

ILPA Annual Report 2003/2004

TABLE OF CONTENTS

OBJECTS OF THE ASSOCIATION	3
CHAIR'S REPORT	4
TREASURER'S REPORT.....	7
GENERAL SECRETARY'S REPORT	10
ILPA TRAINING.....	17
COURSES.....	17
SPEAKERS	21
ACCESS TO JUSTICE SUB-COMMITTEE REPORT	24
EUROPEAN SUB-COMMITTEE REPORT.....	25
EMPLOYMENT & BUSINESS SUB-COMMITTEE REPORT.....	30
FAMILY & GENERAL IMMIGRATION SUB-COMMITTEE REPORT	31
LEGAL AID SUB-COMMITTEE REPORT.....	33
REFUGEE SUB-COMMITTEE REPORT.....	35

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

This is my fourth Annual Report which I have written as Chair of ILPA.

In last year's annual report I explained apologetically why (at that time my third annual report) would not be the last I would write as ILPA chair. I cited the healthy practice which in the recent past had limited a Chair's life-span to be three years. However at that time the circumstances of uncertainty caused by Government announcements and proposals meant that it was a particularly bad time for change. Recalling for a moment the mood of late 2003, I think many of us wondered whether they would still be practising at all in this area.

It is with no small amount of embarrassment that in presenting my fourth Annual Report I find myself again explaining my regret that it will not be my last. This is because, as explained in my biography circulated with the ballot papers for the elections to the EC, despite my best efforts I had not been able to persuade anybody to put themselves forward to take over the role. I gave serious consideration to not putting myself forward again. I certainly would not wish to be the only retiring Chair in the Association's history to have failed to find a successor! Although any such crisis which might have been caused by not having a Chair would I know have been short lived, such prospect was not a particularly edifying one. However, and again as stressed already in my biography, this fifth year as Chair really will be my last.

My own position notwithstanding I am pleased to see that there is to be an election for the Executive Committee - the first in several years. In having tried to cajole and persuade people to put themselves forward to stand for the EC (and to a significant extent in trying also to find a successor), the one consistent response was the frequently expressed concern about the amount of time involved in making such commitment. It is against this background that I have been reflecting on the burden shouldered by ILPA's officers.

The reality is that the work involved can be substantial. Although not a universal truth, there is no doubt that membership of the EC can involve a good deal more than mere attendance at monthly EC meetings. EC members generally shoulder additional 'sub-committee' convenor roles (which can be time consuming in themselves), not to mention the additional work involved in attending meetings for and on behalf of ILPA, the drafting of responses to consultations and representations, additional lobbying work dealing with (what certainly feels like) the annual legislative changes proposed and made by the present Government (with yet further work involved in consultation exercises in order to implement such changes). And as if all this is not enough, it will I know not have escaped members' attention that when the time comes to convey information to members about recent developments, those who frequently teach for ILPA are precisely those already shouldering the greatest burden. And lest it be forgotten, remember that such people are not paid employees of ILPA, but busy practitioners with invariably extremely heavy professional workloads.

Since its inception ILPA's success has depended on the huge generosity of its members. Although practitioners are incredibly stretched such contribution – in terms of time and effort given at times with scant recognition – is still given in bucket-loads. Particularly fortified as I am by the preparedness of people to put themselves forward for election to the EC, I am sure that the spirit of generosity identified could see ILPA continue to thrive for a long time to come.

However, during this my last year as Chair I would like to seek to implement changes to take some of the burden away from already stretched practitioners. Take for example an e-mail helpfully sent from the office reminding four EC members that they have responsibility for responses to four different consultations due to be lodged on various dates between 3 and 17 December. Since those

responsible will in all likelihood do much *writing* of the responses, this provides an easy example of what I am describing.

I believe that ILPA needs to consider employing some sort of legal officer to assume such responsibilities – not just of ensuring that deadlines are met, but also of researching and drafting such documents. Whilst EC members would rightly anticipate providing help, advice and guidance in such tasks, they should not end up producing such documents themselves.

ILPA has of course traditionally employed outside help at times of obvious need. And the quality of what ILPA has produced has been all the better for this. However, it is I believe time to do this on a permanent basis. At the very least then I believe we need a legal officer. But I would hope that next year's EC will take the opportunity to review the disproportionate burden which I am discussing more widely.

Our current staff – who cannot be praised too highly – continue to ensure ILPA's enduring success. Yet again the Annual Report is testament to such success (with membership up and the income generated from (amongst other things) courses contributing to our continuing financial good health). The atmosphere amongst the staff and in the ILPA office is excellent which is reflected in their efficiency and professionalism. As always I find myself feeling I owe the greatest personal debt to Susan Rowlands who has lightened my own personal burden as Chair over the year and in doing so made the prospect of my undertaking the role of Chair for a final year much more palatable. However, our current staff are working at full capacity and if the burden I identify is to be lightened I do not see how they could do more.

Beyond the specific suggestion made I do not have the answers. As regards the Chair's role, I anticipate seeking the EC's approval to appoint a Vice Chair. I do feel strongly however that it is in ILPA's interest if the EC were able to move towards playing more of a policy-based role and less of a labour intensive hands-on one! Seeking to confront and deal with these issues will be a theme for me for next year. Hopefully if successful I will have better luck in finding a successor next year.

Rick Scannell
Chair

Executive Committee Members and Sub-committee convenors

The Executive Committee

Ian Macdonald, QC – President

Sue Shutter – Secretary

Judith Farbey

Nadine Finch

Nicola Rogers

Mark Henderson

Barbara Coll

Rick Scannell – Chair

Jawaid Luqmani – Treasurer

Chris Randall

Alasdair Mackenzie

Sarah Cutler (co-opted)

Owen Davies (co-opted)

Sub-committee convenors:

Access to Justice Sub-committee:

Judith Farbey

Employment & Business Sub-committee:

Philip Barth, Philip Trott, Owen Davies

European Sub-committee:

Elsbeth Guild, Nicola Rogers

Family & General Sub-committee:

Sue Shutter

Legal Aid Sub-committee:

Chris Randall

Personnel Sub-committee:

Jawaid Luqmani, Rick Scannell,
Chris Randall, Sue Shutter

Refugee Sub-committee:

Mark Henderson, Mark Symes

Training Sub-committee:

Sarah Woodhouse

TREASURER'S REPORT

The accounts for the last year show a profit of just over £32,000 before taxation. Much of this sum is earmarked for further ongoing work within the organisation; the true unallocated surplus is closer to £5,000

Members may recall that at this point last year I reported that we had a loss of just over £8,000. The benefit of the surplus merely serves to ensure that we do not need to call upon our reserves for some of the projects that are planned for the forthcoming year. 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.

The loss last year was as a result of an accumulation of the tax due to the Revenue due to previous bumper years and consequently the tax liability for this gain may not be seen for another year or so.

Our profitability as an organisation has improved from the previous year's figure of 3.9% to the most recent accounts figure of 6.85%. Again I am not sure we need to be overly concerned with the level of profitability, nor of the level of profits, but it would demonstrate that as an organisation we are becoming more financially efficient, which is an encouraging trend.

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 £181,000, to just over £207,000. Given that most of the additional amount is already earmarked, and that the average monthly cost of running the organisation is about £30,000, all we can say is that the buffer zone of financial health is no worse than this time last year

Membership fees

Members will be aware that we increased fees last year for membership. In anticipation of the changes to our membership structure a number of changes were made to the fees categories designed to try to ensure that we operated a consistent approach as between solicitor/barrister and adviser members, dependent upon the size of the organisation, and the number of years in relevant experience. We hope to have reached a solution which is as fair as can be created to ensure that all members are on a level playing field. Members will be pleased to learn that I would not expect that the EC would need to increase the membership fees for the next 12 months

Course fees

Our courses continue to remain extremely good value for money and again this 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. So far the generosity of those members involved in our courses has been excellent where else would you be able to see a panel discussion including two eminent QCs for a shade over £100. We want to thank these members for their continued support and recognise the considerable time and effort they make for the organisation, and without which we would not be in the sound financial shape that we are. We also want to try to increase the multi disciplinary courses with colleagues practising in family or criminal work particularly as the degree of overlap with these areas is growing

Consultants

Following the policy decision made by the Executive Committee last year, our commitment to be involved in effective lobbying, drafting and campaigning has been assisted through the use of paid consultants undertaking work for the organisation. Martin Penrose in particular has been seen skulking around the Houses of Parliament on lobbying work over the last year, and we can only be grateful that he was not injured in any of the protests by Fathers for Justice or pro fox hunting. This lobbying work is a high priority for ILPA and whilst it should also be noted that many members of the organisation both on the EC and not have generously devoted considerable time and attention to this area of high priority, to ensure a high degree of continuity, ILPA commissioned the services of individuals specifically for this purpose. We appreciate that with the pressures on practitioners now more than ever, and with the imperative in ensuring that ILPA's voice is heard, that it is too much to expect the same level of effort from all, but must pay tribute to the many who continue to do this work entirely unremunerated. Lobbying work is likely to continue as the government considers yet further legislative changes for the years ahead

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.

20th Anniversary party

We are delighted that so many of our members were able to attend a celebration of the 20 years of the organisation at an event held on 13 July, sponsored by many ILPA members. The sight of photos of many members over the last 20 years has shown that the years have been kind to some of us, but less so to others. I would invite you to look at the photographic evidence to work out which members I am talking about. The event was an opportunity to celebrate our continued existence, something which the members who met 20 years ago would perhaps have thought unlikely. The fact that we are still in existence is due in no small measure to the present General Secretary Susan Rowlands who has worked tirelessly for the organisation over many years, and we hope will continue to do so for a good many years in the future. We should also take the opportunity to thank her team for their hard work and efforts which have certainly made sure that our finances are healthy.

The future

The changes resulting from the new LSC contract, the culling of firms undertaking publicly funded work in category 3, and the introduction of accreditation have hit hard on many firms struggling to survive and provide a quality service in this important area of law.

The landscape of advice provision within the area has radically shifted since last year and with the proposals to significantly limit appeal rights which are predicted to be in place from April 2005, it remains to be seen quite how members of the Bar will be affected.

Although the prospects look bleak, there remains a degree of resilience (or foolhardiness) and a strong desire to continue as best we can to represent the interests of the clients that we have chosen to serve. I certainly hope to see old friends at the AGM, but if the organisation is to survive in the medium and long term, it will be more important than ever that I hope to see some new friends at this year's AGM.

I would also invite some feedback from the members about a suggestion from one of our members who has invited the EC to consider whether an additional category of membership should be introduced, for persons who have retired. Many trade unions have a retired members category and the advantage to the organisation to have within it individuals who retain a keen interest in the development of the law, but are not saddled with commercial or other interests which hamper their involvement with the organization, is certainly not to be discouraged. As noted above, we have now been going for 20 years, and there may be a certain inevitability that many of us will be considering retirement (although I suspect that for some of us, planning to be involved with ILPA may not be in the top ten of the list of priorities). Whilst Gordon Brown may soon be warning us about the fact that we have not properly prepared for our pensions, I would invite views from the membership on whether we ought to have a specific category for persons who are retired and who wish to continue to receive information, attend training and seminars, but who will not be providing advice. Depending upon the response from the membership, the new EC that takes over from November may wish to advance this proposal further.

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 3 years. He has shown tremendous support not only for the organisation through some very rough times, but also to me and my fellow EC members, particularly when some of us have had our own stormy weather. Subject to the membership expressing a view to the contrary I believe that ILPA should buy two drinks in the pub for Rick rather than just the one!

Jawaid Luqmani
Treasurer

GENERAL SECRETARY'S REPORT

The work of the Secretariat

The core functions of the ILPA secretariat are:

- liaison with government 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
- the updating of 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, press, the public

ILPA's 20th Anniversary

As ILPA was founded in July 1984, 2004 was a special year for the founder members who have remained committed to the Association and its aims for 20 years. All members and some friends of ILPA were invited to a celebration on 13 July. A request for sponsorship was generously met by the following:

Baker and McKenzie
Bindman and Partners
CMS Cameron McKenna
Doughty Street Chambers
Foot Anstey Sargent
Landau Zeffertt Weir Solicitors
Luqmani Thompson and Partners
Paul L Simon Solicitors
Ratna and Co Solicitors
Tooks Court Chambers
Wilson and Co Solicitors

Bates, Wells and Braithwaite
Birnberg Peirce and Partners
Denton Wilde Sapte
Fisher Meredith
Gulbenkian Harris Andonian Solicitors
Lawrence Lupin Solicitors
Magrath and Co Solicitors
Prontaprint, 20 Long Lane EC1
Refugee Legal Centre
Two Garden Court Chambers

Charlotte Boaitey
Laurie Fransman QC
Gooch Heer
Therese Kamora
Richard Mckee
Andrew Nicol QC
Ramnik Shah

Lucia Boddington
Jim Gillespie
Paul Hilditch
Lanis Levy
Peter Moss
Rick Scannell

The party was well attended. Thanks to all those who attended, sponsored the event, made a presentation, and generally contributed to making it an enjoyable and special occasion.

Asylum and Immigration (Treatment of Claimants, etc) Act 2004

While the 2002 Act was still being implemented, members and staff started working on the Bill introduced in November 2003. Members volunteered to work on different sections of the Bill and ILPA was fortunate in having Martin Penrose co-ordinate the work and represent ILPA at meetings with MPs and Lords as well as draft briefings, amendments and submissions. The majority of these can be found on the ILPA website.

ILPA set up a meeting on Wednesday 11 February 2004 with the British Institute of Human Rights (BIHR) on the ouster clause. This was the first public meeting on the ouster. The meeting was held at King's College and attracted 150 people concerned about the issue. It was chaired by Nigel Pleming QC and the speakers were: Professor Andrew Le Sueur, Michael Fordham, and Nick Blake QC.

ILPA continued to work with BIHR and later LAG, Liberty and JUSTICE on this issue; we convened a joint briefing in the House of Lords.

Responses and submissions (excluding 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 letters to Ministers.

A list, in chronological order, follows:

1. Paper on the use of expert evidence and interpreters in asylum and human rights appeals, December 2003
2. Comments on new immigration specification applying from 1 April 2004, January 2004
3. Response to LSC consultation on CLR and Fast Track Processes, January 2004
4. Letter to Karen Finlay, DCA re. the removal from scope of attendance by representatives at immigration and asylum interviews (except in specified exceptional circumstances), January 2004
5. Response to request for further written evidence from Constitutional Affairs Committee for its inquiry into asylum and immigration appeals, January 2004
6. Memorandum on written questions from Constitutional Affairs Committee, February 2004
7. Letter to Kevin Faulkner, Head of Work Permits (UK) re. Consultation : Charging for the consideration of work permit and sectors based scheme applications – reviewing the charge, March 2004
8. Response to Consultation with IND Stakeholders on Home Office Public Service Agreement (PSA) targets 2005-6 to 2007-8, March 2004
9. Letter to Freda Chaloner, Director NASS re Response to termination of NASS Support for Accession State Nationals, April 2004
10. Response to the Consultation on Draft Regulations Relating to Accession of 8 New Member States to the European Union, April 2004
11. Letter to Graeme Hopkins re. Suspension of Bulgarian & Romanian Association Agreement, April 2004

12. Response to LSC consultation on devolved powers, May 2004
13. Submission to European Commission's consultation on the proposed EU Visa Information System (VIS), June 2004
14. Comments from ILPA on Legislation on ID Cards - A Consultation, CM6178, July 2004
15. Analysis and Critique of Council Directive on minimum standards on procedures in Member States for granting and withdrawing refugee status (30 April 2004), July 2004
16. Response to Proposals to exclude overseas visitors from eligibility to free NHS primary medical services, August 2004
17. Comments on LSC Consultation Paper on Interpreters in Publicly Funded Immigration and Asylum cases, September 2004
18. Response to the Commission's Communication: Area of Freedom, Security and Justice: Assessment of the Tampere programme and future orientations COM (2004) 401 final, 2 June 2004, October 2004
19. Feedback on IND Customer Service Guides, November 2004

Home Office liaison

ILPA liaises with both IND caseworking directorates and with the Policy Directorate:

Managed Migration includes all immigration casework (in Croydon and Sheffield), the Public Caller Units, nationality casework (in Liverpool), Work Permits UK – which now also deals with business casework (in Sheffield).

Asylum Support and Casework includes all asylum casework in Croydon and Liverpool, and NASS.

During the last year, ILPA has had numerous meetings with officials in both directorates as well as with senior directors and the director general.

ILPA continues to attend the following user groups.

IND User Group (Susan Rowlands)

Asylum Processes Stakeholder Group (Susan Rowlands)

Detention User Group (Nadine Finch)

UKvisas User Group (Susan Rowlands)

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

European Union Policy Group (Nicola Rogers)

Unaccompanied Asylum Seeking Children Stakeholders Group (Liz Barratt)

NASS forum (Sheona York)

Many ILPA members have attended meetings in Liverpool, Croydon and Central London with IND: with officials from the Appeals Processing Centre, Work Permits (UK), the Asylum Screening Unit, Managed Migration Directorate and the Director General. Their input has been invaluable.

UKvisas and IND Policy Directorate offered to speak to members on EC Association Agreements with Bulgaria & Romania : Guidance for considering switching and entry clearance applications, 3 September 2004, at Lovells Solicitors. Work Permits (UK) met ILPA members on 5 October 2004 at Baker and McKenzie to discuss the service levels at Sheffield and solutions.

Thanks go to all those who contributed to these meetings either by attending or making other input and to those who hosted the meetings.

Liaison with courts

Immigration Appellate Authority

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

Administrative Court Users Group: Judith Farbey

Asylum Support Adjudicators User Group: Susan Rowlands and members

Liaison with other organisations

ARC (Asylum Rights Campaign) Alasdair Mackenzie and Pierre Makhlouf have represented ILPA at ARC meetings; Nicola Rogers represents ILPA at ARC EU group meetings; Syd Bolton attended the Article 31 group meetings.

OISC (Office of the Immigration Services Commissioner) There have been no formal meetings during the last year.

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: The Executive Committee was invited to nominate a full member of the Committee and has nominated Jawaid Luqmani.

Membership

Current total number of ILPA members 1221

192 new members have joined since the last AGM. Of this number, 103 were individual members and 89 organisations, of these new members 40 are OISC regulated organisations and 9 are OISC regulated individuals.

Training

Since the last AGM, ILPA has provided 62 training sessions. Although most of these were held in London, we have continued to offer courses outside London and this has included Glasgow, Belfast, Birmingham, Manchester and Leeds. We continue to encourage members, especially those outside London, to put forward any proposals to meet their training needs, as unfortunately we have had to cancel several courses this year due to low take up.

Training sub-committee: Sarah Woodhouse has chaired the training sub-committee. Invaluable input in the programme has been made by Sarah and those who attended the sub-committee meetings: Jim Gillespie, Laura Devine, Jane Coker, Alison Stanley, Tanya Goldfarb, Christina Gordon, Tim Barnden, Sophie Barrett-Brown, Anna Robinson, Nadine Goldfoot and Sally Thompson. Many others have contributed to the training programme with ideas and suggestions and we greatly appreciate their support.

Speakers: Enormous thanks are again due to all speakers. With some guidance from the sub-committee, they are now producing more focused outlines. Participants benefited from and appreciated their expertise and skilled presentations.

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

Venues and materials: Many members have offered ILPA the use of their premises: this is greatly appreciated. This year ILPA courses have been generously hosted by Lovells, Reed Smith, Kingsley Napley and the Law Centre of Northern Ireland.

Seminars/Conferences:

ILPA sponsored the **AILA conference: 2004 Global Immigration Summit : Thinking Beyond Borders**, New York, 30 September 2004

Publications and Projects

Publications in preparation:

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

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

These are being 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. Publication imminent.

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

ILPA is very grateful for Nuffield Foundation's funding of this project and the policy paper (see below).

Projects in progress:

ILPA/EIN directory of experts

Does Every Child Matter? Policy and Practice affecting Children and Young People subject to UK Immigration Control, in preparation. Funded by the Nuffield Foundation.

Age disputed children subject to immigration control (funding application made)

Best Practice Guide to Immigration Appeals (funding applications made)

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
European	10

Family & General	8
Business & Employment	7
Legal Aid	2
Refugee	0
Training	3

Members' Meetings:

- **New research project on Treatment of Unaccompanied Minors in UK Asylum System**
Wednesday 7 January 2004
- **The role of the APCI (Advisory Panel on Country Information)**
Wednesday 4 February 2004
- **Joint BIHR/ILPA meeting -Access to justice: The ouster clause in the Asylum and Immigration (Treatment of Claimants, etc.) Bill**
Wednesday 11 February 2004
- **Meeting with Andy Grant, regional director, LSC to discuss new contracts, cost audits and immigration legal aid generally**
Thursday 4 March 2004
- **Discrimination in relation to goods and services, public authorities (including the Immigration Services)**
Wednesday 12 May 2004
- **Meeting on guidelines for best practice working with children subject to immigration control**
Thursday 1 July 2004
- **ILPA response to legislation on identity cards consultation**
Thursday 8 July 2004
- **Meeting of immigration barristers**
Thursday 15 July 2004
- **EC Association Agreements with Bulgaria and Romania: guidance for considering switching and entry clearance applications**
Friday 3 September 2004
- **Work Permits (UK) current situation and plans for improvement**
Tuesday 5 October 2004
- **The ILR exercise for families: new criteria**
Monday 25 October 2004
- **Meeting on Section 2 - Offences**
Monday 22 November 2004

Mailings

There have been 15 mailings and 318 numbered enclosures.

Enclosures

Members are reminded that we have a database of the titles of enclosures since January 1997. We can provide members with a copy of the Access database on a CD to search the database for those enclosures you remember but cannot find. We can provide you with the enclosure once you have the reference number.

ILPA Staff

Susan Rowlands	General Secretary
Elizabeth White	Assistant to General Secretary Training coordination
Kit Eaves	Administration & IT manager
Helen Williams	Membership administrator Training administration

We are assisted by Pat Kahn (designer), Helen Dewar (librarian), Andy Humphreys (technical expert) and Jeremy Stone (book keeper). We thank them for their support.

Administration

Members now know the administrative team. Kit, Helen and Elizabeth – all in their fourth year at ILPA – continue to apply themselves with enthusiasm to their own duties as well as to functioning as a team to assist each other and complement each other's work. It is a pleasure to work with them and I thank them for their dedication to their work, their unfailing good humour, their ability to take on new challenges, and the care and attention they give to every enquiry that comes their way.

We are all committed to ILPA's aims and to providing an excellent service to ILPA members, to the executive committee, to colleagues in other organizations, and to members of the public.

My thanks go to Rick, Sue, Jawaid and all executive committee members for their support and encouragement. Many members continue to assist and support us despite the difficulties they have faced in representing their clients in the face of IND delays and a barrage of contract changes for publicly funded work

Susan Rowlands
General Secretary

ILPA TRAINING

Courses

NB: course location is London unless stated otherwise

Date	Course Title	Delegates
1 December 2003	Immigration, extra-territoriality and human rights	26
2 December 2003	Advanced training in judicial review	39
3 December 2003	Preparing for an appeal	47
4 December 2003	ILPA/BID course Bail applications, how to challenge detention (Leeds)	<i>cancelled</i>
4 December 2003	Implementation of UK residence permits and the mandatory entry clearance requirement	36
8 December 2003	Emergency procedures for dealing with removals	39
10 December 2003	Home Office policy, concessions and the exercise of discretion outside the Immigration Rules	45
17 December 2003	Mental health: best practice with a human rights focus	17
29 January 2004	Highly Skilled Migrant Programme: all you need to know	35
3 February 2004	Immigration advice at the police station	<i>cancelled</i>
12 February 2004	Annual legal update	<i>cancelled</i>
18 February 2004	Basic Judicial Review, your very first Judicial Review	18
19 February 2004	Advanced course for supervisors, recent developments in asylum law including reference to the ECHR	17
24 February 2004	Immigration Civil Actions	26
1 March 2004	Basic asylum law	<i>cancelled</i>
3 March 2004	Basic immigration law 1	41
10 March 2004	Basic immigration law 2	39
11 March 2004	EU accession: the new immigration regime after 1 May 2004	50
18 March 2004	Basic European law	21
22 March 2004	Advanced course for experienced caseworkers : Recent developments in immigration law	52
24 March 2004	Basic business and employment law	36

Date	Course Title	Delegates
23 March 2004	Seminar on appeals	14
26 March 2004	Home Office policy, concessions and the exercise of discretion outside the immigration rules (Birmingham)	26
29 March 2004	Statutory review: new rules, new targets (Glasgow)	14
31 March 2004	ILPA/BID Course Bail applications: how to challenge detention	12
1 April 2004	Running an immigration/asylum case under an LSC contract	16
26 April 2004	EU accession: the new immigration regime after 1 May 2004	37
29 April 2004	Representation before the IAT (Belfast)	10
10 May 2004	The rights of family members of EU nationals	24
18 May 2004	Preparation of Article 8 cases	31
26 May 2004	EU accession - the new immigration regime after 1 May 2004	<i>cancelled</i>
27 May 2004	Specialist seminar for experienced practitioners: trafficking for sexual and labour exploitation	14
1 June 2004	Moving workers and employees around Europe	22
9 June 2004	Advanced course on asylum and human rights law: applications and appeals	29
10 June 2004	Challenging the adjudicator's determination	26
16 June 2004	Getting the best results from the Immigration Authorities	32
17 June 2004	Basic asylum law	14
22 June 2004	Advanced course for experienced caseworkers: recent developments in immigration law (Leeds)	16
23 June 2004	Basic Immigration law I	37
28 June 2004	Sports Persons: work permit scheme and EU agreements with 3rd countries	17
29 June 2004	Unlawful Imprisonment - civil remedies	7
30 June 2004	Basic Immigration law II	31
1 July 2004	Basic course on the Turkey association agreement, how to assist nationals from Turkey	34
5 July 2004	Harmondsworth fast track procedure	17

Date	Course Title	Delegates
6 July 2004	Advanced course for experienced caseworkers, recent developments in immigration law	52
7 July 2004	Advanced course on asylum and human rights law: applications and appeals	31
8 July 2004	Advanced course on asylum and human rights law: applications and appeals (Leeds)	11
14 July 2004	Emergency procedures for dealing with removals	20
19 July 2004	Applications from co-habiting or 'married' same sex couples	13
21 July 2004	ILPA/BID Course Bail applications: how to challenge detention	20
27 July 2004	UK Nationality Law: current developments	31
29 July 2004	How to make an application for naturalisation	10
21 September 2004	Human rights - marriage and cohabitants	36
22 September 2004	Basic Immigration Law part 1 of 2 - training towards first level accreditation	34
30 September 2004	Basic Immigration Law part 2 of 2 - training towards first level accreditation	40
4 October 2004	Seminar on appeals (Leeds)	<i>cancelled</i>
5 October 2004	Advanced EU law including the association agreements	38
8 October 2004	Home Office policy, concessions and the exercise of discretion outside the Immigration Rules (Manchester)	17
9 October 2004	A practitioner's guide to the Asylum and Immigration (Treatment of Claimants, etc.) Act	80
15 October 2004	Applications from co-habiting or 'married' same sex couples (Leeds)	<i>cancelled</i>
19 October 2004	A practitioner's guide to the Asylum and Immigration (Treatment of Claimants, etc.) Act (Leeds)	22
26 October 2004	Evidencing your case: immigration and asylum cases	27
27 October 2004	Getting the best results from the immigration authorities	47
2 November 2004	Taking instructions from vulnerable clients	<i>cancelled</i>
4 November 2004	Basic asylum law	9
Date	Course Title	Delegates

8 November 2004	Basic Immigration Law part 1 of 2 - training towards first level accreditation	32
11 November 2004	Basic Immigration Law part 2 of 2 - training towards first level accreditation	32
15 November 2004	Immigration, extra-territoriality and human rights: where and how rights are breached in removal cases, Ullah and Razgar in the House of Lords	15
16 November 2004	Preparation and presentation of Article 8 cases	23
18 November 2004	Application of the rules for investors, businessmen and retired persons	<i>postponed</i>
22 November 2004	Business Immigration - an employment perspective	14

Speakers

The following speakers are thanked for their contributions:

Speaker	Organisation / Firm (at time of course)
Sally Adams	Kingsley Napley Solicitors
Peter Alfandary	Reed Smith Solicitors
Navita Atreya	Renaissance Chambers
Tim Barnden	Glazer Delmar Solicitors
Nadine Barnole	Reed Smith Solicitors
Sophie Barrett-Brown	Laura Devine Solicitors
Peter Bartram	Bartram & Co
Richard Bartram	Luqmani Thompson and Partners Solicitors
Tim Baster	Bail for Immigration Detainees
Nick Blake QC	Matrix Chambers
Syd Bolton	Islington Law Centre/Medical Foundation
Melissa Canavan	Tooks Court Chambers
Nichola Carter	H2O Law LLP
Joanna Chatterton	Fox Williams Solicitors
Mick Chatwin	Renaissance Chambers
Azhar Chohan	Paddington Law Centre
Emma Cohen	Bates, Wells and Braithwaite Solicitors
Jane Coker	part-time adjudicator
Buster Cox	Renaissance Chambers
Matthew Davies	Fox Williams
Owen Davies	Laura Devine Solicitors
Rachael Despicht	Birnberg Peirce and Partners Solicitors
Marian Dixon	Lovells Solicitors
Tim Eicke	Essex Court Chambers
James Elliot	Wilson and Co Solicitors
Judith Farbey	Tooks Court Chambers
Nadine Finch	2 Garden Court Chambers

Laurie Fransman QC	2 Garden Court Chambers
Jim Gillespie	Renaissance Chambers
Christina Gordon	Tooks Court Chambers
Edward Grieve	10 – 11 Gray’s Inn Chambers
Elsbeth Guild	Kingsley Napley Solicitors
Michael Hanley	Wilson and Co Solicitors
Mark Henderson	Doughty Street Chambers
Gooch Heer	Pullig and Co Solicitors
Julia Jackson	Magrath and Co Solicitors
Peter Jorro	2 Garden Court Chambers
Mike Kaye	Anti Slavery International
Fiona Lindsley	Hackney Community Law Centre
Jawaid Luqmani	Luqmani Thompson and Partners Solicitors
Pierre Makhlouf	Hackney Community Law Centre
Nathaniel Mathews	Hackney Community Law Centre
Bill McCartney	Work Permits (UK)
Peter Moss	Bates Wells and Braithwaite
Andrew Nicol QC	Doughty Street Chambers
Barry O’Leary	Wesley Gryk Solicitors
Julia Onslow-Cole	CMS Cameron McKenna Solicitors
Martin Penrose	Solicitor
Mahmud Quayum	Camden Community Law Centre
Nicola Rogers	2 Garden Court Chambers
Nick Rollason	Kingsley Napley Solicitors
Rick Scannell	2 Garden Court Chambers
Mark Scott	Bhatt Murphy Solicitors
Duran Seddon	2 Garden Court Chambers
Sajid Sheikh	Sheikh and Co Solicitors
Ben Sheldrick	Magrath and Co Solicitors
Leonie Souster	Work Permits (UK)
Alison Stanley	Bindman and Partners Solicitors

Mark Symes	O'Keeffe Solicitors
Hugh Southey	Tooks Court Chambers
Sally Thompson	Luqmani Thompson and Partners Solicitors
Ronan Toal	2 Garden Court Chambers
Philip Turpin	Turpin Miller and Higgins
Stefan Vnuk	Fisher Meredith and Partners Solicitors
John Walsh	Doughty Street Chambers
Amanda Weston	Garden Court North
Sarah Woodhouse	Birnberg Peirce and Partners Solicitors
Trevor Wornham	Wornham and Co Solicitors

ACCESS TO JUSTICE SUB-COMMITTEE REPORT

The Access to Justice Sub-Committee dedicated much of the year to addressing concerns about implementation of the new, single tier Asylum and Immigration Tribunal. We continue to work hard on this issue, which will doubtless dominate immigration law in 2005. Judith Farbey attended the DCA's pre-consultation meeting for key stakeholders about the new, draft Procedure Rules. ILPA is very grateful to Jim Gillespie and Amanda Weston for helping with preparatory work for this important meeting. At the time of writing, we are working on our response to the consultation paper about the Rules.

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 about 3 meetings of the sub-committee. The meetings provided ILPA members with an opportunity to keep up to date with trends in DCA thinking on immigration and asylum issues.

It is a safe bet that access to justice issues will continue to play a key role in government policy towards migrants and asylum seekers in 2005. There is plenty of scope for ILPA members to be involved. Please join our email chain by contacting Judith Farbey on judith.farbey@tooks.co.uk.

Convenor : Judith Farbey

EUROPEAN SUB-COMMITTEE REPORT

Five and a half years ago the Amsterdam Treaty came into force. It transformed the engagement of the European Union with the field of immigration and asylum by transferring competence to adopt legislation in these areas to the Union, limiting dramatically the power of Member States to legislate individually. A five year timetable was set for the adoption of the key measures in the field, which period ended on 1 May 2004. Although the UK, Ireland and Denmark obtained the right to remain outside the scope of the new legislation, the UK chose to opt into all of the proposals relating to asylum and many in respect of border controls and immigration (see below). The EU Council held a defining meeting in Tampere, Finland, in October 1999 to set out the guidelines upon which the new powers of the EU should be exercised.

The European Sub Committee was very active throughout the period of the negotiation of the Amsterdam Treaty making proposals regarding the field of immigration and asylum. When the treaty was ratified and the Tampere Conclusions issued, we began a programme of assessing the legislative proposals in the new fields as regards their compliance with internationally recognised human rights standards. With the end of the first five years of an EU area of freedom, security and justice which incorporates immigration and asylum, our programme of alternative assessments is also completed. On balance, in our view the EU has failed conscientiously to fulfil its commitments in the EC Treaty to respect the Geneva Convention relating to refugees and its undertaking in the EU Treaty to comply with the European Convention on Human Rights. Too many measures, in particular after the end of the Belgian Presidency in December 2001, have focused on the potential security risk of immigrants, refugees and visitors rather than on the needs of family life, protection from persecution and torture and the normalisation of cross border movement. We have been both focal and critical of the developments at the national and EU level.

At the same time that we have considered that the commitments made by the Member State leaders in Tampere 1999 have not been faithfully transposed into legislation by the Commission and the Council, dominated in this field by specialists in internal affairs and security, the EU has been negotiating a new constitution which was adopted in June 2003 (subject to some further revision in the Autumn). Over the past year much of our energy has been taken up seeking to ensure that the legal framework of the Constitution will provide a more secure framework for immigration and asylum law in the EU and one more coherent with the international human rights obligations of the Member States. Of the most critical importance, in our view, has been the inclusion of the EU Charter of Fundamental Rights into the Constitution with legally binding force. Notwithstanding the negative developments over the past five years in this field at the EU level and our concerns about some provisions on immigration and asylum in the Constitution, we take the view that the clear insertion of fundamental rights as justiciable and binding is of such paramount importance that the Constitution is nevertheless a step forward in our field.

There has also been a disturbing development in this area which we hope the Constitution will clarify – the use of operational measures for cooperation among Member States in the field of immigration, asylum and most importantly border controls. The lack of a clear legal basis for many of the operational measures which have taken place is very worrying. For instance, the participation of the Royal Navy in border control actions in the Mediterranean has no clear legal basis in EC law yet is justified on the basis of common EU objectives of border controls. The recent criticism of the UN High Commissioner for Refugees regarding alleged refoulement of potential asylum seekers seeking to arrive in Europe via the Mediterranean to Libya has highlighted the question of responsibility for respect for international commitments in circumstances where operational cooperation among the Member States veils state liability.

In this report to the AGM we set out the main issues which we have sought to confront over the year and the actions we have taken. We have worked closely with a number of important sister organisations in other Member States, in particular the Meijers Committee of Experts in the Netherlands and GISTI in France. For the first time, we prepared a special issue of the ILPA journal – Immigration and Nationality Law and Practice - focussing on the UK's implementation of the EU *acquis* in the area. In addition to the quarterly Update, this provided us with a means to ensure that the membership was made aware of the key issues which we are addressing and which are of importance to them.

Our output has been possible only because of the unflinching commitment and dedication of the members who volunteer their time and energy to its work. All our members deserve the fullest thanks. We would only specify a number here who have made an outstanding contribution over the year. In alphabetical order these are: Anneliese Baldaccini, Ryszard Cholewinski, Cathryn Costello, Alison Hunter, Steve Peers, Nick Rollason, Bernard Ryan, Helen Toner and Richard Williams (who left us for Brussels this Autumn).

Issues of concern to the Sub Committee in 2003/4

EU Citizenship

Developments have continued at a rapid pace in the field of EU Citizenship, and the Committee has continued to observe and monitor these developments to keep members informed of the latest issues.

The most significant issues have been the final agreement of the EU Citizens Directive 2004/38 EC – a major step in recasting free movement law in a simpler format, with some significant developments of substance too. The subcommittee has previously commented on the Proposals on which the new Directive is based and although there were some disappointing compromises at the last minute to get the package agreed, there is also much to welcome in the new Directive. It was published and entered into force at the end of April 2004 with a two-year transposition period.

ECJ case-law has continued to add to the *acquis* on EU Citizenship and again we have continued to keep members informed of developments in cases such as *Collins*, *Trojani*, and *Orfanopoulos* in our regular updates.

One of the most significant developments has been the accession of the ten new Member States in April, and the subcommittee has worked hard on this issue. Of particular relevance from the angle of EU Citizenship were the new Regulations on Habitual Residence (relevant to all claimants) and Worker Registration (relevant to A8 nationals), which came into effect on 1st May. The subcommittee responded to the consultation on the Habitual Residence regulations and has produced a briefing paper raising the concerns that we have about these Regulations. We are also in touch with the Commission who are monitoring the law and practice in Member States regarding the treatment of the A8 Nationals after accession. No doubt 2005 will see the implications of enlargement and of the new regulations emerge more fully and we will continue our work on this issue.

We continue to try to influence and inform the Home Office on issues concerning implementation of citizenship rights and free movement law. The experience surrounding accession shows however there are times when the Home Office is more interested in the views of the tabloid press than of immigration lawyers. It is unfortunate that issues in the end have to be resolved through litigation rather than dialogue.

Family Members of EU nationals

The European Sub-Committee monitored carefully the situation of family members of EU nationals throughout the year. We included related issues in a report compiled for the Commission on the implementation of EU free movement law in the United Kingdom.

More generally, the European Sub-Committee has of course been monitoring the effect of recent cases such as *Baumbast* and *Akrich* carefully and new changes to the rules or policy of the Home Office. The Sub-Committee has also discussed the widening of the rights of family members, particularly in light of the case of *Chen* and welcome the ECJ's judgment in that case.

Many of the longstanding problems of implementation of European Law within the UK remain the same (eg. the potential to delay in issuing EEA family permits). On the other hand it is at least welcome that at a European level the ECJ appears to be broadening its definition of family members and the rights attached to that status.

Equal treatment

The issue was considered in the context of our Report for the European Commission on Free Movement of Workers in the European Union. It was highlighted that **some Ministerial Authorisations under Section 19D of the Race Relations Act** may be critical of equality of treatment in Community free movement law as they appear to allow to discriminate between EU/EEA nationals on the basis of ethnic origin. This appeared to be the case especially with recent Authorisations targeted particularly at people of Somali origin and other listed nationals who are deemed to have some form of immigration status in another EU Member State and claim asylum in the UK. People of Somali origin with permission to live elsewhere in the EU have become the target of particular checks at ports. Other Authorisations further target passengers from listed nationalities who are deemed to enter the UK on legitimate EU or other Western countries' documents and subsequently claim asylum.

The pre-entry clearance scheme operated in 2002/03 at Prague airport was, on the other hand, targeted at Czech nationals of Roma origin. Czechs, as other accession state nationals' are also subject to the non-suspensive appeals procedure, introduced by the Nationality, Immigration and Asylum Act 2002. Very few asylum applicants from these countries, many of which are Roma, were successful in being granted asylum. Similar pre-clearance schemes were subsequently deployed at some 20 locations that the Home Office has identified as important ports of origin or transit for improperly documented passengers traveling to the UK and work is under way to expand this network to further ports. The independent Race Monitor recommended in her first report that, as the numbers of overseas controls are growing, the provisions of the Race Relations Act should be included in arrangements that allow the immigration rules to operate extra-territorially.

From the Tampere Conclusions to the Hague Programme

The EU has focussed its efforts in the area of Justice and Home Affairs (JHA) law, and particularly immigration and asylum law, by means of multi-annual programmes adopted by EU summits (European Councils). The first major programme was adopted at the Tampere European Council of October 1999, and a follow-up programme has now been adopted by the European Council of 5 November 2004, named the "Hague Programme" after the venue for the "informal" meeting of Justice and Home Affairs ministers which discussed the programme in depth at the end of

September. The Tampere conclusions were, however, updated regularly by various EU leaders' summit meetings, and the Hague programme could well be updated regularly by summits also.

The ILPA EU sub-committee has been focussing its attention on the specific proposals for legislation that followed the Tampere conclusions, and will now be turning its attention to the legislative proposals coming as a result of the Hague Programme.

In practice, the Council has, after long and painful negotiations, adopted a first phase of legislation on temporary protection, Eurodac, asylum responsibility (the 'Dublin II' Regulation), reception conditions, and the definition and content of refugee and subsidiary protection status. It has also agreed in principle on a Directive on asylum procedures. But these measures, in the view of all interested NGOs and the UNHCR, set very low standards indeed, particularly as regards asylum procedures. Perhaps not surprisingly, the UK government has opted in to all these measures.

On the immigration front regarding third country nationals, the Council has adopted legislation on family reunion, which ultimately set standards so low that the European Parliament has challenged the Directive in the EU's Court of Justice for breaching the minimum human rights standards that all EU law must observe. A Directive on the rights of long-term resident third-country nationals was agreed, but it sets out many hurdles in the way of obtaining status, excludes some important groups (particularly refugees and persons with subsidiary protection) from its scope, and contains significant exceptions from the principle of non-discrimination. The Council also adopted a Regulation extending equal treatment in social security to third-country nationals who move between Member States. But otherwise, decisions by the Council have not been 'rapid' at all; it has effectively rejected a Commission proposal on migration for employment or self-employment made over three years ago, although it is discussing a more limited proposal on admission of third-country national researchers. Despite much lobbying by the Sub-Committee the UK has opted out of all these measures except the social security Regulation and the researchers' proposal.

In the area of illegal immigration, the EU has adopted legislation in the areas referred to in the Tampere conclusions, along with legislation on mutual recognition of expulsions, carrier sanctions, an immigration liaison officers' network, joint expulsion flights, and transfer of passenger information data to authorities in the Member States and the US. It has agreed four readmission treaties to date (others are under discussion). Here again, the European Parliament has challenged a measure (the arrangements with the US on passenger data transfer) for allegedly breaching human rights standards, and the Parliament voted to reject most other measures (its votes are, until the present, non-binding). And again, the UK has enthusiastically opted in to most measures.

Irregular Migration

The European Sub-Committee continues to monitor the developing EU law and policy on irregular migration and its impact on the UK. A number of the Sub-Committee's members worked on a special issue (February 2004) of Tolley's *Journal on Immigration, Asylum and Nationality Law* on Transposing the EU Acquis on Immigration and Asylum in the UK, which also included a short article on "EU measures preventing irregular migration and UK participation". This article focused on the legally binding measures that the EU has adopted to date on the expulsion of third-country nationals and preventing the facilitation of irregular migration and human trafficking. It examined the UK Government's participation in the adoption of these measures, exposing considerable discrepancies in the scrutiny process at the national parliamentary level as well as in their implementation.

The Sub-Committee drafted ILPA's response to the European Commission's consultation on the Visa Information System (VIS), which will create a EU-wide database of third-country nationals

who apply for Schengen visas and will also include their biometric data. The development of this system will have important privacy and human rights implications for third-country nationals as well as for those EU citizens issuing invitations to relatives and friends from third countries.

Co-convenors : Nicola Rogers and Elspeth Guild

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, who has recently taken over from Gulay Mehmet, is a partner in Laura Devine Solicitors and also acts for a number of large corporate, as well as individual, clients. Owen is also the current Chair of the UK Lesbian & Gay Immigration Group charity

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 6 weekly intervals and the dates of our meetings are sent out in the ILPA mailing.

The Sub-Committee represent 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)) and has, among other matters,:-

- continued to press Work Permits (UK) for improved processing of HSMP applications and better decision-making and general consistency for work permit and HSMP applications;
- finally succeeded through constant lobbying and meetings in procuring that Work Permits (UK) introduce an "interim arrangement" for change of employment applications, enabling individuals for whom a change of employer application had been approved by WPUK to start work for the new employer pending the outcome of the FLR application.
- procured a change to the Accession (Immigration and Worker Registration) Regulations 2004 (by means of the Immigration (European Economic Area) and Accession (Amendment) Regulations 2004) to ensure that family members of self employed persons do not have to register under the Worker Registration Scheme; 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 (in succession to Gulay Mehmet)

FAMILY & GENERAL IMMIGRATION SUB-COMMITTEE REPORT

The subcommittee has held eight meetings during the year, at the Brunei Gallery, School of Oriental and African Studies, courtesy of Werner Menski, usually on the third Tuesday evening of the month. Our aim is to bring together all ILPA members interested in immigration and nationality issues relevant to families, or not covered by any other subcommittee. Besides regular attenders, newcomers are very welcome.

During this year, we have concentrated on children and nationality as well as administrative issues such as Home Office fees for applications. We have followed the progress of the Asylum and Immigration (Treatment of Claimants) Act, in particular its changes to permit over-cost fees and restrictions on marriage, and the Children Bill.

The subcommittee had responded in August 2003 to the imposition of fees for immigration applications and has continued to oppose them. Together with the Business and Employment subcommittee, we are preparing ILPA's comments on the September 2004 proposals for even higher fees.

The subcommittee's document on incorporating unpublished concessions into the immigration rules was sent to the Home Office in February. In March they responded to ask what our priorities were from the huge list and we replied in May, stressing the importance of public knowledge of the rules affecting people in the UK but have heard nothing since.

We have also discussed other issues around marriage – in particular the conflict of laws in relation to validity of marriages and divorces, polygamy etc. There is great confusion about validity of religious marriages in the UK and abroad, the ability to marry again and to bring in spouses, and the protection offered when an invalid marriage breaks down. We had a lively debate on the measures to restrict marriage in the A&I (ToC) Act and the prevalence of marriages of convenience and fraud, with no conclusions reached. There is a need for a lot more information in the communities.

We also discussed issues arising from the expansion of the EU in May, with particular attention to sensational coverage in the tabloid press and the need for ongoing monitoring of the situation.

ILPA had welcomed proposed changes in the working holidaymaker rules last year, to open up the scheme further, and was shocked by leaked proposals to shut it down again because of the scale of attempted use in the subcontinent. We wrote to Des Browne in June with strong arguments against the change but had no satisfactory response.

The subcommittee led on preparing ILPA's response to the government's draft Bill on identity cards, opposing it. It also worked with other ILPA members on ILPA's response to the government's further proposals to restrict access to the National Health Service, with a particular focus on unsuccessful asylum seekers. The subcommittee also looked into reports of random immigration checks on London tube passengers (and considered the Minister's response to representations on the subject by a member through his MP).

On nationality issues, the subcommittee were fortunate to receive members of a visiting delegation from India and to hear from them about the situation of British Overseas citizens there who are facing administrative problems in regard to their entitlement to register as British citizens. The subcommittee has also been monitoring the new requirements for naturalisation, in particular as to language and 'knowledge of life in the UK'.

We also heard from the Medical Foundation about their work to help child torture survivors and

have supported ILPA's work on preparing guidelines for all those involved with children subject to immigration control.

More input and ideas from ILPA members are always greatly appreciated! In future, it is proposed to meet at less frequent intervals but with more contact and communications between those on our e-mail list for updates and feedback between meetings. The next meeting will be on Tuesday 7 December.

Convenor : Sue Shutter

LEGAL AID SUB-COMMITTEE REPORT

This will be my last annual report from the LA sub-committee. I have been writing them on my own or with others for the last 9 or so years. My reasons for passing on the baton are two fold. Firstly, it is not healthy for a post in a voluntary organization to stay too long in one person's hands. Secondly my own practice, as I have moved from Winstanley-Burgess after we closed in 2003, to Bates Wells and Braithwaite has involved less and less legally aided work. I would like to thank all those who have helped me over the years, and would urge members to provide similar support to whoever takes over the role.

The scope of work of the sub-committee has expanded over the years and it is right that tasks are shared between members more and more. This has certainly been the case over the last year, a year of continued change for the publicly funded immigration sector.

Developments in the course of the year have to be seen as part of a larger scale attack on legal aid, and consultations on the future of publicly funded work which goes far beyond the immigration sector. Whilst the publicly funded immigration sector has been a favourite target of government and the LSC over the years, it is no longer the only, or even the main target. Those immigration practitioners who have campaigned to protect immigration legal aid, will find themselves involved in broader defensive campaigns in the months and years to come.

This year has seen a substantial decline in the numbers of new asylum-seekers, a significant reduction in the backlog of asylum appeals, and some inroads being made in the backlog of non-asylum appeals. This reduction in numbers of potential clients has had a significant effect on the attitude of LSC to the future of the sector.

The year has seen the gradual implementation of new provisions concerning immigration legal help and CLR which were prefigured by the DCA consultation on immigration legal aid last year, upon which Alasdair Mackenzie and others worked for ILPA.

The final system of extendable caps for immigration and asylum work was obviously an improvement to the 'hard caps' suggested in the original proposals, but has nevertheless further increased the bureaucratic burden on practitioners, and the risk of not being paid for work. We would like to think that the opinion from Rabinder Singh which ILPA obtained, arguing that the first scheme proposed by the DCA would be unlawful, played its part in achieving this result. The fact that the LSC is even now still tinkering with the reporting regime is both depressing, and worrying, since the data will form the basis of outcomes analysis and average cost per case information which may shape the attitude of the LSC to suppliers in the future. Yet the LSC's ongoing inability to design a robust reporting system means that it will be a long time before we can be confident that they have valid data. Thank you to Jackie Peirce from Glazer Delmar who attended recent meetings for ILPA.

Practitioners have found the system of accreditation, another product of the DCA consultation, more onerous than had been anticipated, and it is fair to say that the whole process has been introduced rather more quickly than was wise [no doubt at the whim of the executive]. Practitioners are yet to be fully confident about the exam system. The system will in all likelihood increase the competence of those doing publicly funded immigration law overall, although the likely reduction in the numbers of practitioners caused by accreditation does not necessarily mean that only the poor quality practitioners will have left the sector.

The taking back by the LSC in April of powers to grant CLR in most cases has placed a further extra level of bureaucracy upon suppliers, and an extra level of uncertainty. Recent LSC figures are that 70% of applications are being granted by the LSC, and that 10,000 applications have been

made since April 2004. There is an average turn-around of 2.5 days, and 6-9 days to get to the FRC. At the same time the IAA report an increase anecdotally in the numbers of unrepresented appellants.

The absence of an independent record of asylum interviews [another April 2004 innovation] due to legal aid cuts will surely further handicap appellants in the asylum system, and will combine with the introduction of a new tier of interviews for extensions of DLR and HLR to provide a new level of uncertainty, even for those who have achieved a measure of protection in the UK. The introduction of a fast track interview and determination scheme in the North where, unlike the Harmondsworth scheme, representation at interview will not be covered by legal aid, is a further worrying development, and part of a move to a situation where advice is concentrated at the appeal stage..[for those who get CLR]. So much for front-loading! We should remind ourselves that when the LSC submitted their late memo to the Select Committee on the DCA last year, it ended by positing a move to a determination system where the decisions of the Home Office were of such quality that no legal help would be required until the first decision.

More recently ILPA's response to the LSC consultation on the funding of interpreters is currently being considered by the LSC. It will be interesting to see how the organisation's general desire to increase quality will be balanced against the fact that it has paid well below the market rate for qualified interpreters for years.

As if that was not enough, legal aid practitioners will have to deal not only with the new single tier appeal structure from April 2005, but also, as a late addition to the 2004 Act, a highly uncertain system of 'after the event' costs awards by Immigration Judges [formerly Adjudicators] in cases sent back by the High Court for reconsideration. It is a matter of concern that the downside of an important constitutional victory about the maintenance of judicial oversight by the Superior Courts is yet further uncertainty about the funding for particular cases. The fact that the new procedure will be funded at CLR, not civil certificate, rates is yet another cut in practice, and will raise particular concerns for the Bar. ILPA will be preparing a response by December 17th.

The year also saw the decision by the LSC to open its own office to provide immigration advice in the Midlands, which is said not to prefigure a move to an LSC provided service.

Notwithstanding, or perhaps because of the depressing nature of our sector, members' meetings in the course of the year have not been well attended. There have been particular difficulties in attracting providers without devolved powers to meetings, although in many cases these suppliers have suffered most at the hands of the LSC. Reaching out to these members will be an important initiative for the new chair of the sub-committee. Those members who wish to go on the e-mail list of the subcommittee are asked to e-mail me on chrisrandall.cr@virgin.net and I will forward their details to the new sub-committee chair.

Convenor: Chris Randall

REFUGEE SUB-COMMITTEE REPORT

The year was dominated by the passage of the 2004 Act which carries severe implications for asylum seekers and refugees. Members of the Sub-committee were engaged in the three lobbying groups formed by ILPA. The mixed results will be discussed elsewhere.

The other major task this year has been preparation for the launch of the new electronic ILPA Directory of Experts on the EIN. This will be launched at the October Gallery in London on Thursday 20th January 2005. Invites will be included with the next ILPA mailing.

The last edition of the experts' directory was published in 1997. The need for a new edition is demonstrated by the large number of requests on asylum email lists and bulletin boards seeking details of experts.

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 success of the Directory will depend upon how comprehensive we can make it, which in turn depends upon how many experts we can reach. We have already circulated application forms widely both to experts and lawyers and the database is increasing steadily in the lead up to the launch.

If you would like a further copy of the application form and a self-explanatory open letter to experts from our Academic Consultant, Professor Good, encouraging experts to seek inclusion in the Directory, please send an email to ilpaexperts@ein.org.uk. Please forward the attachment to any experts you use and would recommend. Alternatively, you can provide us with their details and we will send them the material. We will see any expert-related emails which you circulate to the RLG email list, but if you are replying privately with details of a recommended expert, we would be grateful if you could just cc your reply to ilpaexperts@ein.org.uk. That will enable us to send the covering letter and form to the recommended expert.

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.

In common with similar groups, there has been little demand for regular monthly meetings of the Sub-committee this year, largely for three reasons: first, because email lists have largely replaced meetings as a more immediate and efficient means of exchanging information and ideas, with the Refugee Sub-committee running a lively email mailing list; secondly, because of the increasing work demands on practitioners' time; and thirdly, because of the amount of time members already spend on specific projects, such as lobbying on the 2004 Act and producing the Experts' Directory.

Other projects that the Sub-committee is presently working on include a response to the consultation by the Home Office on the Implementation of the EU Directive Laying Down Minimum Standards for the Reception of Asylum Seekers, and in relation to IAT country guideline determinations, raising concerns about lack of transparency in how country guideline determinations are identified (especially retrospectively), and how such guidelines should be challenged when based eg on partial evidence.

Co-convenors: Mark Henderson and Mark Symes

Mark Henderson