



IMMIGRATION LAW PRACTITIONERS' ASSOCIATION
PRESIDENT: IAN MACDONALD QC

**ILPA
ANNUAL
REPORT
2002/2003**

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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 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

Introduction

This is the third Annual Report which I have written as Chair of ILPA. I would have anticipated that it would be my last. Although not written in stone, past practice has generally seen a Chair's life-span to be three years. Such practice is healthy: change ought to be invigorating and revitalising for an organisation such as ours.

In these circumstances it is with regret that I find myself in breach of that practice and offering you my services for the next year. It is not that I regret being Chair of ILPA. On the contrary, it is a position which I consider to be both a privilege and honour to hold and I do so gladly. Rather I regret profoundly the circumstances of uncertainty caused by Government announcements and proposals which meant that this was a particularly bad time for change. Whilst the crisis caused by the anticipated funding changes - which if stuck at 5 and 4 hours for preparation and appeal would have seen the tragic loss to our area of law of some of the best and longest serving practitioners - has abated somewhat, still worse is to come if recent predictions are accurate.

As revealed on 25 November 2003 in The Guardian article by Alan Travis, "*ministers are planning to go much further. They believe that new measures will so improve the quality of initial Home Office interviews and decisions that it will no longer be necessary for publicly funded legal help to complete asylum applications.*" Many will rightly be sceptical that quality could be so improved, but the anticipation of no public funding at all pre-decision will, if implemented, doubtless decimate the profession as we know it. Worse still of course it would have a profound impact on the asylum seekers we serve. On the back of the tough new measures announced in the Queen's speech which will see yet another new Bill upon us in a matter of days the prospects for asylum seekers, as if not bad enough already, will get worse. I will return to this theme below.

The last twelve months at a political level

In many respects this has been an appalling twelve months. The year got off to the worst possible start with the sudden death on 4th January 2003 of our dearly beloved friend and colleague, Larry Grant. As Owen Davis QC said in his obituary in The *Guardian* "Larry will be fondly remembered as an inspirational teacher, lawyer, judge and companion".

May Larry rest in peace. I fear however that if he is witnessing the attacks on asylum seekers, the profession and the Immigration Appellate Authority (which I see as very much in the firing line with the proposal to abolish the Tribunal) this will be the last thing that he will be doing! He will be as outraged and angry as we all are.

Recall for a moment some of the year's 'highlights' by reference to the following summary of the wave of announcements and proposals that dominated ILPA's work in the last year.

In February 2003 the Prime Minister promised to limit access to the UK for asylum seekers by halving the record number of 8,900 applications made in one month; he was reconsidering his commitment to the Convention; a document was leaked describing proposals to establish zones of protection and off-shore processing centres.

As for the promise to halve numbers of asylum seekers, this was made because of the “unacceptable” 11% increase in the previous quarter of numbers of asylum seekers. As I write this report we learn, consistent with all the leaks and expectations, that he achieved this. Numbers were down in September by 52%. But at what cost? The 11% increase was largely explained by a 26% increase in numbers of claims by Iraqis and a 56% increase in Zimbabwean claims. At a time when the world prepared itself for war against Iraq, it was no wonder that asylum claims from Iraqis should have increased. And no one could seriously doubt that the appalling human rights abuses perpetrated in President Mugabe’s Zimbabwe would impact directly on the numbers of people both seeking and needing international protection. In my view the Government’s response to such increase was “unacceptable”, for example by imposing a mandatory visa requirement on Zimbabwean nationals and by the use of draconian measures like the ending of the use of “exceptional leave to remain” and the ending of any support whatsoever for “in-country” asylum applicants. The notion that ELR – as claimed by Beverley Hughes - “encouraged abuse and acted as a pull factor” was risible given that its use was primarily to vindicate the UK’s ECHR obligations.

In February 2003, a document was leaked describing proposals to establish zones of protection and off-shore processing centres. The “New Vision” – in its various incarnations – kept ILPA and other agencies fully occupied at the beginning of the year, working both within the UK and in the EU. ILPA followed the progress of these proposals within the UK and the EU and were reminded on 12 November, in a speech at Chatham House, that the Home Secretary is progressing his plans to establish a zone of protection in East Africa; the plans for off-shore processing are not off the agenda but are being held in abeyance.

In May 2003, when announcing the lower number of asylum applications, the Home Secretary announced that he would be introducing new legislation to deal with legal aid, undocumented applicants, and appeals.

In June 2003, the LCD (DCA) published a Consultation Paper on Proposed Changes to Publicly Funded Immigration and Asylum Work, closely followed by the LSC Consultation on Changes to Publicly Funded Immigration and Asylum Work. These announcements and proposals have dominated ILPA’s work since May. Whilst relieved that the 5 and 4 hour caps are not to be pursued, the anticipated use of an unspecified threshold, the loss of the power to self-certify legal aid claims and the need to clear any spending over the threshold with authorisation granted only in “genuine and complex cases where there is a real prospect of success”, taken together with the need to submit applications in advance for legal aid to help with appeals, will be arduous enough. But as already observed, it is what is promised next which will be the real killer-blow. At the time of writing this report we still await the detailed announcements of the changes.

In October 2003 the Minister announced an “ILR exercise” for asylum seeking families which has raised expectations and caused confusion among asylum seekers and in the courts. As the details of the scheme emerge, its failings are apparent and the Home Office’s expectation of the exercise being completed within six months is not shared by others.

In late October 2003 a letter was written to stakeholders in the form of a “request for comments” (certainly not a consultation exercise) on a brief document on New Legislative Proposals. It was in the vaguest of terms, containing among other draconian proposals, measures that will seriously reduce the rights of individuals to challenge immigration decisions, principally the abolition of the Immigration Appeal Tribunal. ILPA responded by the appointed deadline.

In November 2003 the Queen's Speech announced the proposals to be contained in the new Bill. We all know that the Home Secretary is proud to be "tough as old boots" on asylum seekers. And don't the proposals in the Queen's Speech just show it? Withdrawal of support to families with the prospect of children being taken into care - I agree with Michael Howard (!) that this is "despicable". New penalties for those destroying documents. Abolition of the IAT. To name but a few of the proposed measures.

Even more alarming is what we do not know for certain. The October letter had also stated that "we are looking at ways to restrict access to the higher courts". ILPA understands – hopefully wrongly - that it is proposed to prohibit all judicial review of Home Office decisions.

Members will likely be reeling from such onslaught at the political level. And I have not even mentioned how I consider the climate engendered by such hostility has filtered through to the judiciary (or at least some of its number). Indeed, it is sometimes hard to avoid the impression that "human rights" means something different for asylum seekers and (for example) AIDS sufferers. Recall also that SIAC recently upheld the detention of all those the Home Secretary reasonably suspects to be international terrorists, which means that each faces indefinite detention without trial on the basis of the draconian powers to be found in the Anti-Terrorism, Crime and Security Act 2001. The UK remains the only country amongst its EU partners which saw the need to derogate from the provisions of Article 5 ECHR.

At the memorial held for Larry I said this:

I know that Larry will have shared the hope that many of us felt in 1997 when the Labour Party came to power. In the present context a hope that at last asylum policy might be true not just to the narrow letter of our international obligations, but also to a spirit in which the UK – as one of the richest nations receiving significant numbers of asylum seekers – might take the lead in embracing the positive contribution able to be made by asylum seekers and refugees in a world in which demographic studies tell us, that unless Europe increases its workforce by some one million people per year, we will all have to work until the age of 75.

Of course this has not happened. Rather, as asylum remains so high on the political agenda, Government policy would appear motivated by one primary objective: to do anything and everything to try to take the heat out of the asylum debate which rages on an almost daily basis in the tabloid press. No one would quarrel with such objective. What is disturbing, however, is the means employed. Instead of taking a positive lead to educate the ill-informed, the Government all too frequently responds with policy objectives which fundamentally undermine our international obligations.

Unfortunately since June things have only got worse. The future for asylum seekers is bleak indeed. Whilst the Government asserts the intention to meet international obligations and to welcome genuine refugees, the portents are not good. It fails fundamentally to understand that 'genuine refugees' have no option but to rely on illegality to come to assert their claims, yet treats asylum seekers and illegal immigrants as synonymous. In the future if asylum seekers manage to reach the UK, if they are not returned for processing elsewhere and/or are not prosecuted for destroying documents, they may be able to make their claims whilst sleeping in a telephone box and without the assistance of a legal representative. The Government well knows that properly

prepared and presented claims are more easily decided by both HO officials and adjudicators. The proposals are a recipe for disaster and will inevitably lead to refoulement of genuine refugees.

ILPA's work

In such climate what is truly remarkable and a testament to everyone involved for ILPA – particularly our General Secretary, Susan Rowlands, Kit Eaves, Elizabeth White and Helen Williams to whom we owe an immense debt of gratitude - is that as an organisation we are perhaps more healthy than ever.

I do not propose to attempt herein even to summarise Susan's report. It runs to some 19 pages and any summary would not do it justice. But if the first section of my report leaves you somewhat deflated then don't be. As our activities described in Susan's report show we are not an organisation that takes things lying down. Whether judged in terms of the record number of training sessions run, or the massive amount of work done by EC members, sub-committee members and others in the preparation of our responses to proposals, attendances at stakeholder and user groups and meetings, liaison with courts and the LSC etc., ILPA continues to be extremely strong, albeit at an uncertain time.

The sub-committee reports detail the activities undertaken by those committees. Except for thanking all those involved for the tremendous efforts during the last year and encouraging members to continue to attend and to contribute, I let those reports speak for themselves.

The future

I am conscious that this report is dominated by the attacks on asylum seekers and the concerns for practitioners in that area. This of course by no means represents the only concern of either ILPA or its membership. On the contrary, our 'constituency' is much wider than 'asylum', as is reflected by the breadth of Sub-Committees. I do not underestimate the importance of the work done in all these other areas, but hope that I will be forgiven for the balance of my report. The attacks on asylum seekers and their lawyers during the last year have been truly unprecedented.

What is clear is that, if at all possible, there is a need for even more help for the future. One decision taken by the Executive Committee was to pay for individual research and/or ad hoc appointments to deal with the crisis caused by the unprecedented volume of work generated by the announcements and proposals. Alasdair Mackenzie did a fantastic job during the summer in preparing our response to the LCD/DCA funding proposals. We are currently looking for someone to co-ordinate work in response to the new Bill. This will be paid, but more often than not work will continue to be voluntary. If members are interested in doing occasional research/report writing then please send your CVs to Susan Rowlands so we are able to develop a pool of knowledge that can be called on by the EC and Sub-Committees. The volume of work undertaken means that this will be essential if we are to continue to respond at the level that we have done in the past.

I am conscious that my reports of the last two years have each ended with calls to the membership to continue to devote time more to ILPA. And I do appreciate that as busy practitioners few have much time, if any, to spare. But if the current frenzied activity at Government level is anything to go by, especially since it is apparently driven by the hands of the Prime Minister himself, then it really is the case that now more than ever ILPA needs more help.

Emotions amongst those on whom proposals will have the greatest impact will doubtless be mixed and have swayed. I am sure everyone will feel angry and outraged by all the attacks that we face. Channel that anger through ILPA and help. It might be cathartic. But if not it is certainly needed and it will certainly be welcome!

Rick Scannell

Chair

Executive Committee and Sub-committee members

The Executive Committee

Ian Macdonald, QC – President

Sue Shutter – Secretary

Karen Sturtivant

Nadine Finch

Gulay Mehmet

Nicola Rogers

Mark Henderson

Pierre Makhlouf (co-opted)

Rick Scannell – Chair

Jawaid Luqmani – Treasurer

Judith Farbey

Laurie Fransman QC

Alasdair Mackenzie (co-opted)

Sarah Woodhouse (co-opted)

Chris Randall

Sub-committee convenors:

Access to Justice Sub-committee:

Judith Farbey, Jim Gillespie, Declan O’Dempsey

Employment & Business Sub-committee:

Philip Barth, Gulay Mehmet, Philip Trott

European Sub-committee:

Elsbeth Guild, Nicola Rogers

Family & General Sub-committee:

Sue Shutter

Legal Aid Sub-committee:

Chris Randall

Personnel Sub-committee:

Jawaid Luqmani, Laurie Fransman,
Chris Randall, Sue Shutter

Refugee Sub-committee:

Mark Henderson, Mark Symes

Training Sub-committee:

Sarah Woodhouse

TREASURER'S REPORT

The accounts show a trading loss of just over £8,000 for the last financial year, and represent the first loss which the organisation has had for some years. Were we a profit making organisation, the loss might be a cause for some concern, but our aim is to break even, not make a profit.

Ironically this loss is largely attributable to the rapid expansion and popularity of our training courses over the previous financial years, (together with the subsidy of the costs of training from the Legal Services Commission) that led to our significant trading profits on which the tax has now fallen due.

A more appropriate means to measure our finances would be by comparing the operating profit, from the previous year and this year, and the consistency of our overall profitability is clear. The figure for the financial year ending March 2003 was 97.5% of the figure for the previous 12 months. The trading loss is shown as made entirely on account of the tax liability for the earlier periods.

The other measure of the health of our finances would be gleaned for identifying the level of our reserves. As at the end of March the reserves stood at just over £181,000, slightly less than the previous financial year, but this includes an element of additional cost for the backdated additional rent that had been due as the lease for the premises were finally renegotiated with a rent rise of about 135%.

Membership fees

No increases were made to the membership fees, despite the fact that the benefits of membership have never been greater with considerable information being passed to all members through the mailings. There is a constitutional amendment that may impact upon the number of members the organisation has and no decisions have yet been made about membership fee increases until the vote on that issue has been determined

Course fees

Our courses remain very competitive and offer good value for money with much positive feedback from those attending. We would hope to continue to offer a range of courses that will be of interest to more of our members, with the hope that there may be more cross discipline projects such as the mental health and immigration course run in conjunction with external trainers offering very different insights into issues

Consultants

As the organisation has grown, and as immigration remains as politically sensitive an issue as ever, we are involved in more and more lobbying drafting and campaigning, both on matters within the UK as well as within the European context. Considerable time and effort is made by many members, but we have reached the stage where too much is happening for us to try to respond to everything internally. We have commissioned paid consultants to prepare major policy papers, as a means of ensuring that on the major topics, the work was done by someone who was able to devote sufficient time and energy to an issue that affected many members. The work on the DCA proposals is an illustration of this. We are looking to see whether other policy initiatives and consultation papers might be dealt with in similar fashion, given the importance of being able to

maintain a voice within the debate, at a time when it is increasingly difficult for individual members to be able to devote enough time and energy to respond rapidly to these changes.

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. Despite suffering a modest loss for the last financial year, 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.

Staff

I must again pay tribute to the tremendous efforts put in by our staff, particularly our general secretary.

The future

The membership of ILPA is made up primarily of practitioners providing advice and representation to those seeking help in immigration matters. A large part of the membership work exclusively, or at least primarily on cases which are publicly funded. The radical proposals from the DCA if implemented may impact significantly upon the size and make up of the membership, and at the time of preparing this report it was not possible to say how the immigration environment would look for the forthcoming year.

At this stage it is impossible to make any hard and fast predictions about our finances for the next AGM, or indeed the numbers of members, whether or not the constitutional amendment is approved, but clearly a reduction in the numbers of individuals and organisations providing this advice will impact upon the numbers attending courses and on the numbers wishing to renew their membership, and decisions regarding whether or not to increase course fees or membership rates or categories will need to be reviewed in that light

Along with many others, I do hope that we are all here again for the lunch next year

Jawaid Luqmani

Treasurer

GENERAL SECRETARY'S REPORT

The work of the Secretariat

The core functions of the ILPA secretariat are:

- the administration of liaison with government and other organisations,
- 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

Responses and submissions

Executive Committee members and the sub-committee members have again been asked to respond 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 conveners, 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. Letter to the Minister – Race Relations (Amendment) Act 2002 Ministerial Authorisation under section 19D, 9 December 2002
2. Response to the Home Office Consultation Paper on Entitlement Cards and Identity Fraud, January 2003
3. Response to LCD Consultation Paper CPL 01/03 on Immigration & Asylum Appeals (Procedure) Rules 2003, February 2003
4. Response to the Home Office consultation on 'Juxtaposed Controls Implementation, Dover-Calais', February 2003
5. Response to Proposed Changes on Certificates of Identity, February 2003
6. Submission to Select Committee on the European Union, Sub-Committee F (Social Affairs, Education & Home Affairs) on Proposals to establish a European Border Guard, February 2003
7. Response to Draft Practice Direction - Consultation Trial Bundles CA1 of 2003, March 2003
8. Response to the Lord Chancellor's Department's Consultation on the draft special immigration appeals commission (procedure) rules 2003, March 2003
9. Home Affairs Committee : Submission of ILPA to Enquiry into Asylum Applications, March 2003
10. Response to Chief Adjudicator's Consultation on Draft Practice Direction for Fast Track Procedure, April 2003
11. Response to Draft IAT PD No. 10 on Citation of Determinations, April 2003
12. Response to Inquiry into Asylum and Immigration Appeals : Call for Evidence by the Committee on the Lord Chancellor's Department, April 2003

13. Response to the proposal for relaxation of allocation by postcode, April 2003
14. Response to the Council of Tribunals' Consultation on Model Rules of Procedure for Tribunals, April 2003
15. Letter to the Minister – Race Relations (Amendment) Act 2002 Ministerial Authorisation, 23 April 2003
16. Letter to Steve Lamb - Work Permit User Panel Meeting on 21 February 2003, April 2003
17. Letter to Digby Griffith - Review of NASS Operations, May 2003
18. Joint Memoranda by ILPA, IAS, and the HIV & Immigration Lawyers Group, May 2003
19. Response to consultation on draft practice direction on standard directions in entry appeals, July 2003
20. Response to Proposal for Relaxation of Allocation by Postcode, July 2003
21. Letter to Sarah Gane - Proposal for Relaxation of Allocation by Post Code, July 2003
22. Letter to the Minister : Fees for Immigration Applications, 28 July 2003
23. Letter to the Home Secretary – introduction of compulsory identity card, 29 September 2003
24. Letter to the Home Secretary – S.55 of the NIA Act 2002, 30 September
25. Submissions to the Select Committee on the European Union Sub-Committee F on behalf of ILPA regarding proposal for a Council Directive on the obligation of carriers to communicate passenger information, September 2003
26. Public consultation on proposed changes to publicly funded immigration and asylum work: ILPA's response, August 2003
27. Submissions to the House of Lords Select Committee on the European Union on New Approaches to the Asylum Process
28. Prevention of illegal working: proposed changes to document list under section 8 of the Asylum and Immigration Act 1996, October 2003
29. Response to the Citizenship Ceremonies Consultation document, October 2003
30. Response to the Proposed Amendments to the National Health Service (charges to overseas visitors) Regulations 1989, October 2003
31. Response to Consultation on 'Guidelines to all representatives', November 2003
32. Response to New Legislative Proposals on Asylum Reform, November 2003

Home Office liaison

The Immigration and Nationality Directorate has been restructured during the last year and is largely organised into two main sections:

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

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

During the last year, ILPA has met with the Asylum Casework Group (North) and Nationality Casework Group in Liverpool, the Appeals Group in Croydon, Work Permits UK, ICD General Group in Croydon.

There have been visits to Heathrow, Terminal 3, the Asylum Screening Unit, Croydon, the Asylum Screening Unit and Public Caller Unit (Liverpool), General Group and Work Permits UK in Sheffield, Heathrow Terminal 3. ILPA has had numerous meetings with IND officials during the last year, as listed below, including the Director General and Senior Directors.

ILPA continues to attend the following user groups.

After Entry User Group (Susan Rowlands)

Asylum Processes Stakeholder Group (Susan Rowlands)

Detention User Group (Nadine Finch)

Business User Group (a Business and Employment sub-committee convenor, a sub-committee member, Susan Rowlands)

UK Visas User Group (Susan Rowlands)

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

European Union Policy Group (Nicola Rogers)

Unaccompanied Asylum Seeking Children Stakeholders Group (Liz Barratt)

NASS forum (Sheona York)

Thanks go to the following members who have all attended meetings/visits; many of them have contributed to the preparation and the minutes of the meeting as well as follow up

AAPD – Felicity Clarkson, Iain Walsh, Jeff Lough 17 December 2002

Vicky Guedalla, Sarah Woodhouse, Nadine Finch, Susan Rowlands - Susan Rowlands and Richard Dunstan (Visit to Induction Centre, Dover 27 January 2003)

ICD Stakeholders' meeting – Liverpool 22 January 2003

Paul Morris, Jo Renshaw, Susan Rowlands

Business User Group meeting 18 March 2003

Philip Barth, Philip Trott and Susan Rowlands

Work Permits UK 21 October 2003

Peter Alfandary, Philip Barth, Marian Dixon, Gulay Mehmet and Philip Trott

ICD Liaison, Croydon, 10 March 2003

Peter Alfandary, Nick Rollason, Michael Hanley, Susan Rowlands

Appeals Group 18 May 2003

Matthew Davies, Jackie Peirce, Sally Adams, Chris Randall

Asylum and Nationality Casework, Liverpool 16 September 2003

Rohana Haque, Gary McIndoe, Paul Morris and Susan Rowlands

ASU and PCU, Liverpool 16 September 2003

Rohana Haque and Susan Rowlands

Visit to Oakington 17 June 2003

Pierre Makhoul and Susan Rowlands

General Group and Work Permits UK, Sheffield 13 June 2003

Nicholas Rollason, Gulay Mehmet, Anna Robinson, Frances Smith (OISC), Susan Rowlands

ASU Croydon 2 September 2003

Vicky Guedalla and Susan Rowlands

Director General, IND 27 June 2003

Rick Scannell, Vicky Guedalla and Susan Rowlands

Terminal 3, Heathrow, 19 and 26 June

Ben Sheldrick, Zahid Arain, Marian Dixon, Catherine Handforth, Tony Haque, Kin Hing Lee, Mahmud Quayum, Roseanne E Tugbobo, Shizuko Fujimoto, Natasha Bal, Claudia Manley, Sharmila Mehta, Susan Rowlands

Work Permits UK Way Ahead Conference July 2003

Susan Rowlands and many members

Liaison with courts

Immigration Appellate Authority

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

IAA Users Group: various members

Administrative Court Users Group: Judith Farbey

Asylum Support Adjudicators User Group: Susan Rowlands and members

- Meeting with the Chief Adjudicator 2 September 2003 Judith Farbey and Sarah Woodhouse
- Meeting with the DCA minister, David Lammy 13 November Judith Farbey, Matthew Davies, Sarah Woodhouse and Susan Rowlands

Liaison with Legal Services Commission

- Meeting with Steve Orchard, Chief Executive 16 December 2002 Jane Coker, Andrew Nicol QC, Chris Randall
- LSC Fast Track Pilot Stakeholders meetings 3 April and 16 June Judith Farbey, Chris Randall
- Meeting with Clare Dodgson and Roger Hamilton 4 August 2003 Rick Scannell, Jackie Peirce, Chris Randall and Susan Rowlands
- Meeting with Laura di Blasi, Jenny Willoughby and Rebecca Bowry 31 October 2003 on Expert Reports Wesley Gryk, Mark Henderson and Susan Rowlands

National Audit Office (NAO) – meetings with researchers

Study on Entry Clearance and UK Visas - 24 April 2003

Sarah Woodhouse, Peter Moss, Chris Randall

Asylum Applications - 11 June 2003

Sarah Woodhouse, Vicky Guedalla, Susan Rowlands

UK Visas – management of visa services - 17 November 2003

Peter Moss, Fiona Lindsley, Sharmila Mehta, Susan Rowlands

Members were invited to contribute evidence and views, and many did.

Liaison with other organisations

ARC (Asylum Rights Campaign): Sarah Woodhouse, Alison Stanley. Alasdair Mackenzie and Pierre Makhoulouf have represented ILPA at ARC meetings; Nicola Rogers represents ILPA at ARC EU group meetings; Susan Rowlands attended some of the Article 31 group meetings.

OISC (Office for the Immigration Services Commissioner) ILPA meets the Commissioner on a regular basis: Chris Randall and Susan Rowlands have participated in these meetings. Executive Committee and other members are on the Advisory Group and also act as consultants to the OISC. An amendment to the Articles of Association of ILPA Ltd is being put to the membership at the AGM to allow those registered with or exempted by the ISC to apply for membership of ILPA. Jawaid Luqmani spoke at the OISC conference on 30 October 2003

ECRE (European Council on Refugees and Exiles): ILPA continues to contribute to ECRE 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: Susan Rowlands had observer status on the committee until June 2003. The Executive Committee was invited to nominate a full member of the Committee and has nominated Jawaid Luqmani. ILPA held joint meetings with the Law Society and worked together on projects.

CRE (Commission for Racial Equality): Susan Rowlands represents ILPA on the Immigration Advisory Group.

IPPR has invited Susan Rowlands and others to recent seminars

Information Commissioner Susan Rowlands attended a conference on ID cards

UNHCR Susan Rowlands and Rick Scannell were invited to various meetings, including those with the High Commissioner, the Director for Internal Protection.

Membership

There is a net increase in the number of ILPA members again this year. Applications for membership are now dealt with within weeks.

Current total number of ILPA members 1225

205 new members have joined since the last AGM. Of this number, 138 were individual members and 67 organisations.

The Executive Committee has decided to propose an amendment to the Articles of ILPA Ltd to allow those registered with or exempted by the OISC to apply for membership.

Training - a record year!

As predicted in last year's Annual Report, ILPA has been able to provide a larger and more varied training programme than in the previous three years. In the year spent planning the ILPA Asylum Caseworker Training project, and in the two years of running the project, the provision of other training was limited. Since the last AGM, ILPA was responsible for the last three eight-day and eight update courses of the ILPA ACT project (December 2002 – March 2003).

In addition, since the last AGM, ILPA has provided 89 training sessions. Although most of these were held in London, an increasingly successful programme of courses is being organised in Birmingham and Leeds. Two courses were held in Glasgow with the Law Society of Scotland, and others are planned. By encouraging local practitioners to bring their needs to our attention, we are better able to provide the courses they will attend so fewer courses have had to be cancelled.

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, Anna Robinson, Nadine Goldfoot.

Speakers: Most trainers for ILPA courses are ILPA members; UNHCR staff; and Home Office officials from ICD North, Asylum Group and General Group, ICD, Croydon, Immigration Service and Work Permits UK have contributed to ILPA ACT and ILPA courses.

Lists of speakers at ILPA and ILPA ACT Project training follow (pages 21- 29)

Enormous thanks are due to all speakers: not only for their expertise and their careful preparation, but also for the enthusiasm for the subject that they impart to participants. We are delighted that some speakers have been using powerpoint. Kit and Helen are planning a powerpoint session in the new year to show speakers who are new to powerpoint, handy hints and tips.

Partners: Some courses have been jointly provided with Bail for Immigration Detainees (BID), The Law Society of Scotland, the Tavistock and Portman NHS Trust

Venues and materials: Many members have offered ILPA the use of their premises: this is greatly appreciated and this year ILPA courses have been generously hosted by Baker & McKenzie, Bindman and Partners, Eversheds, Lovells, Reed Smith. Materials for some courses have been produced for ILPA by these firms and also by Cloisters Chambers.

Seminars/Conferences:

IARLJ (International Association of Refugee Law Judges) /ILPA:

A seminar is being organized with the IARLJ and the Medical Foundation on Expert Evidence. January 2003

ILPA sponsored the **IBA conference: Global Business Immigration** November 2003

ILPA sponsored the **Society of Black Lawyers Conference: The Economics and Politics of Immigration** March 2003

The struggle for civil liberties and freedom: our tribute to Larry Grant

Organized by ILPA and other organizations 24 June 2003

Publications and Projects

Funders: ILPA is grateful to the Legal Services Commission for funding the Asylum Casework Training project (ACT). It has also contributed to the funding of *Challenging immigration detention: a best practice guide* (jointly published by ILPA and BID, with the Law Society). The Law Society has contributed to the funding of both best practice guides.

Nuffield foundation, INRIC, IAS, RLC, EIN, Medical Foundation, Doughty Street Chambers, Renaissance Chambers and 2 Garden Court Chambers have contributed to funding the *Best Practice Guide to Asylum and Human Rights Appeals*.

Publications:

Best Practice Guide to Asylum and Human Rights Appeals 2003 (ILPA and RLG)

Challenging Immigration Detention, a best practice guide 2003 (ILPA, BID and The Law Society)

CLS Leaflets *Claiming Asylum : your rights if you are a refugee*
Immigration and Nationality : your rights to live and work in the UK
(Consumer Association and ILPA)

Challenging Racism Using the Human Rights Act 2003 (DLA, 1990 Trust and ILPA) Lawrence and Wishart

Ministerial statements made during the passage of the Nationality, Immigration and Asylum Act 2002 - available only on disk and on the ILPA website

New Projects and projects in progress:

Asylum seekers: a guide to recent legislation

(RIS/ILPA) to be published in December 2003

Working with children subject to immigration controls: guidelines for best practice

(ILPA, IPPR) Funded by Nuffield Foundation

Seeking asylum alone - the treatment of separated and trafficked children in need of refugee protection

ILPA will contribute to the project co-ordinated by Jacqueline Bhabha of Harvard University and Mary Crock of University of Sydney

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	2
European	10
Family & General	11
Business & Employment	7
Legal Aid	3
Refugee	3
Training	3

Members Meetings:

- **A discussion forum on Appeals under Part 5 of the Nationality, Immigration and Asylum Act 2002**
Monday 19 May 2003
- **Meeting on the LCD Consultation Paper on Changes to Publicly Funded Immigration and Asylum Work**
Thursday 3 July 2003
- **Emergency meeting with Bill Brandon – announced by email**
Thursday 10 July 2003
- **Further meeting on DCA (LCD) consultation paper on changes to public funding of immigration and asylum work**
Monday 4 August 2003
- **Meeting on proposed resolution on ILPA membership**
Monday 6 October 2003
- **Launch of the Best Practice Guide to Asylum and Human Rights Appeals**

Monday 20 October 2003

- **New Safe Third Country procedures – ‘Dublin II’**
3 November 2003
- **Australian Refugee Processing, Public Funding and Judicial Review Issues**
A talk by David Bitel, attorney of Parish Patience Immigration
Tuesday 25 November 2003

MAILINGS

There have been 14 mailings and 358 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 rom to search the database for those enclosures you remember but cannot find. We can also find the enclosure and send it to you. A reminder: it is best not to ask for this when you are outside the courtroom! We cannot always provide this assistance on the day you ask for it.

Immigration News

When we look back at all the announcements in the Immigration News section of the Information for Members, we realised how many announcements have been publicised in the last year. To assist those members whose copies are scattered, we are compiling the Immigration News section of the year's mailings. The compilation will be available to members soon after the AGM.

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
Jane Savory	ACT Project administrator (to 31 March 2003)
Jane Aspden	ACT Project co-ordinator (to 31 March 2003)
Gail Elliman	ACT Project trainer (to 31 March 2003)

They are supported by Pat Kahn (designer), Helen Dewar (librarian), Andy Humphreys (technical expert) and Jeremy Stone (book keeper).

Administration

In last year's annual report I described the improvements to our administrative systems introduced and maintained by Kit Eaves and Helen Williams. Without those changes, it would not have been possible to provide members with the extensive training programme delivered in the last year.

Members will also have noticed that we are more efficient at administering both new applications for membership and renewals.

Kit continues to develop our accounts package and despite the bank's best efforts, receipts and payments are both dealt with promptly and expertly recorded. Kit is responsible for updating the ILPA website and plans to improve it in the forthcoming year. She is also responsible for keeping us technically competent and for dealing with all human and mechanical failings when our network crashes, our phones are cut off, we have no heating. She manages the work of the secretariat with a light touch, which hides meticulous planning and organisational skills.

Elizabeth White works with the training sub-committee to set up and publish the training programme, which involves inviting speakers, setting dates, organising venues and course details.

Helen is responsible for recording and confirming bookings, the distribution of course outlines, materials, and the general administration of the courses. Everyone assists with administering the courses on the day. The entire administration of membership applications and remittances is Helen's responsibility.

Helen also copy edits and formats ILPA publications – this year she has concentrated on the Challenging Detention best practice guide and the Ministerial Statements on the NIAA 2002.

Elizabeth prepares the materials for the mailings; this is a massive and ongoing task: as one is despatched the next one is being collated.

Elizabeth also acts as my personal assistant, setting up the numerous meetings with the Home Office, LSC and other organisations listed above and ensuring that my and Executive Committee members' deadlines are met.

Kit, Elizabeth and Helen have all worked for ILPA for more than two years – they have established a strong team spirit, support each other and take over each other's responsibilities when necessary with efficiency and unfailingly with good humour. They are increasingly able to deal with the variety of enquiries that are made to the office, usually needing urgent attention.

A recent visitor to ILPA - a senior director of IND - having met "the team", asked where the other ILPA offices were. It is to the credit of the staff that their output far exceeds expectations.

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 organisations and to the public.

My thanks go to Kit, Helen and Elizabeth, thanks to the executive committee members for their support and encouragement, and special thanks to the many members who have made our work worthwhile and enjoyable despite the blistering attacks on much of their work.

Susan Rowlands

General Secretary

ILPA TRAINING

Courses

ILPA Training courses

NB: course location is London unless stated otherwise

Date	Course Title	Delegates
3 December 2002	Home Office policy, concessions and the exercise of discretion outside the immigration rules	50
5 December 2002	Running an asylum/immigration case under an LSC contract	39
17 December 2002	Asylum & human rights appeals an introduction,(Birmingham)	14
14 January 2003	Highly Skilled Migrant Programme, all you need to know	60
16 January 2003	Advanced Course for Supervisors, recent developments in Asylum Law, incl. ECHR (Birmingham)	22
22 January 2003	Mental Health: best practice with a human rights focus	19
28 January 2003	Child Asylum Seekers	43
30 January 2003	False imprisonment compensation claims & private law remedies in immigration cases	24
3 February 2003	ILPA/LAW SOCIETY OF SCOTLAND COURSE 1: Basic Immigration Law (Glasgow)	19
5 February 2003	Community law on refugees & third country nationals European Immigration & asylum measure in the UK	22
11 February 2003	Nationality, Immigration and Asylum Act 2002 (Leeds)	34
12 February 2003	Basic Asylum Law	41
13 February 2003	Recent case law on Article 8 ECHR, domestic and ECHR	45
19 February 2003	Representing clients at IND interviews	22
20 February 2003	Somali Asylum and Family Reunion Applications	40
28 February 2003	Advanced European Union Law	32

Date	Course Title	Delegates
4 March 2003	Advanced training in Judicial Review	42
5 March 2003	Appeals to the IAT: whether, when and how to appeal	62
10 March 2003	Basic Immigration Law	35
13 March 2003	Family settlement with special reference to South Asia	25
19 March 2003	ILPA/HIG Course: Asylum Support Adjudicators: preparing & representing appeals	18
20 March 2003	Running an asylum/immigration case under an LSC contract (Leeds)	20
24-March 2003	ILPA/LAW SOCIETY OF SCOTLAND COURSE II: Basic Asylum Law (Glasgow)	34
28-March 2003	Home Office Policy, concessions & the exercise of discretion outside the rules (Manchester)	41
2 April 2003	Basic representation and advocacy	40
9 April 2003	Specialist seminar for experienced practitioners: trafficking for prostitution & domestic labour	12
3 April 2003	Somali Asylum and Family Reunion Applications (Manchester)	19
10 April 2003	Basic Judicial Review, Your very first Judicial Review	43
29 April 2003	Introduction to employment-related business immigration law	23
6 May 2003	Asylum, housing & subsistence: current problems & new measures under the Nationality, Immigration & Asylum Act 2002	17
8 May 2003	Highly Skilled Migrant Programme: all you need to know	25
14 May 2003	Basic course on approaching business and employment cases	23
15 May 2003	Basic course on Association Agreements: how to assist nationals from Bulgaria, Romania, Czech Republic, Slovakia, Slovenia, Lithuania, Latvia, Poland & Hungary	23
16 May 2003	Advanced course for supervisors: Recent developments in immigration law (Leeds)	<i>cancelled</i>

Date	Course Title	Delegates
22 May 2003	Introduction to the Nationality, Immigration & Asylum Act 2002 Part 5 - Appeals	54
3 June 2003	Race discrimination and immigration	24
5 June 2003	Conscientious objection to military service: how to argue for refugee status after the decision of the House of Lords in Sepet and Bulbul (Leeds)	<i>cancelled</i>
9 June 2003	Non-suspensive appeals under Section 115 of Nationality, Immigration and Asylum Act 2002	40
11 June 2003	ILPA/BID: Bail Applications: how to challenge detention	32
12 June 2003	Basic Immigration law on EU nationals and their families	20
16 June 2003	Business and employment cases: what can go wrong?	34
20 June 2003	Statutory review - new rules, new targets	45
25 June 2003	UK nationality law: current developments	45
26 June 2003	Putting Children First - a guide to family law for immigration practitioners	19
1 July 2003	Introduction to the Nationality, Immigration & Asylum Act 2002 - entitlement to support	13
2 July 2003	Advanced course for supervisors: Recent developments in asylum law including reference to the ECHR	45
9 July 2003	Third country nationals with EA family members	27
16 July 2003	Applying the ECHR: asylum related cases, detention, immigration and support	29
17 July 2003	Conscientious objection to military service: how to argue for refugee status after the decision of the House of Lords in Sepet and Bulbul	13
22 July 2003	Immigration, extra territoriality and human rights: where and how rights are breached in removal cases	45
4 June 2003	Statutory Review - new rules, new targets	42

Date	Course Title	Delegates
23 July 2003	Home Office policy, concessions and the exercise of discretion outside the Immigration Rules	49
24 July 2003	Advanced course for experienced caseworkers: Recent developments in immigration law	63
29 July 2003	European applications	25
30 July 2003	Basic Judicial Review - your very first judicial review	37
28 July 2003	Statutory review - new rules, new targets (Leeds)	21
4 August 2003	Statutory review - new rules, new targets (Birmingham)	18
16 September 2003	Basic representation and advocacy	32
23 September 2003	Seminar on appeals	20
29 September 2003	Basic asylum law	15
30 September 2003	Basic course on association agreements: how to assist nationals from Turkey	36
1 October 2003	Basic immigration law 1	29
7 October 2003	Appeals to the IAT: whether, when and how to appeal (Birmingham)	24
9 October 2003	Basic Immigration law 2	31
16 October 2003	ILPA/BID course: bail applications - how to challenge detention	28
23 October 2003	Advanced course for experienced caseworkers: recent developments in immigration law (Birmingham)	44
28 October 2003	Basic immigration law 3	37
29 October 2003	Managed migration: recent changes in immigration practice, policy and procedure (ILPA members only)	111
13 October 2003	Overview of employment-related business immigration law	30
20 October 2003	Home Office policy, concessions and the exercise of discretion outside the immigration rules	18

Date	Course Title	Delegates
22 October 2003	Non-suspensive appeals: a practical approach	23
27 October 2003	Race discrimination and immigration	15
30 October 2003	Advanced course for supervisors, recent developments in asylum law including reference to the ECHR	44
4 November 2003	Asylum and human rights appeals for beginners: preparing and presenting an appeal	28
5 November 2003	HIV diagnosis: the asylum and immigration implications	22
6 November 2003	Child asylum seekers	23
10 November 2003	How to do a section 55 judicial review and latest asylum support developments	18
11 November 2003	Mental health: best practice with a human rights focus	<i>postponed</i>
12 November 2003	UK nationality law: current developments	34
19 November 2003	Adoption - a guide for immigration practitioners	19
20 November 2003	Appeals to the IAT: whether, when and how to appeal – (Leeds)	32
27 November 2003	ILPA / The Tavistock & Portman NHS Trust course: understanding the mental health needs of refugees & asylum seekers	19

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
Naomi Angell	Osbornes Solicitors
Navita Atreya	Renaissance Chambers
Tim Barnden	Glazer Delmar Solicitors
Nadine Barnole	Reed Smith Solicitors
Sophie Barrett-Brown	Laura Devine Solicitors
Peter Bartram	Bartram and Co Solicitors
Tim Baster	Bail for Immigration Detainees
Nathalia Berkowitz	Legal Draftsperson
Wendy Bilton	IND Managed Migration Directorate
Nicholas Blake QC	Matrix Chambers
Tracey Bloom	Doughty Street Chambers
Sarah Booker	Freelance legal representative
George Brendon	Refugee Legal Centre
Melissa Canavan	Refugee Legal Centre
Jennifer Carr	Reed Smith Solicitors
Nicola Carter	Magrath and Co Solicitors
Rebecca Chapman	Tooks Court Chambers
Barbara Cohen	Independent Consultant
Emma Cohen	Bates Wells and Braithwaite Solicitors
Jane Coker	Part time adjudicator
Owen Davies	Laura Devine Solicitors
Rachael Despicht	Birnberg Peirce and Partners Solicitors
Laura Devine	Laura Devine Solicitors
Marian Dixon	Lovells Solicitors
John Downing	IND Managed Migration Directorate

Rosemary Earp	IND Managed Migration Directorate
Tim Eicke	Essex Court Chambers
Gail Elliman	Part time adjudicator
John Ellinor	IND Managed Migration Directorate
James Elliot	Wilson and Co Solicitors
Judith Farbey	Tooks Court Chambers
Nadine Finch	2 Garden Court Chambers
Laurie Fransman QC	2 Garden Court Chambers
Daniel Fryer	Turpin Miller and Higgins Solicitors
Lorraine Fussey	UKvisas
Sonal Ghelani	Refugee Legal Centre
Christina Gordon	Tooks Court Chambers
Vicky Guedalla	Deighton Guedalla Solicitors
Michael Hanley	Wilson and Co Solicitors
Tony Haque	Baker and McKenzie Solicitors
Alison Hunter	Wesley Gryk Solicitors
Charles James	James and Co Solicitors
Chris Jones	Work Permits UK
Trevor Jones	Work Permits UK
Peter Jorro	2 Garden Court Chambers
Garry Kelly	Freelance legal representative
Steve Lamb	Work Permits UK
Lanis Levy	Glazer Delmar Solicitors
Fiona Lindsley	Hackney Community Law Centre
Ravi Low-Ber	Refugee Legal Centre
Sue Lukes	Independent Consultant
Jawaid Luqmani	Luqmani Thompson and Partners Solicitors
Pierre Makhlof	Hackney Community Law Centre
Kate Markus	Doughty Street Chambers
Paul Morris	South Manchester Law Centre
Peter Moss	Bates Wells and Braithwaite Solicitors

Tublu Mukherjee	Doughty Street Chambers
Andrew Nicol QC	Doughty Street Chambers
Declan O'Dempsey	Cloisters Chambers
Bharat Pamnani	Work Permits UK
Christina Parry	IND Managed Migration Directorate
Mark Phillips	Tyndallwoods Solicitors
Caron Pope	Reed Smith Solicitors
Chris Randall	Winstanley Burgess Solicitors
Nicola Rogers	2 Garden Court Chambers
Nick Rollason	Kingsley Napley Solicitors
Laurence Saffer	Henry Hyams and Co Solicitors
Rick Scannell	2 Garden Court Chambers
Mark Scott	Bhatt Murphy Solicitors
Duran Seddon	2 Garden Court Chambers
Mark Self	Work Permits UK
Ben Sheldrick	Magrath and Co Solicitors
Graham Smith	Immigration Advisor
Martin Soorjoo	Tooks Court Chambers
Hugh Southey	Tooks Court Chambers
Alison Stanley	Bindman and Partners Solicitors
Sehba Storey	Chief Asylum Support Adjudicator
Karen Sturtivant	Sturtivant and Co Solicitors
Mark Symes	O'Keeffe Solicitors
Sally Thompson	Luqmani Thompson and Partners Solicitors
Ronan Toal	2 Garden Court Chambers
Ann-Marie Tootell	Wilson and Co Solicitors
Brock Trethowan	Adjudicator
Philip Turpin	Turpin Miller and Higgins Solicitors
John Walsh	Doughty Street Chambers
Fran Webber	2 Garden Court Chambers
Amanda Weston	Garden Court North

Richard Williams	Refugee Council
Sue Willman	Pierce Glynn Solicitors
Sarah Woodhouse	Birnberg Peirce and Partners Solicitors
Trevor Wornham	Wornham and Co Solicitors

The Asylum Caseworker Training Project Speakers

Speaker	Organisation / Firm (at time of course)
Jane Aspden	ACT Project
Tim Barden	Glazer Delmar
Sarah Booker	Freelance legal representative
George Brown	Kenworthys Chambers
Emma Cohen	Bates, Wells and Braithwaite
Gail Elliman	ACT Project
Michael Malutshi	Freelance legal representative
Gary McIndoe	Greater Manchester Immigration Aid Unit
Chris Randall	Winstanley Burgess
Hari Sangha	Freelance legal representative
Peter Simm	AS Law
Manjit Singh	Goldfarb Singh
Hugh Southey	Tooks Court
Alison Stanley	Bindman and Partners

ACCESS TO JUSTICE SUB-COMMITTEE REPORT

The Access to Justice Sub-Committee has undertaken ILPA's response to:

- The draft Immigration and Asylum (Appeals) Procedure Rules 2003
- The draft Special Immigration Appeals Commission (Procedure) Rules 2003
- The draft Practice Direction for Fast Track Procedure
- The draft Practice Direction on Trial Bundles
- The draft Practice Direction on Standard Directions in Entry Clearance Appeals
- IAA proposals for relaxation of allocation of IAA business by postcode
- The Chief Adjudicator's Guidelines for Representatives.

We also produced ILPA's written evidence to the LCD/DCA Committee's enquiry into asylum and immigration appeals. Judith Farbey advised the Committee on the advisable scope and remit of the enquiry and her comments were incorporated into the final statement of its remit. She has also advised the LCD on the appeals system.

We have attended joint LSC/Home Office meetings about the new fast track procedures, as well as responding to smaller IAA consultations about everyday matters in the IAA.

The sub-committee organised a well attended summer members' meeting on Part 5 of the Nationality, Immigration and Asylum Act 2002.

Judith Farbey and Chris Randall 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. Most of its work is carried out via our email chain. If you wish to join the email group, please let the ILPA office know.

Co-convenors: Judith Farbey, Declan O'Dempsey & Jim Gillespie

Judith Farbey

EUROPEAN SUB-COMMITTEE REPORT

Introduction

The European Sub-committee of ILPA has been in existence for over ten years now. It is chaired jointly by Elspeth Guild, Kingsley Napley and Nicola Rogers, 2 Garden Court Chambers.

The Sub-Committee attempts to monitor, respond to and lobby on legislative proposals primarily at the European Union level. We are regularly invited to submit both written and oral evidence to Select Committees of Parliament, primarily in the House of Lords. This year we have given evidence on issues as wide ranging as the exchange of information on passenger data and a proposal for EU border guards. Where it is possible we participate in EU related policy meetings with EU institutions and the Home Office. We have been involved in a considerable amount of briefing Members of the European Parliament on areas of particular concern to us, most recently the EU Citizens' Directive.

With the coming into force of the Dublin Regulation (replacing the Dublin Convention) and gradually asylum and immigration measures adopted under Title IV of the EU Treaty, there is an ever increasing interrelationship between EU law and domestic law and we work with other sub-committees in areas of mutual concern. Nicola has been representing the Sub-Committee on the Executive Committee for 4 years now.

This year has seen closer co-operation with other NGOs and lawyers across the EU particularly on issues surround the new European Constitution which will have great significance for the next stages in the development of EU asylum and immigration policy and law.

Bearing in mind of the importance of keeping the membership abreast with developments at an EU level the Sub-Committee has held a number of members' meetings over the last year on important case law developments as well as legislative changes such as on the Dublin Regulation. The Sub-Committee continues to produce a quarterly update on EU law which includes information on legislative and jurisprudential developments.

The People

The European Sub-Committee is extremely busy and productive. A quick glance at the ILPA website reveals the vast amount of work undertaken by the Sub-Committee over a broad spectrum of issues from labour migration to the Government's proposals for external processing of asylum claims in third countries.

I would like to especially thank a number of people on the Sub-Committee who have devoted enormous amounts of time and energy to the Sub-Committee to ensure the success of its activities: *Ryszard Cholewinski, Steve Peers, Bernard Ryan, Helen Toner, Don Flynn and Richard Williams*

Many thanks are also due to all the other members of the Sub-Committee who have participated so generously and willingly in the work. Without their dedication the subcommittee would not exist. This expression of thanks would not be complete without a special mention of our correspondents elsewhere in Europe who provide vital information and assistance, specifically: Kees Groenendijk (Netherlands) for his work on the Turkish and CEEC cases for the Update; Ivo Magne (Netherlands) and Chiara Favilli (Italy) for their contributions on developments elsewhere in Europe; and Holger Hoffmann (Germany) for his participation in so many of the activities. In other organisations special thanks go to Annelise Baldaccini (JUSTICE) and Susie Algerie (Amnesty International, Brussels Office)

I would also like to take this opportunity to thank my co-convenor, Elspeth, who has an extraordinary level of enthusiasm spurring the rest of the Sub-Committee into action. Apart from ensuring that the Sub-Committee meets in the convivial surrounds of Kingsley Napley with the attendant refreshments, she tirelessly attends meetings and produces written contributions on behalf of ILPA.

The Current State of Play

The EU has embarked on a process of drafting a new constitution. The potential implications for asylum and immigration law and policy are vast. The EU will embark on what has come to be termed stage Two of the Title IV process, where the EU attempts not only to harmonise asylum and immigration policy but to have common standards. Whilst all of the legislation concluded so far under the Amsterdam process have been minimum standards, they had the advantage at least, that it is always open to Member States to adopt higher standards than those agreed at EU level. In Stage Two a coherent set of “common standards” would mean that deviation from the accepted norm would not be permitted.

The Amsterdam process has engendered much debate and work for the Sub-Committee in responding to and lobbying on legislative proposals. Particularly in the field of asylum, however, the results have been extremely disappointing. Time is running out now as the two final directives on asylum namely the Asylum Procedures Directive and the Directive Defining a Refugee and those eligible for Subsidiary Protection seem shortly to be agreed and adopted. As the process surrounding the adoption of the Directive on Reception Conditions for Asylum Seekers demonstrated, a fairly even handed proposal by the European Commission can be hijacked and severely denigrated by the Council made up of representatives from Member States. This is not surprising given that many Member States have particular areas of restrictive policy that they wish to retain but confirms our earlier fears that this process might in fact represent a race to the bottom in terms of standards and that “minimum standards” really are the very minimum they could be!

The Sub-Committee will undoubtedly have its work cut out for it in the coming year. Much of the legislation that has been adopted by the EU in this field will have to be implemented into domestic law in the coming months. The Sub-Committee will be busy attempting to ensure correct implementation of at least those standards worth preserving.

Come and Join

We always welcome new members to the Sub-Committee. Our meetings are informal and our discussions revolve around both legislative developments at EU level and the European Court of Justice’s case-law. It is a good way of keeping up to date with important developments and an opportunity of thinking outside of the domestic sphere.

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 Mishcon De Reya. Philip has substantial experience acting for corporate and individual clients with a particular emphasis on economically driven migration. Gulay Mehmet is head of the immigration unit at Penningtons Solicitors. She covers all aspects of immigration law. She acts for large corporations as well as small businesses.

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 and the Home Office Business User Panel. Over the last year the Sub-Committee has regularly discussed and raised issues relating to employment and business practice by the Home Office (including Work Permits (UK)) and has, among other matters,:-

- prepared and submitted representations in relation to the criteria for extensions of leave to remain under the Highly Skilled Migrants Programme, successfully ensuring that the threshold for economic activity is low and that leave granted under the HSMP can be aggregated with previous leave from other categories that lead to settlement;
- continued to press Work Permits (UK) for better decision-making and general consistency;
- finally succeeded, with the assistance of an excellent submission by Rick Scannell, in procuring that Work Permits (UK) acknowledge that its policy and related guidance notes in connection with the status of work permit holders who leave their employment prematurely was incorrect. As a result, there are ongoing discussions in response to Work Permits (UK)'s proposals for the imposition of a responsibility for employers to notify the termination of employment and for the automatic commencement of curtailment action;
- attended two Home Office Business User Panel meetings. Through this representation the Sub-Committee has generally represented the interests of economically driven migrants and their advisers and, amongst other things, continued to lobby for clarification of aspects of the Highly Skilled Migrant Programme, which has led to (i) the acceptance of professional qualifications for point scoring purposes and (ii) the restructuring of the programme so that applicants from overseas do not have to make a simultaneous entry clearance application which means that an HSMP refusal does not give rise to an adverse immigration decision. In addition, regular pressure by members of the Sub-Committee has contributed to the long overdue

publication on the Home Office website of a consolidated version of the Immigration Rules (at last!).

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, Gulay Mehmet, Philip Trott

FAMILY & GENERAL IMMIGRATION SUB-COMMITTEE REPORT

This subcommittee has continued to meet on the third Tuesday of the month, 6.30 pm, at the Brunei Gallery, School of Oriental and African Studies, courtesy of Dr Werner Menski. All ILPA members interested in immigration issues relevant to families, or not covered by any other subcommittee are very welcome to attend – please do come!

During much of this year, Andrew Hope has worked with the subcommittee on a detailed and lengthy document to incorporate long-standing concessions into the immigration rules, both for clarity for individuals seeking to understand their position, and so that Home Office decisions which do not reflect concessions are appealable. Although this has been a Home Office aspiration since 2001, the change in the rules of 31 March 2003 was incomplete and still fails to take into account some of the longest-standing concessions, such as the ‘under-12 concession’ or the practice of dealing with Turkish nationals’ applications under the EC Association Agreement. By the time of the AGM, ILPA will have submitted our proposals to the Home Office. The subcommittee, and ILPA as a whole, are very grateful to Andrew for his meticulous and dedicated work on this project.

The subcommittee was disappointed by the change in the rules to give spouses a two years probationary period and to make it impossible for visitors whose circumstances change to switch to remain as spouses, with no transitional period at all. Our protests to the Home Office, sadly, had no effect but the change for working holidaymakers is welcome, though we have to see how it works in practice.

The Home Office report on family visitor appeals finally came out in June 2003, based on research carried out mainly in 2001, when there was still a fee to lodge appeals. It concluded that the lack of clear and detailed information about appeal rights, and the perception that appeals were complicated and costly were the main reasons against appealing, and that having access to advice had a strong effect in people choosing oral appeals, and therefore in their chances of success.

The subcommittee has continued also to concentrate on nationality issues. Members attended the 4 March 2003 London consultation by the Home Office working group on ‘Life in the UK’, looking at the new citizenship requirements, between its interim and final report. We welcome its strong recommendation that the settlement and residence requirements for free ESOL classes should be abolished – ILPA continues to press the Home Office and DfES on this. We drafted ILPA’s response to the Home Office consultation paper on the new citizenship ceremonies – grateful thanks to Ramnik Shah for all his work and thought on this.

The subcommittee has also worked on ILPA’s comments on the Department of Health’s proposals to restrict access to the NHS, which could cause hardship to people who have lived here for long periods and also cause public health problems if people are too afraid to seek treatment, or are refused treatment. We have been concerned through the year about the insidious publicity which Migration Watch UK and Anthony Browne have received for their often inaccurate and inflammatory views. With the Employment and Business subcommittee, we wrote to oppose strongly the Home Office sudden decision to charge flat-rate fees of £155 or £250 for all immigration applications and continue to investigate ways to challenge this. We also responded to the Home Office consultation document on illegal working, expressing our concern that the documents requested will again not be helpful for those people who are able to work but who are most likely to have problems in proving their status.

For the future, the subcommittee will monitor the effects of the Home Office policy to require non-EU nationals to obtain residence permits, and the increased use of entry clearance for non-visa nationals planning long-term stays here, as well as any other changes affecting families. We will lobby on the implementation of the children's Green Paper, *Every child matters*, written after Victoria Climbié's tragic death but with no acknowledgement that she was a child illegally trafficked into the UK, to ensure that children subject to immigration control have the same protection. The Home Office decision to allow asylum-seeking families with children who applied before October 2000 to settle is a welcome indication that they may have begun to recognise the damage caused to children by immigration control, but their intention to remove support from failed asylum seekers with children would appear to contradict this. We support ILPA's intention to research and write guidelines for Home Office officials dealing with children subject to immigration control. Please join us in this work!

Convenor : Sue Shutter

LEGAL AID SUB-COMMITTEE REPORT

This year has been an active one for members involved with the sub-committee.

Proceedings have been dominated since June by the DCA proposals published in June to cap legal aid spending on asylum and immigration cases, and to introduce a unique file number for applicants [mainly to police the first suggestion] and yet another accreditation scheme. The LSC published a draft specification shortly afterwards indicating how the General Civil Contract would change if the proposals were implemented.

ILPA responded vigorously to these proposals which cut to the heart of the service standards most of our members aspire to.

1] We appointed a small group consisting of Mark Henderson, Sarah Woodhouse, Judith Farbey and myself to co-ordinate the ILPA response. We took an early decision to appoint Alasdair Mackenzie to work for ILPA for two months over the summer to work on our response.

2] We consulted widely with our members over the response, holding two members' meetings, at the first of which a very significant number of practices indicated that they would cease to do publicly funded work if the proposal were implemented.

3] We arranged co-ordination meetings with other NGOs, and co-ordinated informally over the summer and autumn to seek to ensure that the issue was raised in a consistent way in a large number of different fora.

4] Members had numerous communications with community organizations to seek to stimulate a response from them. The Refugee Council organized an opportunity for Jawaid Luqmani to address a group of community organizations on the issue.

5] ILPA arranged funded and published an opinion from Rabinder Singh QC on the proposals, which concluded that the proposed 'hard cap' was probably unlawful under domestic law.

6] ILPA arranged meetings over the summer, prior to our submission, with leading figures in the field to lobby for our position, including

1] Clare Dodgson

2] Henry Hodge

3] John Scampion

A meeting with David Lammy will have taken place by the time of the AGM.

ILPA produced an excellent response, which has been widely complimented. Thank you to all who contributed. At the time of writing we still await a formal response from the LSC/DCA to the 300 or so submissions they have received.

In October Judith Farbey of ILPA gave evidence to the Select Committee on the DCA on the subject. At the end of October the committee produced a report which was very critical of the original proposals. Just before publication the LSC produced to the Committee a new document which suggested that they might be moving away from the 'hard cap' approach to 'thresholds', although no details were provided. It remains to be seen how significant these changes actually are – we will have to await the detail. Certainly the changes will have to be substantial to allow quality to be maintained.

ILPA took an early policy decision that it was best for ILPA to concentrate on lobbying and for other organizations to lead a public campaign against the cuts, to avoid accusations of self-interest. ILPA thus supports the Campaign Against Legal Aid Cuts.

Whatever the outcome of the consultation, the episode has deeply undermined the confidence of the sector in the commitment of the LSC to funding quality immigration advice. The wholesale yet arbitrary abandonment of the LSC's time-standards for types of work, which had been in place for many years, the apparent acceptance that some of the best suppliers would cease to do legal aid work, the apparent indifference to the fate of clients in these circumstances, and to those suppliers who had only recently expanded their provision at the request of the LSC, have all contributed to this feeling. Much work will need to be done to rectify this.

It is also noteworthy that when the LSC submitted their late memo to the Select Committee on the DCA, in addition to the movement which was suggested on the issue of the hardness of the caps, the LSC ended the paper 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. This suggestion makes it clear that whatever is the system that is to be put in place in the short term, there are further very significant battles just around the corner.

One of the significant changes over this year for ILPA has been a change in the relationship with the LSC. As has been discussed at previous AGMs the relationship has in the past been complex, but at some levels, beneficial. It must be in the balance as to how the relationship continues, and members will need to consider this important choice in the next year.

Convenor: Chris Randall

REFUGEE SUB-COMMITTEE REPORT

The year has been dominated by the threat to the public funding of representation, which is dealt with elsewhere in the Annual Report. Caselaw has been a mixed bag. Some liberal decisions by the Court of Appeal earlier in the year were overshadowed by a series of decisions on human rights during the latter part of the year which provoked members of the Sub-committee to propose agenda items questioning the utility in carrying on.

Submissions prepared by the Sub-committee included those responding to the Home Affairs Select Committee enquiry into asylum applications and the IAT's Practice Direction preventing the citation of decisions which it characterised as 'unreported'.

Progress has been made on the new electronic version of the ILPA Directory of Experts in conjunction with the EIN. Sections of this should be up and running on the EIN's website by the end of the year. A questionnaire addressed to representatives and experts will be distributed shortly. Thanks to all members who have already submitted recommendations for experts to ilpaexperts@ein.org.uk. Please keep them coming.

As part of the DCA and LSC's proposals on legal aid, the LSC is presently looking at measures to 'accredit' experts and control the cost of instructing experts. ILPA is therefore seeking to engage the LSC with constructive proposals to improve the quality of expert evidence, including training and guidance.

Much of the Convenor's year was spent updating, and handling the funding and publication of the ILPA/RLG Best Practice Guide to Asylum and Human Rights Appeals. This was, by some measure, the biggest publishing project in which ILPA has ever engaged. It could not have happened without the support of many people, including numerous members of the Sub-committee who gave very generously of their time in researching and discussing queries, and commenting on drafts. Over 3000 copies have now been distributed.

The Sub-committee held a number of meetings over the year. These were increasingly well attended, with thanks to O'Keeffe Solicitors for hosting and for free refreshments. Mark Symes now acts as co-convenor of the Sub-committee. Anyone who wishes to attend meetings (or simply go on the email list) can email m.henderson@doughtystreet.co.uk.

Co-convenors: Mark Henderson and Mark Symes

Mark Henderson