. Despite the AIT’s July 2005 Guidance Note on CMRs stating that “presenting officers should have the power to concede particular points where appropriate, such as age, nationality, or ethnicity”, the reality is that HOPOs continue to claim, absurdly, that they are unable to “bind” the HOPO who will present the appeal. Some representatives have had significant success in obtaining information from the Home Office and narrowing the issues through use of CMRs. This, however, requires considerable persistence and in many cases the CMRs are a waste of time.

ILPA is now represented as an observer on the statutory Advisory Panel on Country Information (APCI) established by s.142 of the 2002 Act to advise on the balance and reliability of Home Office country information. The APCI has been successful in persuading the Home Office to agree the principle that researching and presenting country information should be done separately from the formulation of Home Office policy. In *AA (Involuntary returns to Zimbabwe) Zimbabwe* [2005] UKAIT 144 CG, the AIT expressed concern about country information being obtained by policy workers rather than the country information researchers who produce the country reports.

ILPA’s major concern, however, is that as a result, the APCI is not currently reviewing Operational Guidance Notes produced by the Home Office on the basis that these are said to be “policy” rather than “country information”. The OGNs in reality provide the country analysis that is missing from the country reports. The potential importance of the OGNs in determining asylum appeals is demonstrated by the recent AIT decision of *MA (Operational Guidance - prison conditions - significance) Sudan* [2005] UKAIT 149 in which the AIT emphasised that cases should be conceded by the Home Office where the OGN indicated that the claimant would be entitled to succeed.

Caselaw generally has been a mixed bag over the year, cases such as the House of Lords decision in *Limbuela* [2005] UKHL 66 establishing that it will normally be an article 3 violation to render an asylum seeker street homeless being accompanied by much lower moments.

The new electronic ILPA Directory of Experts on the EIN was successfully launched in January. By basing it on the Web, ILPA and the EIN will be able to keep it updated and respond quickly to demand for experts on new countries and issues. The ultimate success of the Directory will depend upon how comprehensive we can make it, which in turn depends upon how many experts we can reach.

For those who are not EIN members, the alphabetical list of experts can be found on the EIN public site at: <http://www.ein.org.uk/experts/alphabetical.shtml>. The list by country is on the EIN public site at <http://www.ein.org.uk/experts/country.shtml>. The 'Entry Form' to forward to experts for inclusion in the Directory is on the public site at:

<http://www.ein.org.uk/resources/ILPAexpertsform.doc>. While the immediate priority is experts on countries of origin and transit, we ultimately aim to expand the directory to cover medical and related experts, so please feel free to send their details as well. Any queries about the directory can also be sent to ilpaexperts@ein.org.uk.

Although the need for monthly meetings to exchange information has been largely replaced by an active email list (and the various other demands on practitioners' time), the sub-committee held successful meetings in conjunction with the Access to Justice Sub-committee to review how the new appeals system was impacting on asylum appeals.

Convenor: Mark Henderson