



IMMIGRATION LAW PRACTITIONERS' ASSOCIATION
PRESIDENT: IAN MACDONALD QC

ILPA ANNUAL REPORT 2001-2002

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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

Last year I introduced my report by reference to the dashed hopes of practitioners who may have looked forward to a period of consolidation given the significant changes implemented by both the Immigration and Asylum Act 1999 and the October 2000 coming into force of the Human Rights Act. I referred to the voracious political appetite of the Home Secretary who at that time had, as well as introducing the Anti-Terrorism, Crime and Security Bill (now of course in force and being used to intern persons suspected by the Home Secretary to be international terrorists), announced on 3rd October (as part of a “concerted drive against illegal immigration”) his plan of “a fundamental overhaul of the asylum and immigration systems”.

One year on and we have not only seen the detail of the Home Secretary's plans (first seen in the White Paper *Secure Borders, Safe Haven* published in February 2002), but we have on the statute books the Nationality, Immigration and Asylum Act 2002. This Act was passed on 7th November 2002. Numerous provisions, including most significantly provisions which prevent ‘in-country’ appeals in cases certified as “clearly unfounded”, are already in force – this despite the fact that the Act was itself not even due to be published until 28th November 2002!

It is not surprising then that I should say that it has been a whirlwind year. Indeed, things have been happening so quickly that I have found it difficult to keep track – even although it remains the case that everything of substance which is produced by ILPA comes through me! When I predicted last year that “busy times” lay ahead I was not wrong.

It has been work related to the passage of the Act which most occupied some members and staff during much of the last year. A massive amount of time and effort was expended in lobbying and briefing MPs and Lords. This work was undertaken in close liaison with other bodies and NGOs. Susan Rowlands in her report has identified the key players for ILPA on the Bill's various parts and I would like to pay particular tribute to them, together with everyone else, who worked tirelessly for extremely long hours with invariably little or no reward in terms of positive outcome. Given the antics of the Government during the Bill's passage (most notably the persistent practice of introducing substantial amendments at times which precluded any real debate) I am bound to say that the whole experience was (subject to the notable exception of the good news in Part I on citizenship for, amongst others, BOCs, BPPs and British subjects) extraordinarily depressing.

In what is intended to be no more than a short report it is difficult to convey the sense of despair that was often felt. But the sad fact is that prospects of succeeding on a vote depended on occasions not on the strength of argument, but rather the timing of votes (and in particular whether a vote was taken before or after supper). There is something particularly unpalatable in observing a Labour Government's pride in victory in a vote defeating an amendment seeking to limit to 7 days (or 10 in exceptional circumstances) the period during which children can be detained.

Whilst the coming into force of the Act marked the end of the concentrated lobbying, there has been no respite. ILPA's first training session on the new Act took place on 16th November 2002 and there is much more to come. Lobbying will continue, and it is hoped that strategy will be further developed at this AGM.

Although the Act has dominated for some, the work it generated represented only a part of ILPA's work during this last year. Testament to ILPA's activities can be seen in this report which I commend to you all. I do not repeat the detail but as Susan Rowlands in her report shows activity has been frenetic across the board. The Association has produced no less than 46 responses to UK and EU proposals and consultation documents. This is up some 50% on last year!

Such responses however are far from the complete picture, as the Association continues to provide representation at innumerable users' and stakeholders' groups, as well as liaison with numerous other organisations (NGOs and other bodies). This of course is to say nothing at all of the Association's training programme (both through ACT and the London Expansion projects and generally). As Susan Rowlands notes, the number of ILPA courses was in fact down this year on last, although it will inevitably increase next year when there will no longer be the demands on management and other resources presently committed to ACT and the London Expansion projects.

As well as training, ILPA has both sponsored and co-sponsored various seminars and conferences and has published (together or jointly) three publications, with other work and new projects in progress

(see Susan Rowlands' report for details).

I am pleased to report that membership continues to rise and at 1156 membership is higher than ever, with 268 new members having joined since the last AGM.

Such reflection of the underlying health of ILPA is to be seen also in the Treasurer's report, although it demands careful reading since as made clear in the first paragraph of the report the surplus of £95,000 shown in the report tabled at the last AGM has reduced to just over £23,000 (albeit with rent still owed). But as the Treasurer explains there are good reasons for this reduction, and we are, after all, a non-profit organisation with the intention simply of "remaining afloat".

Given the increase in submissions noted it will also come as no surprise that, as the various reports show, the sub-committees have had a busy year. One new sub-committee is the Access to Justice Sub-Committee convened by Judith Farbey and Jim Gillespie. Although the sub-committee met only twice this was due to the work undertaken around Part V of the Bill. I anticipate the future will generate much more work with the measures that will be introduced as the various provisions of the new Act come into force. Do get involved!

The sub-committee reports detail the activities undertaken. Except for encouraging members to continue to attend and to contribute I let those reports speak for themselves. One matter that I would wish to mention which is referred to in the Legal Aid Sub-Committee report relates to potential 'conflicts of interests' where ILPA representatives play roles for bodies such as the LSC, the OISC and the Bar Council. As will be recalled, this issue was considered at length by last year's executive committee and a members' meeting was convened on 25th February 2002 following circulation of a discussion paper in the same month's mailing. In fact attendance at the meeting did not reflect the anticipated level of concern (with only four non EC members present). A detailed note dated 18th April 2002 was circulated in a special mailing which provided details of any positions held by EC members and co-optees. I also gave my contact details should anyone wish to raise matters of continued concern. Although I received a few responses, there was nothing said which merited further report. I would wish to assure the membership that the potential for conflict is something about which the EC remains acutely aware. However, I would also wish to echo the sentiment expressed by Chris Randall in his report that "the more members who are involved in the activities of [any] sub-committee, the less likely that it is that conflicts will arise, and the easier it will be to deal with them".

As last year, the breadth and volume of work carried out by ILPA has been remarkable. Doubtless the success of the Association is a reflection of the commitment of its membership. But without the work of our General Secretary and the ILPA staff good intention would rarely translate into tangible success. My last report heralded major staff changes during the preceding year. I noted that our General Secretary was the only person then in the office who was there at the time of the

previous AGM. This year there have been no changes to the staff and I would like to echo the tribute and thanks paid by Susan Rowlands to the staff. They have all done an excellent job and I take this opportunity to thank them on the membership's behalf. As for Susan Rowlands herself, her contribution to the Association is legend. Her help to me is always invaluable and I am extremely grateful for it. Testament to the esteem in which she is held is shown by her nomination by last years' Executive Committee for the Liberty/Justice human rights' award in the non lawyer category.

I would also like to pay particular tribute to Jim Gillespie who for many years was managing editor of the ILPA/Tolley's Immigration, Asylum and Nationality Law Journal. In future Prakash Shah will undertake work as a managing editor, although Jim will continue to contribute to the journal as (joint) consultant editor. I express my great thanks to Jim for his sterling work over the years. The high regard in which he is held by many is reflected also by his nomination by the last year's Executive Committee for the Human Rights lawyer of the year award.

I would like to thank all those who attended meetings of the executive committee last year. The fact that only 7 people had stood for election prompted my call to members to put themselves forward and I am pleased that this year there was at least an election. But with only seven members having stood last year we did indeed co-opt widely. In fact we went further and extended a standing invitation to the RLC to nominate someone to attend with observer status. This worked well, especially in the context of the work on the Bill. It may be that the next executive could give consideration to extending such invitation to other NGOs.

Finally, as last year, I end with an inevitable call to the membership. Keep up the good work everyone, but be warned - more help is needed!

Rick Scannell

Chair

Executive Committee and Sub-committee members

The Executive Committee

Ian Macdonald, QC – President	Rick Scannell – Chair
Sue Shutter – Secretary	Jawaid Luqmani – Treasurer
Tim Baster (co-opted)	Jane Coker
Judith Farbey	Nadine Finch
Laurie Fransman QC	Tanya Goldfarb (co-opted)
Alison Hunter (co-opted)	Nicola Rogers
Philip Trott (co-opted)	Amanda Weston (co-opted)
Emma Saunders (observer)	Mark Henderson
Chris Randall	

Sub-committee convenors:

Access to Justice Sub-committee:	Judith Farbey, Jim Gillespie
Employment & Business Sub-committee:	Philip Barth, Julia Onslow-Cole, Philip Trott
European Sub-committee:	Elsbeth Guild, Nicola Rogers
Family & General Sub-committee:	Sue Shutter
Legal Aid Sub-committee:	Chris Randall, Alison Hunter
Personnel Sub-committee:	Jawaid Luqmani, Laurie Fransman, Chris Randall, Sue Shutter
Refugee Sub-committee:	Mark Henderson
Training Sub-committee:	Sarah Woodhouse

TREASURER'S REPORT

Given the tremendous success of the previous financial year, in which our income exceeded our expenditure by more than £95,000, the profit of just over £23,000 might seem disappointing. In reality the fact that we continue to achieve a surplus with an ever increasing expenditure is heartening, since as a non-profit making organisation, the intention is to simply remain afloat.

The reserves of the company as at 31 March 2002 had risen to just under £190,000, although it should be borne in mind that as our lease was due for renewal from September 2001, the revised rent (which is still being negotiated) will be payable as from that date. In other words, the surplus of £23,000 is based upon the old unadjusted rent, since the payment has not yet fallen due. I would expect the figure for the additional rent attributable to the period from September 2001 to March 2002 will be in the region of £9,000, which will come out of the reserves.

In the accounts, the monies receivable by way of turnover include monies for the ACT project and for the London expansion project. As these figures were run through a separate account, and were on the basis of covering costs, there is a corresponding entry in the distribution costs of almost identical sums. In truth the main activities of the company had shown a rise in turnover of about 8%, whilst our expenditure costs had risen in the same period by about 35%.

Part of the reason for the rise in expenditure has been the increased number of staff, not only due to the running of the project, but with more members there has been the need to retain more staff, on a full time, part time and casual basis. The needs of the organisation are constantly increasing, and as a further indication of our evolution as an organisation, we retained the services of a consultant in connection with the drafting and overseeing the passage of the Nationality Immigration and Asylum Act through Parliament. For ILPA to have a voice in government, and with the opponents of government, it is essential that we have a greater degree of physical presence as we are competing for the attention of decision makers in and out of government with other organisations well used to professional lobbying. As a consequence our expenditure will again be higher for the financial year approaching, but this is to reflect the extent to which the organisation has grown in size and in stature over the years.

Membership fees

We have increased the membership fees across the board with an average rise of about 5%. This is in part to reflect the rising costs of distributing the mailing which attempts to provide members with as much current up to date development as possible. Although it had been thought that membership may be widened to encompass persons registered with the OISC, the present position is that such persons do not qualify to now join as members solely on the basis of being registered with that organisation. I would not expect there will need to be a further rise in membership fees for the next 12 months.

Course fees

This is the area from which ILPA derives the majority of its income. We aim to provide a broad range of courses for members coming from different sectors of immigration law, and we hope to continue to provide some cross discipline courses, such as those on discrimination, children issues, mental health and high net worth individuals.

We believe that the courses are set at very competitive rates and whilst course fees for many other training suppliers are double or even treble those offered by us, we hope to continue to provide courses which are informative, relevant and up to date at subsidised costs to our members. There

will be the need for an increase in course fees to reflect the diversity of costs, and to reflect the fact that our speakers are now paid reasonable rates for undertaking tuition. I would not expect the course costs to rise significantly, and certainly to remain very competitive.

Premises

As outlined above, negotiations in respect of the new lease are continuing and although broad agreement has been reached that the lease will be extended, the precise details are yet to be finalised and an overall figure as to rent and service charges has yet to be reached. As indicated in the report last year, we would expect the rise to be in the region of 130-140%. Unfortunately for us, there is little sign of the Prime Minister wading in to point out the inflationary consequences of such a rise to our landlords, and the figure is one which according to our surveyors would not be unreasonable, though I can imagine many members will be fuming about this rise.

Staff

As we have grown, our need to take on more staff has also grown. The ACT project which is not being renewed by ILPA, is likely to shift to another organisation, and as it does so, the staff involved with the project will be leaving us. The need for training and the main activities of the organisation will continue and consequently the importance of retaining the dedicated staff remaining will be essential.

Inland Revenue

We have recently received an enquiry from the Revenue in relation to our activities, sparked no doubt by the phenomenal surplus achieved for the previous financial year. Our accountants are assisting with the enquiry, which may mean the Revenue taking a closer look at our activities. It is suggested by our accountants that we might consider whether or not we should seek charitable status and no doubt a debate will ensue as to whether the nature and character of the organisation would change given that there may be limits on the political lobbying we may be able to undertake were we to contemplate applying for such status. We will take advice on this point before making any proposals to the membership as a whole were the advice to suggest this as being a viable option to reduce our tax liability.

The next 12 months

- I would expect to see a levelling off in terms of the number of members we have and although there is unlikely to be a rise in membership costs for this year, there is likely to be a rise for the following year given that our expenses will continue to increase
- I would hope that we can invigorate the training programme with new ideas for courses and attract as wide an audience as possible to many more courses relevant to their areas of practice
- I would expect to see us dipping in to our reserves to pay the revised rent backdated to September 2001, and I would hope that the precise details of the lease can be finalised shortly, or at least by the next AGM
- I would expect to see the level of surplus being far more modest than last year and being a figure not far off the surplus for the year ending March 2002

As with previous years, it is largely due to the efforts put in by our staff, particularly our General Secretary, the Directors, as well as many members willing to put in time and energy to ensure the

survival and profitability of the organisation. I do hope that we can continue to count on that support and dedication for years to come.

Jawaid Luqmani

Treasurer

GENERAL SECRETARY'S REPORT

The work of the Secretariat

ILPA Staff

Susan Rowlands	General Secretary
Elizabeth White	Assistant to General Secretary Training coordination
Kit Cheung	Administration & IT manager
Helen Williams	Membership administrator Training administration
Susana Calsamiglia	London Expansion Project administrator Nationality, Immigration and Asylum Bill administration
Jane Savory	ACT Project administrator ILPA training administration
Jane Aspden	ACT Project coordinator
Gail Elliman	ACT Project trainer (Part Time)

In addition to a full and diverse training programme, the secretariat was expanded to deal with the Nationality, Immigration and Asylum Bill. The administration of liaison with government and other organisations, the co-ordination and distribution of submissions, the design and implementation of the ILPA training programme are the work of the secretariat. In addition, the office is required to respond to calls, mail and ever increasing email correspondence from the public and ILPA members: in most cases, we are able to be of some assistance.

The Nationality, Immigration and Asylum Bill/Act 2002

The publication of the White Paper *Secure Borders, Safe Haven* in February 2002 and the first version of the Nationality, Immigration and Asylum Bill soon after set off eight months of intensive lobbying, briefing and drafting. Many members attended meetings on and contributed to ILPA's work on the bill. All submissions, briefings and drafting of amendments were co-ordinated by Rick Scannell; Sue Shutter and Laurie Fransman led on Part 1; Nadine Finch on parts 2, 3 and 4; Judith Farbey on part 5; Nicola Rogers on parts 6 and 7. During July and August, Alison Harvey was employed as a consultant on the Bill drafting briefings, amendments and lobbying materials. Susana Calsamiglia was responsible for the administration of ILPA's work on the Bill. Working closely with Imran Hussain, the parliamentary officer of Refugee Council, and other organisations, the ILPA team were able to provide detailed materials on all important clauses of the Bill and advise at all stages of debate in the Commons and Lords. The late introduction of amendments in both the Commons and Lords made the work on the Bill extremely pressured and deadlines for briefings and drafting were very tight; late night sittings meant that advisers were regularly in the House until midnight.

Please see the chair's report; the briefings on the ILPA website; and if you have time to come into the ILPA office, the ring-binders of briefings on particular issues and amendments.

Responses and submissions (excluding briefings on NIA Bill)

The Association has produced 46 responses to UK and EU proposals and consultation documents. They have been mostly been drafted by sub-committees or the executive committee and testify to the enormous workload of the committees on behalf of the Association. A list in chronological order follows:

- Scoreboard on the Proposal for a Council Regulation establishing the criteria & mechanisms for determining the Member States responsible for examining an asylum application lodge in one of the Member States by a third country national Brussels, 26.01.2001 COM(2001) 447 final, 2001/0182 (CNS)), December 2001
- Scoreboard on the European Commission's Proposal for a Council Directive on the Conditions of Entry & Residence of Third Country Nationals for the Purpose of Paid Employment & Self-Employment Activities COM/2001/0386, December 2001
- Submission on the Commission's Proposal for Council Directive relating to the conditions in which third-country nationals shall have the freedom to travel in the territory of the Member States for periods not exceeding three months COM/2001/0388 final, December 2001
- Submission to the EU Laeken Summit, December 2001
- Response to Leggat report, December 2001
- Submission to JECU re Marriage Application Form, December 2001
- Family Visit Appeals Submission, December 2001
- Submission on Framework of Standards for Tribunals, December 2001
- Response to the draft operating standards designed to underpin contracts to manage Immigration Service removal centers, January 2002
- Alternative Scoreboard for EU Immigration & Asylum Law : Human Rights & Basic Principles Response to the European Commission's Proposal for a Directive on the Rights to Family Reunification, January 2002
- Home Secretary, Lord Chancellor and Prime Minister re. Procedure Rules, January 2002
- General Protocol LCD, January 2002
- Submission to JECU re Entry Clearance refugees and ELR. January 2002
- Response to OISC Consultation on Guidance to Advisers : Competences, February 2002
- Response to the "Towards Equality & Diversity" consultation, March 2002
- Comments on the White Paper, Secure Borders, Safe Haven, March 2002
- Submission on the European Commission's Communication to the Council & the European Parliament on a Common Policy on Illegal Immigration COM (2001) 672 final of 15 November 2001, May 2002
- Submission on the Commission's Proposal for a Council Directive laying down minimum standards for the qualification and status of third country nationals and stateless persons as refugees, in accordance with the 1951 Convention relating to the status of refugees and the 1967 protocol, or as persons who otherwise need international protection (COM (2001) 510), April 2002
- Submissions to Commissioner Vitorino on the Commission's Proposal for a Council Directive proposing the status of third-country nationals who are long-term residents (Com(2001)127), Apr 02.

- ILPA and HIG response to proposed amendments to the Asylum Support Appeals (Procedural) Rules, April 2002
- Submission to the House of Lord's Select Committee on the European Union on the European Commission's Communication to the Council and the European Parliament on a Common Policy on Illegal Immigration (Com 2001) 672 final of 15 November 2001, May 2002
- Response to Work Permits (UK) Document Charging for the Consideration of Work Permit Applications in Great Britain, July 2002
- Observations to Work Permit(UK) on the Review of Work Permit Policy on Recruitment and Employment Agencies and Contractors, July 2002
- Response to the European Commission's Green Paper on a Community Return Policy on Illegal Residents, July 2002
- Evaluation of TWES review, August 2002
- Comments to Immigration and Nationality Policy Directorate on the Review of the Innovator Scheme, August 2002
- Comments on The European Commission's Communication towards Integrated Management of External Borders, August 2002
- Letter to David Blunkett on British Nationality and suggested amendments to the Nationality, Immigration and Asylum Bill, August 2002
- Letter to Mike O'Brien, Minister of State, Foreign and Commonwealth Office on United Kingdom Passport Holders, with no other nationality, still resident overseas, August 2002
- Response on the consultation on the draft Practice Directions, August 2002
- Response to the Consultation Document on the Working Holiday Maker Scheme, August 2002
- Response to the consultation on the Seasonal Agricultural Worker's Scheme, August 2002
- Comments on draft amendments to Section 5 of the General Civil Contract (Solicitors and Not for Profit) Specification Controlled Legal Representation (CLR), September 2002
- ARC EU Working Group re. Sangatte, September 2002
- Draft ILPA response to the Guidance Notes for Adjudicators from the Chief Adjudicator, September 2002
- Joint Submission on ILPA and the AIRE Centre on "The Future of the EU Charter of Fundamental Rights", October 2002
- IM2 Consultation Oct 2001, October 2002
- Submissions to the Home Affairs Committee on Asylum and Immigration : Removals Inquiry, October 2002
- Response to the Special Rapporteur Questionnaire on the human rights of migrants in immigration detention in the United Kingdom, Joint Response from UK NGOs, November 2002
- Joint Submissions by The Standing Committee of Experts on International Immigration, Refugee & Criminal Law, ILPA, Statewatch & The European Council of Refugees & Exiles to Working Group X ("Freedom, Security and Justice") of the Convention on the Future of Europe, November 2002
- The Lessons of Sangatte : Time for Change in EU Asylum Policy, November 2002
- HSMP Extension Criteria Letter to Applicants, November 2002

Home Office liaison

A number of user and stakeholder groups were established by Stephen Boys Smith during his four years as Director General of IND. It is to be hoped that his successor, Bill Jeffreys, will promote these groups, value meeting stakeholders and be committed to consultation.

ILPA is represented at the following:

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)

UKvisas Group (Susan Rowlands)

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

European Union Policy Group (Nicola Rogers)

Asylum and Immigration Research Advisory Group (Susan Rowlands)

Unaccompanied Asylum Seeking Children Stakeholders Group (Liz Barratt)

ILPA now also has (more or less) regular meetings with the Asylum and Appeals Policy Directorate; the General Group, ICD Croydon; the Appeals Group, ICD, Croydon; and with ICD North.

Thanks to the following members who have all attended meetings/visits together with Susan Rowlands; they have contributed to the preparation and the minutes of the meeting as well as follow up:

Philip Barth, Laura Devine, Gulay Mehmet and Philip Trott (Business User Group);

Matthew Davies, Tony Haque, Alison Hunter and Nick Rollason (General Group);

Matthew Davies, Jackie Peirce, Sally Adams, Mahmud Quayum (Appeals Group);

George Brown, Andrew Holroyd, Gary McIndoe, Jo Renshaw, Paul Morris (ICD North);

Lawrence Saffer (Leeds Waterside);

Jackie Peirce, Jane Aspden, Alison Stanley, Sarah Booker (ASU Croydon); Rick Scannell, Vicky Guedalla (AAPD);

Vicky Guedalla (Protocol workshops).

There have been one off meetings with Graeme Hopkins, re Working Holiday Makers Scheme (Tanya Goldfarb, Philip Trott, Susan Rowlands, April 2002), with Colin Birt re training lawyers in Malta (Susan Rowlands, February 2002), and with Stephen Boys Smith (Rick Scannell and Susan Rowlands, July 2002).

ILPA met with the chair of the IND Complaints Audit Committee (Barbara Coll, Jackie Peirce, Sarah Woodhouse and Susan Rowlands).

ILPA was invited to speak to senior asylum caseworking staff in ICD North (Jane Coker and Susan Rowlands, September 2002).

ILPA had two meetings with the Immigration Minister, Geoff Rooker: one on ministerial authorisations and other issues (Nadine Finch, Nicola Rogers, Sue Shutter, Susan Rowlands, March 2002); one (together with the Law Society Immigration Committee) on the withdrawal of the special voucher scheme (Laurie Fransman QC, Ramnik Shah, Sue Shutter, May 2002).

Mary Coussie, the Immigration Race Monitor, met with Simon Cox and Susan Rowlands at ILPA in July 2002

Liaison with courts

Immigration Appellate Authority

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

IAA Users Group: various members, Susan Rowlands

Administrative Court Users Group: Judith Farbey

Liaison with Legal Services Commission

A number of meetings with the LSC over the course of the year were attended by Chris Randall and Alison Hunter. Chris Randall was involved with the LSC training course for immigration barristers. See the report of the Legal Aid Sub-committee (page 36)

Liaison with other organisations

ARC (Asylum Rights Campaign): Sarah Woodhouse, Sue Shutter and Alison Stanley have represented ILPA at ARC meetings; Nicola Rogers represents ILPA at ARC EU group meetings.

OISC (Office for the Immigration Services Commissioner) ILPA meets the Commissioner on a regular basis: Rick Scannell, Chris Randall and Susan Rowlands have participated in these meetings. Chris Randall and Jane Coker have attended meetings specifically on competences defined by OISC and LSC.

ECRE (European Council on Refugees and Exiles): during the last year, ILPA has contributed to ECRE and other ECRE members' position papers and research. Thanks go to the ELENA (European Legal Network on Asylum) representatives: David Burgess and Chris Randall for their many years of commitment to ECRE. They will be succeeded by Fiona Lindsley, Winstanley Burgess, and Deri Hughes Roberts, Refugee Legal Centre, representing the private and not for profit sectors of asylum legal representation in the UK.

Law Society Immigration Committee: Susan Rowlands has observer status on the committee. ILPA and the Committee hold meetings for immigration practitioners and are working on joint publications.

CRE (Commission for Racial Equality): Susan Rowlands represents ILPA on the Immigration Advisory Group. ILPA, the CRE and Law Society have made joint submissions on access to CLR for SIAC and asylum support appeals.

Training

The list of ILPA training sessions follows (page 20) It was not possible to provide as many courses during this year as the last. This was due to the commitment of ILPA management and

other resources to both the ACT and London Expansion training programmes. ILPA's programme for the forthcoming year will increase again. During the last year we provided as many courses as possible outside London – unfortunately some had to be cancelled due to lack of uptake. Courses in Leeds are attracting more participants than Manchester; Birmingham courses have been well attended and we will continue to provide training in the Northeast and Midlands. We are also including two training sessions – with the Law Society of Scotland - in Glasgow in our programme for early 2003.

The Legal Services Commission funded attendance at ACT (Asylum Caseworker Training) Project courses, London Expansion Courses and the “mini programme” of courses for asylum caseworkers in the ILPA training programme. Reports on these follow (pages 25 and 27). ILPA's proposal for ACT included provision of courses in London: two have now been completed and a third is planned for the final quarter of the Project as are eight one-and-a-half day updates for caseworkers who have been on the eight day courses. Chris Randall and Jawaid Luqmani have been the ILPA Executive Committee members responsible for these projects: I have had responsibility for day to day management of these projects as well as other ILPA training. One of ILPA's aims in establishing and running the ACT Project was to ensure that skilled practitioners are encouraged to participate in ILPA training in the regions; this has been achieved in the Northwest, Northeast and Midlands. The advisory group members of the ACT project are thanked for their contribution to the success of the project: Barry Stoye, David Gray, George Brown, Manjit Singh, Mark Philips (practitioners); Duncan Lane (trainer); Marie Burton and Rebecca Bowry (LSC). ILPA is pleased that with the budget for 20 courses for the two year ACT Project, it will have been possible to meet the costs for providing 24 eight-day courses and eight one-and-a-half-day courses. The high standard of training established in the first year has been maintained in the second: thanks to Jane Aspden, (co-ordinator) and Gail Elliman (part-time trainer).

Training sub-committee: Sarah Woodhouse was asked by the Executive Committee to chair a training sub-committee. Although it has not met frequently, the input of Sarah and members who have attended meetings and are committed to assist with ensuring that the training needs of members are met is appreciated.

Standards: ILPA is committed to maintaining a high standard of training and is organising training skills workshops for those who are new to or about to be involved in ILPA training. It is hoped that everyone contributing to ILPA training will be invited to attend a workshop.

Speakers: Training has been carried out by ILPA members (ie expert practitioners); UNHCR staff; and Home Office officials from ICD North, Asylum Group and General Group, ICD, Croydon, Immigration Service and Work Permits UK. Lists of speakers at ILPA and ACT Project training follow (pages 23 and 26).

Partners: Some courses have been jointly provided with BID, Kalayaan and the AIRE Centre.

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, CMS Cameron McKenna, Eversheds, Fox Williams, Kingsley Napley, Penningtons, Reed Smith Warner Cranston and Switalskis. Materials for some courses have been produced for ILPA by these firms and also by Cloisters Chambers.

Training on NIA Act 2002: ILPA's training on the Nationality, Immigration and Asylum Act 2002 began on 16 November, ie before the Act was published. 114 members benefited from the detailed knowledge of the Bill/Act of those who had led ILPA's work on its passage through both Houses. Further courses will be held in the regions and London; details have been and will continue to be mailed to members and are also to be found on the ILPA website.

Seminars/Conferences:

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

Seminar on Terrorism and the 1951 Geneva Convention, March 2002

ILPA/BIICL (British Institute of International and Comparative Law)

Seminar on Extraterritoriality, April 2002

Seminar on Dublin II Regulation: better, same or worse, November 2002

ILPA sponsored the **American Immigration Lawyers' Association 2002 Global Immigration Summit Conference, September 2002**

Publications and Projects

Funders: ILPA is grateful to the Legal Services Commission for funding the Asylum Casework Training project (ACT) and the London Expansion project. It has also funded *Making an asylum application: a best practice guide* which complements the training.

Thanks are due to the **Joseph Rowntree Charitable Trust** for funding the ILPA/ MPG publication *Borders and Discrimination in the European Union*.

Publications:

Borders and Discrimination in the European Union, Ryszard Cholewinski, ILPA/MPG, December 2001

Making an asylum application: a best practice guide, Jane Coker, Garry Kelly, Martin Soorjoo, ILPA, May 2002

Putting children first: A guide for immigration practitioners, Jane Coker, Nadine Finch, Alison Stanley, LAG 2002, (an ILPA project.)

Work in progress from last year:

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

Best practice guide on asylum and human rights appeals (ILPA, Law Society, Refugee Legal Group) – work in progress author: Mark Henderson

New Projects in progress:

Best practice guide on challenging detention (ILPA, Law Society and BID) researcher: Emily Burnham, BID

Working with children subject to immigration controls: guidelines for best practice (ILPA, Law Society) researchers: Dr Heaven Crawley, Gaenor Bruce

Ministerial statements made during the passage of the Nationality, Immigration and Asylum Act 2002 researcher: Alison Harvey

Membership

Current total number of ILPA members: 1156

268 new members have joined since the last AGM. Of this number 167 were individual members and 101 organisations.

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	5
Family & General	7
Business & Employment	8
Legal Aid	3
Refugee	5
Training	2

Members Meetings:

- ILPA's response to the White Paper – March 2002
- Conflict of interests of ILPA/EC members – February 2002
- Meeting on NIA Bill – April 2002
- Savas – Home Office guidelines for Turkish business persons – June 2002
- To discuss proposed amendments by the LSC to the merits test and section 12 of the General Civil Contract – August 2002
- UK border controls and ID cards – September 2002
- EC law and family members. Three new decisions from the European Court of Justice – Tuesday 22 October 2002

Administration

Kit Cheung and Helen Williams have improved our database of members and the processing of membership and training data. Helen has developed a user friendly searchable database of the

index of mailing enclosures. ILPA members, who use Microsoft Access, who wish to have a copy of the database should contact Helen. Kit has mastered a new accounts management programme and made her mark on all administration procedures. Kit has developed the ILPA website and Susana Calsamiglia is looking to improve our links and introduce a 'frequently asked questions' section. Elizabeth White has made the monthly mailings a more ordered event and is introducing advanced planning in the training programme.

The number of mailings sent to members this year is 12 with a total of 329 numbered enclosures during the year, and up to 10 others in each mailing.

We are in the process of updating our compliance with the Data Protection Act and making the list of ILPA Ltd members available to enquirers according to Company Law requirements.

ILPA Staff: there have been no changes to ILPA staff since the 2001 AGM. This has meant that a small, established team has become competent, flexible and able to achieve considerable output. The staff has dealt with an enormous and varied workload this year with good humour and enormous skill. ILPA benefits from the input of three consultants: Pat Khan, designer; Andy Humphreys, technical expert; Jeremy Stone, bookkeeper. The staff are 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. Numerous members have expressed their appreciation of their work and have supported and encouraged the staff through the occasional rough patch and contributed to their many successes.

Thanks to the staff, thanks to the executive committee members for their support and encouragement, and special thanks to all the members who have made our work both effective and enjoyable.

*Susan Rowlands
General Secretary*

ILPA TRAINING

Courses

ILPA Training courses – December 2001 to November 2002

NB: course location is London unless stated otherwise

Date	Course Title	Delegates
04 December 2002	ILPA Training For New Asylum Caseworkers (II): Representation At Asylum Interviews	24
11 December 2002	Advanced Asylum Law: Article 1F	31
25 January 2002	The Highly Skilled Migrant Programme & Other Developments At Work Permits (UK)	93
29 January 2002	Domestic Workers	61
30 January 2002	ILPA Training For New Asylum Caseworkers (III): NASS	35
05 February 2002	Carers Under The Concession & Other Immigration Categories	40
05 February 2002	ILPA Training For New Asylum Caseworkers (IV): Asylum Appeals: An Introduction	41
07 February 2002	ILPA Training For New Asylum Caseworkers (V): Running Immigration Cases Under An LSC Contract	52
08 February 2002	ILPA Training For New Asylum Caseworkers (VI): Basic Immigration Law	28
12 February 2002	ILPA Training For New Asylum Caseworkers (VII): Basic Asylum Law	24
28 February 2002	ECHR & Human Rights Case Law, Advanced	65
05 March 2002	Basic Business & Employment Law Part I: Work Permits	44
06 March 2002	Basic Representation & Advocacy	32
12 March 2002	Basic Business & Employment Law Part 2: Business Applications	42
14 March 2002	Judicial Review	70
14 March 2002	Convention Reason – Advanced	17
19 March 2002	Flexibility: Entry Clearance As Leave To Enter	34
09 April 2002	Bail and Detention	23
16 April 2002	Bail and Detention – Wakefield	14
17 April 2002	Basic European Community Law	28

Date	Course Title	Delegates
13 May 2002	Executive Transfers To Australia	04
30 May 2002	Judicial Review	48
11 June 2002	HIV Diagnosis; The Asylum & Immigration Implications	34
12 June 2002	Putting Children First, A Guide To Family Law For Immigration Practitioners	43
19 June 2002	Advanced Course On The Association Agreements With Central & Eastern European Countries	29
20 June 2002	British Nationality Law – Recent Developments & Current Legislation	36
24 June 2002	Advanced Course For Supervisors - Recent Developments In Immigration Law	34
25 June 2002	Advanced Course For Supervisors: Recent Developments In Asylum Law	58
27 June 2002	Advanced Asylum Course On The Meaning Of Persecution	21
03 July 2002	Way To The UK, Coverage Of Employment & Business Categories,	53
09 July 2002	Unmarried Partners, including how to advise those who do not meet the time requirements	39
10 July 2002	HIV Diagnosis, The Asylum & Immigration Implications, Leeds	10
17 July 2002	Best Practice Issues In Representing Those With Mental Health Issues	25
31 July 2002	Advanced Course For Supervisors, Recent Developments In Asylum Law – Leeds	24
09 September 2002	Basic Immigration Law I	59
12 September 2002	ILPA / AIRE Centre Course: Advanced European Law	51
17 September 2002	Basic Immigration Law II	61
18 September 2002	Mental Health as a Human Rights Issue In Immigration & Asylum Cases	46
24 September 2002	High Net Worth Individuals	34
26 September 2002	Basic Immigration Law III	64
03 October 2002	Alternatives To Businessmen Applications - Advanced Business Immigration Law	55
17 October 2002	Interviewing Clients With Asylum Claims	36

Date	Course Title	Delegates
22 October 2002	Advanced Course For Supervisors, Recent Developments In Immigration Law – Birmingham	40
22 October 2002	Judicial Review	57
30 October 2002	Discretion Outside Of The Immigration Rules - Birmingham	39
31 October 2002	ILPA / BID Course, Bail Applications, How To Challenge Detention - Leeds	22
06 November 2002	Immigration Control On Entry To The UK	26
07 November 2002	Employment & Business Immigration The Employer's Perspective	53
13 November 2002	Implications Of The Race Relations (Amendment) Act 2000 For Immigration Practitioners	33
16 November 2002	Nationality Immigration & Asylum Bill/Act	116
26 November 2002	ILPA/Bid Course: Bail Applications, How To Challenge Detention	47
28 November 2002	Representation & Advocacy Before The Appellate Authority – Leeds	34

Speakers

The following speakers are thanked for their contributions:

Speaker	Organisation / Firm (at time of course)
Sally Adams	Kingsley Napley Solicitors
Jane Aspden	ACT Project
Peter Alfandary	Reed Smith Warner Cranston
Navita Atreya	Renaissance Chambers
Tim Barnden	Glazer Delmar Solicitors
Philip Barth	Mishcon de Reya Solicitors
Peter Bartram	Bartram and Co Solicitors
Tim Baster	Bail for Immigration Detainees
Rebecca Chapman	Tooks Court Chambers
Joanna Chatterton	Fox Williams Solicitors
Mick Chatwin	Solicitor
Rita Chowdhury	Baker and McKenzie
Barbara Cohen	Independent Consultant
Emma Cohen	Bates, Wells & Braithwaite Solicitors
Jane Coker	Coker Vis Partnership
Simon Cox	Doughty Street Chambers
Alan Craig	Immigration Services, Gatwick
Roger Daddow	Immigration Services, Gatwick
Matthew Davies	Wilson & Co Solicitors
Sophie De Bellison	Reed Smith Warner Cranston Solicitors
Laura Devine	Eversheds Solicitors
Judith Farbey	Tooks Court Chambers
Nadine Finch	2 Garden Court Chambers
Julian Fountain	Immigration Advisory Service
Rebecca Francis	Wesley Gryk Solicitors
Laurie Fransman QC	2 Garden Court Chambers
Andy Holden	Immigration Service, Gatwick
Alison Hunter	Wesley Gryk Solicitors
Raza Husain	Matrix Chambers
Jim Gillespie	Renaissance Chambers
Jo Goldby	Nicholson, Graham & Jones Solicitors

Speaker	Organisation / Firm (at time of course)
Tanya Goldfarb	CMS Cameron McKenna Solicitors
Wesley Gryk	Wesley Gryk Solicitors
Tony Haque	Baker and McKenzie Solicitors
Tracy Hrusa	CMS Cameron McKenna Solicitors
Garry Kelly	Coker Vis Partnership
Aisha Latif	Tyndallwoods Solicitors
Fiona Lindsley	Birnberg Peirce & Partners / Winstanley Burgess Solicitors
Jawaid Luqmani	Luqmani Thompson Solicitors
Christian F Mahr	UNHCR
Jane Mann	Fox Williams Solicitors
Peter Moss	Bates, Wells & Braithwaite Solicitors
Tublu Mukherjee	Renaissance Chambers
Andrew Nichol QC	Doughty Street Chambers
Michael Kingsley-Nyinah	UNHCR
Declan O'Dempsey	Cloisters Chambers
Barry O'Leary	Wesley Gryk Solicitors
Anna Orobator	Eversheds Solicitors
Chris Randall	Winstanley Burgess Solicitors
Lucy Rix	Kalayaan
Nicola Rogers	Aire Centre
Nick Rollason	Kingsley Napley Solicitors
Laurence Saffer	Henry Hyams Solicitors
Rick Scannell	2 Garden Court Chambers
Sue Shutter	Parliamentary Researcher
Hugh Southey	Tooks Court Chambers
Alison Stanley	Bindman & Partners Solicitors
Mark Symes	Refugee Legal Centre
Brock Trethowan	Immigration Appellate Authority
Philip Trott	Bates, Wells & Braithwaite
Philip Turpin	Turpin & Miller Solicitors
Kim Vowden	CMS Cameron McKenna
John Walsh	Doughty Street Chambers
Sarah Woodhouse	Birnberg Peirce and Partners
Trevor Wornham	Wornham & Co Solicitors

The Asylum Caseworker Training Project Report

In December 2000 the Legal Services Commission confirmed that they would fund ILPA to provide training to help address the shortfall of competent legal help, primarily in the regions. The Asylum Caseworker Training Project was designed to meet the training needs of asylum caseworkers with little or no casework experience.

The Project has been running since April 2000.

The Project consists of an eight day training course which covers substantive and practical areas of asylum casework. This course is delivered throughout England and Wales. The course includes: an examination of the 1951 Convention, the Human Rights Act 1998, the Immigration and Asylum Act 1999, the asylum decision process, interview skills, working with interpreters, clerking a Home Office interview, case management, support for asylum seekers, including NASS support, written representations, detention and bail, preparing an appeal and post decision work. The course content is all delivered within an immigration overview. The course concentrates on 'best practice' guidelines in all aspects of representing in an asylum case.

During the current year (April 2002- March 2003), courses have been completed in Nottingham (2), Newcastle, Manchester, Bristol, Leeds, Birmingham, London (2).

Two more will be completed by 9th December and will take place in Manchester and Leicester.

The Asylum Caseworker Training Project has been a great success, with providers, supervisors and with the trainees. The feedback and formal assessments have been very positive. Many trainees have reported their successes to the trainers after using skills or knowledge acquired on the course. Some trainees have told the tutors that their office practice has been changed to include 'best practice' principles that have been raised on the course. A good example of this is the massive increase in firms, who have sent trainees on the Asylum Caseworker Training course, that now send both clerks and interpreters to Home Office interviews. When the project started it was a minority of the firms that did this, now it is a minority which does not do so.

By December 2002 three hundred and forty five asylum caseworkers will have been trained by the Asylum Caseworker Training Project.

The Project Coordinator would like to thank all the people who have contributed to the success of the Asylum Caseworker Training Project.

Jane Aspden
ACT Project Coordinator

Speakers

Alan Caskie
Annette Elder
Charles James
Emma Cohen
George Brown
Hugh Southey
Laurence Saffer
Navita Atreya
Peter Simms
Sarah Booker
Tublu Mukherjee

Alison Stanley
Buster Cox
Chris Randall
Gary Kelly
Hari Sangha
Jane Coker
Manjit Singh
Patrick Lewis
Rebecca Chapman
Sarah Woodhouse

Amanda Weston
Bryony Rest
David Jones
Garry McIndoe
Harry Ulaeto
John McArthur
Mark Schwenk
Peter Jorro
Rick Scannell
Tim Barnden

Interpreters

Arta Heath

Michael Malutshi

Sead Masic

Advisory Committee

Barry Stoyle
Duncan Lane
Mark Philips
Susan Rowlands

Chris Randall
George Brown
Marie Burton

David Gray
Jawaid Luqmani
Rebecca Bowry

ACT Project Staff

Gail Elliman
Jane Savory
Jane Aspden

Part-time Project Trainer
Project Administrator
Project Coordinator

London Expansion Project Report

Following a request from London Area Office of the Legal Services Commission (LSC), ILPA put in a proposal on 10 October 2001 to the London Area Office to provide training for asylum caseworkers recruited under the LSC Expansion Programme in London. The proposal and budget were approved 16 October 2001. The project was to provide eight day courses for 60 caseworkers of 15 Expansion Suppliers. It also funded participation of London Expansion Caseworkers on the Asylum Casework Courses in the ILPA training programme (known as the "mini-programme"); further courses were to be added to the "mini programme" as necessary.

Susan Rowlands (ILPA's General Secretary), Jawaid Luqmani (ILPA's treasurer) and Chris Randall (ILPA Executive Committee member) were responsible for the management of the project. Jane Coker (ILPA Executive Committee member), Jane Aspden (ILPA ACT Project) and Shaun Moggan (LSC Contracting Team Leader) were consulted as necessary on the project. Susana Calsamiglia was employed to administer the project and the courses.

All expansion caseworkers who applied were allocated a place on the course. With the LSC's approval, some places were made available to caseworkers in contracted firms that were not part of the Expansion programme. Each application for a place and for funding was considered individually and approved by the London Area Office.

The eight-day course was split into two modules: a six-day module and a two-day module. The six-day module was run four times while the two-day one was run three times. The managing committee decided against making the two-day module available to participants who had not been on the six-day modules so as to minimise disruption. Tim Barnden, Gail Elliman and Alison Stanley were the trainers for these courses; ACT Project tutors, UNHCR and IND also contributed to the training.

Trainees' responses showed that they were satisfied with the course and had attained their aims and objectives. In general, trainees emerged from the course with a greater awareness of their need to keep up with good practice and of the importance of on-going training.

Suggestions for further training were gathered and are being provided by the ILPA training programme.

Trainees received a certificate of attendance upon completion of the course provided that they had attended 100% of the sessions and submitted all the written work required.

ILPA is pleased to have been able to provide the LSC funded asylum caseworker training in the two formats in London: the eight day courses and the "mini-programme". From proposal to completion, the project took five months. This would not have been achievable - at all and certainly not within the budget set for the eight day courses - without the outstanding organisational skills of Susana Calsamiglia. The input of Shaun Moggan, LSC London Area Office, was essential for the applications for places to be dealt with speedily and correctly so that all places on the eight day courses were taken up, maximising the benefits of the project. ILPA would like to record appreciation of their contribution to the success of this project.

Susan Rowlands

ACCESS TO JUSTICE SUB-COMMITTEE REPORT

The Access to Justice Sub-committee was formed this year in order to tackle issues relating to courts and court procedures. Under the sub-committee's umbrella, ILPA has made submissions on the following consultation documents:

- The Council on Tribunals "Framework of Standards for Tribunals"
- Various IAA consultations, including the Notice of Hearing Project and the Practice Direction on Determinations
- The General Protocol (under the Civil Procedure Rules).

In addition, we have represented ILPA members' interests at the Administrative Court Office Users' Association. Together with Refugee Women's Legal Group and others, we have attended meetings and had input on the proposed gender guidelines for asylum caseworkers.

Lobbying and briefing on appeals provisions in Part 5 of the Nationality, Immigration and Asylum Bill took up much time. We are grateful to the wide range of people who assisted us on this comparatively complex work. Implementation of Part 5 of the Act will no doubt yield new procedure rules, which may herald serious changes to IAA procedure. Not least, the new rules may introduce a wasted costs regime and further restrictions on adjournments. Anyone who is interested in becoming involved in ILPA's work on secondary legislation under Part 5 of the Act should contact the ILPA office.

Co-convenors: Judith Farbey & 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 formerly of the AIRE Centre now returning to the Bar. The sub-committee meets once a month and is open to all members of ILPA, new participants are particularly welcome.

The remit of the sub-committee is the developments in the field of immigration, asylum and nationality at the European Union level and the Council of Europe. Its role is very much a working one – producing briefing documents, analysis and legislative proposals primarily at the European Union level. It is regularly invited to submit both written and oral evidence to Select Committees of Parliament, primarily in the House of Lords. It is also invited by the European Union institutions to provide advice and participate in policy meetings on important developments.

The increasing interrelationship of European Union law and domestic law in all areas of immigration and asylum means that we work with other sub-committees responding to consultations and sometimes holding joint meetings. Nicola has been representing the sub-committee on the Executive Committee.

The sub-committee also holds information and consultation meetings for the ILPA membership at large on important issues of European and domestic law. Over the year 2001/2002 it has organised such meetings on a number of occasions to inform the membership of developments in European Court of Justice jurisprudence which have immediate consequences for practitioners in the UK. The most recent of these was in October following vital decisions of the ECJ on family reunion. In addition, the sub-committee organises members meetings when ILPA needs to take important decisions on its position on European Union law. The most recent such meeting was held at Penningtons in September on UK border controls and identity cards.

The sub-committee also coordinates a network of lawyers across the European Union with whom we correspond regularly and hold occasional joint meetings. The sub-committee also prepares the quarterly European Update on legislation and jurisprudence at the EU level (and exceptionally at the national level) which is sent out to all ILPA members and participants in the European network.

The People

Special thanks is due, in particular, to some members of the European sub-committee who have devoted enormous amounts of time and energy to the sub-committee to ensure the success of its activities:

Ryszard Cholewinski, particularly for his excellent work on the main report published by ILPA and the Migration Policy Group, Brussels, on Borders and Discrimination in January 2002.

Steve Peers for his continuing dedication to the sub-committee not least evidenced by the excellent legislative Updates which he produces every month for the sub-committee on the position of EU proposals and law in the field.

Nick Rollason for the instigation and organisation of the members meetings on developments in jurisprudence for practitioners and his dogged determinism in getting EU rights recognised in UK.

Helen Toner for her work on citizens of the Union.

Alison Hunter for her work on the consequences of EU legislation and policy in the asylum field.

Don Flynn for his important role as a campaigner at the national level in touch with the views and opinions of groups across the country campaigning for immigrants' and citizens' rights in this field and keeping the sub-committee in touch with the realities on the ground.

Bernard Ryan for his assistance with much of our broader policy work.

Mark Bell for his particular help in relation to race issues.

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 sub-committee 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. Last but not least, as a result of the continuing saga of Sangatte we have worked very closely with our sister organisation in France, GISTI and in particular with Claire Rodier preparing joint press releases and positions on the duties of both the UK and France to provide durable protection to asylum seekers on their territory.

The Current State of Play: Interfaces

For many ILPA members the most pressing issue over this year has been the Nationality, Immigration and Asylum Act 2002. The passage of this piece of legislation has been fraught on a number of different fronts. In the light of these very pressing and important developments, the relationship with the EU level has been less in evidence. It may, then, be useful briefly to consider the interface.

With the entry into force of the Amsterdam Treaty in May 1999, a new field of activity was incorporated into European Community law in visas, borders, immigration and asylum. A deadline of 1 May 2004 was set for the adoption of legislation in the area. The UK (along with Ireland and Denmark) obtained an opt out from the legislation but as measures have been put forward at EU level the UK has had the opportunity to chose to opt in. It has exercised the choice to opt in on all measures relating to asylum which have been proposed and adopted at EU level, some measures relating to borders (though not their abolition) and only the expulsion related measures on immigration. Below there is an outline of the main measures and the response prepared by the sub-committee for ILPA on them. As the negotiation of measures has intensified with the approach of the deadline of 2004, in the large Member States (and indeed some of the smaller ones) there has been a burst of legislative activity in this field. We have seen new national legislation in immigration and/or asylum proposed or adopted in Germany, France, Denmark, the Netherlands the southern European countries – Italy, Portugal, Greece and Spain over the past two years. In almost all cases the national legislation treats issues of immigration and asylum which are already under negotiation at the EU and where the EU institutions are seeking to broker compromises and agreements. The most striking examples are in the fields of asylum: procedures and appeal rights for asylum seekers and reception conditions; immigration: family reunification. What appears to be happening is that some Member States are seeking to democratic mandate for their national position through the passing of legislation at the domestic level which is then used as a bargaining chip at the EU level to strengthen their demands as regards the contents and form of the EU legislation which will, in due course, be binding on all of them.

The argument which appears to be at play in many places is that Member States which have just adopted new national laws in immigration and asylum can use this fact to require concessions in respect of the proposed EU measures (in particular where the measures are more generous to immigrants and asylum seekers) because at the national level there has just been intense political and popular discussion on the issue and the views of the public have been determined in the course of the passing of the national legislation. One policy maker at the UK level recently commented that the 2002 Act was “a last attempt” to deal with the asylum issue (termed as a problem) leaving open what was meant by “last”. Such comments can only be understood in the context of the Europeanisation of the field. This is a last attempt as the UK has opted into the asylum related measures at the EU level and thus the field is one in which the UK will not again have a chance to regulate the issue at the domestic level.

Attention, not least on asylum, has been heavily focussed over the past year on the 2002 Act and its passage. However, its application as the law on asylum in the UK will shortly be modified by the adoption of EU level Directives and Regulations which must take precedence over the Act’s provisions in the event of divergence. Thus the work of the sub-committee in analysing and campaigning on the content of the EU level measures has been a vital complement to the national campaign on the Bill.

Our main work for 2001/2

In 2000 the sub-committee began an ambitious programme of commenting on major new proposals in the field of EU immigration and asylum by way of a "Scoreboard" setting out our view of the measure in light of European human rights obligations. We have continued this Scoreboard policy over the year 2001-2 and augmented it with additional commentaries and proposals in response to Policy Papers from the EU institutions and submissions to the Houses of Parliament Select Committees.

In December we responded to the European Commission on a Regulation to replace the **Dublin Convention** and Nicola gave evidence to the House of Lords Select Committee. We outlined ILPA’s position that the basis of the Dublin Convention and its proposed replacement are fundamentally flawed and a model which recognised an asylum applicant’s choice of where to claim asylum should be adopted. The Select Committee went some way to endorsing this view.

We also responded to the two proposed directives in the immigration field: **the conditions of entry and residence of third country nationals for paid employment and self-employment** and **the freedom to travel in the territory of the Member States for third country nationals**. Although ILPA has concerns with some of the detail of the Directives, it strongly believes that the UK should opt into these Directives in order to ensure harmonisation of labour migration across Europe and to allow migrants to have the freedom to travel in Europe.

In March we responded to a Government consultation on **Implementing the Employment and Race Directives**, expressing disappointment that the Government was not using the opportunity in implementing the Directives to give real substance and teeth to anti-discrimination legislation.

In March we responded to the **European Commission's Communication to the Council and the European Parliament on a Common Policy on Illegal Immigration**. We expressed grave concern at the lack of commitment to human rights standards in the communication, permitting member states to continue down the dangerous road of resorting to repressive measures against immigrants.

In May we submitted written evidence and Nicola gave oral evidence to the House of Lords on the **“EC’s proposal for a Directive laying down minimum standards for the qualification and status of third country nationals and stateless persons as refugees”** We emphasised the need for standards to be high in the Directive if harmonisation is to be meaningful and a worthwhile exercise and underpinning the Directive should be precedence given to the 1951 Convention and the ECHR.

In the summer we put forward ILPA’s response to the **“The European Commission's Green Paper on Community Returns Policy on Illegal Residents”** outlining the necessity for any returns policy to be consistent with human rights standards and ensure that it does not further denigrate the position of migrants and particularly asylum seekers.

We also responded to the **“Commission’s Communication towards integrated Management of the External Border”**, focusing on the purpose of the new border arrangements and raising serious questions about the nature of the EU common border, the definition of that border and its relationship to controls.

In October we produced submissions on **“The Future of the EU Charter of Fundamental Rights”** to the House of Lords Select Committee outlining ILPA’s position that the EU must now accede to the European Convention on Human Rights in order to ensure the preservation of human rights.

In November we published **“The Lessons of Sangatte : Time for Change in EU Asylum Policy”** outlining ILPA’s concerns that the closure of Sangatte would not see the end of the problems in Calais but represents the visible result of the failures of the Dublin Convention and EU asylum policy.

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 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 set out in the ILPA mailing.

The sub-committee represents ILPA on the Work Permits (UK) User Panel and the Home Office Business User Panel. Over the last year the sub-committee has:-

- prepared and submitted representations in response to the consultation by Work Permits (UK) on the Recruitment and Employment Agencies Review;
- prepared and submitted representations in response to the consultation by Work Permits (UK) on the proposed charging for work permit applications;
- prepared and submitted representations in response to the consultation by the Home Office on the Review of the Working Holiday Maker Scheme;
- prepared and submitted representations to Immigration and Nationality Policy Directorate on a review of the Innovator Scheme;
- procured two presentations, hosted by CMS Cameron McKenna at no cost to members, of the Way Ahead Event 2002 by Work Permits (UK) and the Home Office;
- prepared and submitted a response to the evaluation by Work Permits (UK) of the new TWES arrangements;
- attended three Home Office Business User Panel meetings. Through this representation the sub-committee has, amongst other things, been responsible for the setting up of the “Desk 24” delivery and pick up point for business applications, lobbied hard for clarification of aspects of the Highly Skilled Migrant Programme and for the introduction of published extension criteria and generally represented the interests of economically driven migrants and their advisers.

In addition, members of the Employment and Business Sub-committee have participated in ILPA training on business and employment related immigration law and this has made a significant contribution to revenue.

Philip Barth, Julia Onslow-Cole, Philip Trott

FAMILY & GENERAL IMMIGRATION SUB-COMMITTEE REPORT

This sub-committee has continued to meet regularly on the third Tuesday of the month, at the School for Oriental and African Studies, by courtesy of Dr Werner Menski. It is co-ordinated by Sue Shutter.

During 2002, the sub-committee has concentrated mainly on entry clearance matters, including family visit visa appeals, and on citizenship matters. We drafted part of ILPA's response to the White Paper, *Secure borders, safe haven*, contributed to the ILPA response to the consultation paper on working holidaymakers, and lobbied on the Nationality, Immigration and Asylum (NIA) Bill. We have also worked on issues affecting children and on responding to Home Office and UKVisas consultation papers.

We aimed to have regular quarterly meetings concentrating on issues relating to children and had a stimulating meeting in June including members of the Children's Consortium working on such issues in the NIA Bill. We urge the end of the UK's reservation to the UN Convention on the Rights of the Child and support the idea of ILPA preparing and promoting guidelines for practitioners in dealing with children's cases.

We discussed the Home Office's research into the reasons why people do or do not appeal against visit visa refusals and submitted evidence to the researchers. The report is still awaited. We have campaigned against the visit visa fees and were pleased when these were finally abolished. We wrote to UKVisas about the inconsistencies in entry clearance charges for refugee and exceptional leave family reunion cases, securing a consistent policy in June. We drafted ILPA's response to UKVisas about the new entry clearance application forms produced in Pakistan and to be trialled around the world, and members of the sub-committee attended a meeting of UKVisas to press our views. New forms were issued in October, incorporating some of ILPA's comments, but giving an extremely short time for further comments, which the sub-committee prepared – we await any effects.

On citizenship matters, the sub-committee continued its work of lobbying through the passage of the Overseas Territories Bill, welcoming the regaining of British citizenship by citizens of the renamed Overseas Territories in May. We strongly opposed the ending of the special quota voucher scheme in March, participated in a meeting with Lord Rooker on 20 May and worked to brief Members of both Houses of Parliament on this and other aspects of Part 1 of the NIA Bill. ILPA was influential in improving this part of the Act, so that there must now be objective reasons for the Home Secretary to deprive people of their British citizenship, it cannot be done retrospectively to British-born citizens, and there are provisions for British Overseas citizens, British protected persons and British subjects to register to become British citizens, ending at last the 35-year injustice of different classes of British nationals. There is also a measure to reduce the sex discrimination in transmission of British citizenship to children born outside Britain, so that people who could have qualified to be registered as children through the Home Office 1979 concession now have that chance as adults. We are concerned that the new requirements for naturalisation, having 'sufficient knowledge' of 'life in the UK' and of the English language, will prove unwarranted barriers to refugees becoming British.

Next year, we expect that the Home Office's long-promised consolidation of the immigration rules may actually happen, and will be involved in lobbying and commenting on this. We oppose the suggestion of a two-year probationary period for spouses and the no-switching provisions. We expect to comment further on the new naturalisation requirements. That means another busy year – all those interested in immigration and family matters, and anything else not covered by another sub-committee, please do join us! We see our role as a conduit for transmitting members' concerns

to the EC and as a platform for interested individuals to meet on an informal basis for exchange of ideas and information and to help shape ILPA's policies and to contribute to its overall work.

Sue Shutter

LEGAL AID SUB-COMMITTEE REPORT

This has been an active year for members and therefore for the sub-committee. I would like to thank all members who participated in meetings, and shared their experiences and expertise with us. I would particularly like to thank Alison Hunter for becoming co-convenor with me.

I said in last year's report that ILPA's relationship with the LSC is a complex one. This remains the case. Nevertheless, I think however that most members will now regard the LSC, particularly on a national level, with a little more scepticism now than in the past. True, changes in eligibility rates have enabled more migrants on low incomes to qualify for free Legal Help. True, the LSC has continued to fund ILPA's work on the innovative Asylum Caseworker Training project [see elsewhere] and other projects. True, some suppliers have benefited from the Expansion project this year, and this year has seen the publication of the excellent Best Practice Guide on making an asylum application. But elsewhere the LSC seems closer to a government obsessed with speeding up asylum procedures at the expense of fairness. Whilst ILPA does not deny that there remain substantial issues to be dealt with in terms of the quality of publicly funded advice, [and ILPA has a proud track record of working to improve advice], we are strongly of the view that now, more than ever, it is an integral part of a fair and efficient determination procedure for the real issues in an application to be properly put before the first decision, and for that decision to be vigorously tested through a suspensive appeal. An easily accessible, independent, publicly funded legal aid system is an integral part of that procedure.

This year has seen consultation on the introduction from December 2002 of a new CLR merits test. ILPA, in conjunction with the Law Society and LAPG, lobbied the LSC vigorously on this issue. But despite some improvements, the overall flawed approach of the LSC remained unaltered. The fact that the existing test is not being applied rigorously enough [or at all] by some suppliers is an issue that needed addressing. But it was used as a premise for strengthening the test, rather than for looking at ways of making the current test more effective. The new test will mean that there will be fewer represented asylum appellants –which ironically means that those appeals will take far longer. There seemed to be an unfortunate under-current to the consultation that the hope was in some quarters that appellants who failed the test at an early stage might not appeal at all. Insofar as this is the view of the LSC, this is to be deprecated. The introduction of non-suspensive appeals under the new Act will bring important new challenges to suppliers and to the LSC. A recent answer by the LCD to a parliamentary question suggests that the level and funding of advice about and representation on these appeals will be contentious. This will be a focus for members and the sub-committee in the coming year.

Members in the course of the year have also reported that it has become significantly more difficult to obtain funding for renewing Judicial Review leave applications. There is outstanding correspondence with the LSC on this point. Members may also be aware that there is now a proposal [subject to a consultation period ending in mid-December] to remove **all** devolved powers from immigration suppliers for certificated work from April 2003. In the light of recent experience this seems highly likely to make it harder to get public funding to challenge government decisions. Yet this will be at a time when those decisions are likely to be coming faster than ever, and when there is no obvious improvement in their quality. The coincidence between this change of LSC approach and an executive more concerned than ever to be seen to be tough on immigration issues, is to say the least, unfortunate.

The issue of potential conflicts of interest for individuals representing ILPA and its members in negotiations with other bodies like the LSC and OISC, who also played other roles within those organisations [such as peer reviewers, consultants, advisory board members, and indeed legal advisors] was the subject of debate and a members meeting. This is dealt with in more detail

elsewhere in this annual report. The sub-committee remains keenly aware of the potential difficulties in this area and will be quick to identify areas of conflict. That said, the more members who are involved in the activities of the sub-committee, the less likely it is that conflicts will arise, and the easier it will be to deal with them.

In the course of the year I think that slightly fewer members have raised with us their individual organisations' difficulties with the LSC, than in previous years. I'm not sure that this is because of improved relations between suppliers and the Commission and I would urge members with difficulties to bring them to the sub-committee so that we can approach the LSC on policy matters. That said it has long been ILPA policy not to make representations in relation to individual members and that policy has been maintained this year.

Last year saw a number of issues arise from the first **cost audits** undertaken by the LSC. This year the issue was raised again. There were complaints about inconsistent and incorrect and over-rigid applications of rules by the auditors, and of poor quality identification of problems on files, making responses more difficult and time-consuming. In the course of the year ILPA was consulted upon the second edition of the guidance to auditors. This was very welcome. The new document contains significant improvements, but is unlikely to end difficulties in this contentious area. There remain complaints about the audit procedure itself, about the principles used during it, and about the appeal procedure. Against this the LSC has made significant savings of public money, by clawing back funds paid out for what few would deny is very poor quality work. ILPA will be watching the next round of audits closely.

Members will no doubt be aware of the next reconciliation date of March 2003, for payments from/claims to the LSC under Exclusive contracts. It does not appear that there will be any special provision for Immigration suppliers, even though we carry far more disbursements than others. The extension of the staged billing process alone, whilst welcome, will not be sufficient to offset this. This is an issue upon which we will need to consult and act between now and March and suppliers with concerns are urged to get in touch.

In the course of the year the sub-committee also met with OISC to seek to establish parity between the quality standards imposed upon LSC and OISC regulated providers. At the moment there remain some differences between the bodies, particular on issues of who can have conduct cases and on levels of supervision, the LSC's requirements being more stringent. The sub-committee will need to continue to work on these issues next year.

As highlighted in last year's report it remains the case that there is an absolute shortage of immigration providers, so much more work needs to be done to expand supply. There remain substantial issues as to the quality of those advisors. Much will depend on overall remuneration rates which continue to make legal aid work unattractive. There also remains the issue as to where that supply is to be delivered. Thus, in the medium term ILPA will need to keep a close watch on the provision of legal advice at reception centres, accommodation centres and the increasing detention estate. However in the short term the likely deluge of appeals and removals next year and the impact of the new Act is likely to stretch current providers more than ever.

Chris Randall

REFUGEE SUB-COMMITTEE ANNUAL REPORT

It has been, as always, an eventful year for asylum-related issues. The new Act will be fully dealt with elsewhere in the Annual Report and at the conference. Perhaps the most alarming development from the IAA this year was the implementation of a new fast track procedure by which certain certified asylum and human rights appeals are heard within 6-8 days of the IAA receiving the appeal papers.

The move was alarming on a number of levels. Not only was it subject to a desultory consultation period during August, but the LCD had already announced the result in advance of the consultation! As well as making extensive representations about the proposed listing procedure being inadequate and unsafe, ILPA sought detailed information about what steps the IAA had taken to satisfy itself that asylum and human rights appeals could be properly prepared in the period envisaged. No satisfactory answer was received. The number of appeals that have been directly affected has been small. But the move indicates a disturbing understanding on the part of the IAA of what is involved in conducting litigation where so much is at stake.

Caselaw developments this year have also gone largely downhill, from the House of Lords downwards. The House of Lords' input will be well known to members. In *Gurung* [2002] UKIAT 4870*, the IAT expressed "dismay" that the Home Office did not make more frequent use of the exclusion clauses in the Refugee Convention (Art 1F) and was also told by the Home Office that it was reviewing how the exclusion clauses should be applied in asylum decisions. ILPA has asked to be consulted on this review.

During 2001, the sub-committee had worked on the feasibility of commissioning generic expert reports to deal with recurring issues and comment on contentious parts of Home Office country assessments. It was not progressed significantly in 2002 due to low attendance at meetings (see below) and members' other commitments with lobbying on the Bill and producing Best Practice Guides etc. However, given that the Home Office is now envisaging its own expert panel, this is a matter which the sub-committee will wish to do more work on next year. The sub-committee will also be looking at the ILPA Directory of Experts (the last paper edition is now seriously out of date).

Attendance at some of the monthly meetings of the sub-committee was very low this year. One problem with these meetings is that the sub-committee are often discussing the same matters as are raised at the monthly meetings of the Refugee Legal Group. Many ILPA members (including myself) attend the RLG monthly meetings and there is an undoubted and understandable reluctance for members to attend *two* regular monthly meetings with similar agendas. The RLG has also experienced a drop in attendance this year, which again suggests that the escalating demands of practice together with (depressingly unproductive) campaigning means that we should not be looking to add to the number of meetings without good reason.

Where meetings have been well-attended, members have indicated that they welcome the opportunity to concentrate more on legal issues. Amongst practical issues reported, the most common problem was the (unannounced) change of practice on the part of the LSC which resulted in far harsher decisions on public funding for asylum judicial reviews. This issue was raised in conjunction with the Legal Aid Sub-committee.

Members are encouraged to offer suggestions as to how they feel the sub-committee can be of benefit to them. This may include meetings which are less frequent but more focussed upon particular themes.

Mark Henderson

REFUGEE WOMEN'S LEGAL GROUP

The Refugee Women's Legal Group is a group of refugees, lawyers and community activists working to promote a gendered perspective in asylum law and process.

This year has been one of consolidation. We have continued to build on the success of the *Gender Guidelines for the determination of asylum claims in the UK*, by continuing meetings with the Home Office policy unit. The Home Office now accept that gender is an issue in asylum claims, and we have commented extensively on the Home Office draft API on the topic. Discussions continue, but we hope that the Home Office will issue an API in the near future.

We have also continued our general educational and informational work, with members speaking at conferences and meetings on issues effecting women asylum seekers.

The RWLG has established itself as a key network for consultation on the issue of gender and refugee law. Over the year, members have participated in the following conferences:

September 2001. Through the support of Oxfam, a member of RWLG (Aliya) was able to attend and participate in the UN World Conference against Racism in Durban, South Africa.

November 2001. Sponsored by the International Council for Voluntary Associations, two RWLG members (Heaven & Aliya) actively participated in the UN Global Consultation on the 1951 Convention, held in Geneva.

December 2001. Supported by ILPA, RWLG sent two members (Ayse & Aliya) to Brussels to take part in a Citizen's Assembly organised by European Women's Lobby to mark the end of their year long campaign - *Towards a Gender Sensitive Asylum Policy*.

Currently, our main project is working towards a major European conference in June 2003, to be held at Sussex University. This is long over due, as it will be the first European conference on women refugee issues since the highly successful conference run by UNHCR in Brussels in 1998. We aim to bring together refugee and asylum seeking women, lawyers, community activists and policy makers to discuss issues that effect refugee women both here and in Europe and to plan a strategy for the future.

We would welcome new people with energy and ideas to help plan the conference. If you would like to know more about the work of the RWLG please visit our web site: www.rwlg.org.uk. New members are welcome to join in our regular monthly meetings held at the ILPA office, Lindsey House, 40 - 42 Charterhouse Street, London EC1M 6JN on the second Thursday of each month at 6pm. The next meeting is Thursday 12th December 2003 at 6pm.

Alison Stanley and Hildegard Dumper