



# iarmj

international association of refugee and migration judges

## Global Newsletter, August 2018

### Introduction

This is the first Global Newsletter of the International Association of Refugee and Migration Judges (IARMJ), the new name for our Association, adopted at the World Conference in Athens, Greece, in November 2017.

The Newsletter is for you, the IARMJ membership and is edited by Judith Gleeson and Paulah Dauns. Contact details are at the end of the newsletter.

### President's Report



Dear members of the IARLJ,

It was a real pleasure to meet so many of you during our world conference in Athens last December and again earlier this month for the Americas Chapter conference at Georgetown University Law Center in Washington D.C., 1-6 August 2018.

This is indeed the year of the Chapter conferences as is reminded again with the recent invitations that were sent out or can be found on our website. Let me remind you that all members of the IARMJ are members of the global association and of a chapter. All conferences are open to all members, whether global or regional.

For those of you who were not at the World Conference in Athens, let me repeat what I said then on the future of the IARLJ:

*"Before giving the floor to our first session, I would like to say a few words on the IARLJ. The IARLJ has grown steadily over the years not only its membership but also in the number of countries judges represent.*

*There has always been a discussion on where to limit ourselves.*

**IARMJ Newsletter**

**September 2018**

IARMJ President: Katelijne Declerck  
Vice-President: Isaac Lenaola

Newsletter editor: Judith Gleeson  
Associate Editor: Paulah Dauns

*Asylum is what we have always embraced and we will continue to do so, but depending on the legislation in the countries, migration was just as much part of the IARLJ discussions, workshops and conferences.*

*Some of our members come from countries where asylum law is integrated in their national legislation, others from countries not bound by the Geneva Refugee Convention, where international protection can only be achieved through migration litigations and other international instruments such as the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.*

*Some continents have a Human Rights Court; Asia, the Pacific region and the Middle East do not.*

*Apart from only a very small number of countries, courts around the world that deal with the asylum litigation, also have jurisdiction over migration litigation related with the entry, the sojourn and the removal of foreign nationals. In fact, it is usually the other way around.*

*Clearly as we grow the IARLJ must also adapt to this reality. In the past we have done so in practice. Time has come to be clear on this. That is why when holding our general assembly the IARLJ members will be asked to look to the future. Discuss the move to formally widen the scope of IARLJ, which to me seems an excellent fit and very timely with the regional and global dialogue on major issues.*

*Continuous confrontation with a higher international migration has indeed not only given rise to diverse responses of individual countries, and in an attempt to manage migration and asylum flows international and regional cooperation is aiming at decreasing the international movement of people.*

*This continues to alter the existing, or where necessary set into place, migration legislation and administrative policies whereby judicial control is not necessarily fully thought through at the offset. Needless to say there is a lot to discuss on this”.*

I was grateful that the General Assembly of Athens was in full agreement that we needed to adapt and go forward. After the world conference we continued our search for a new name electronically. Most members wanted a name very closely linked to our old name. The **IARMJ** (I-ARM-J) was the winner.

The old IARLJ Constitution also needed to be amended and updated. These past 7 months, two of the former IARLJ global presidents, Allan Mackey and Sebastiaan de Groot took on this big task, working closely with myself and under the supervision of the notary in the Netherlands. The text has already been sent to the Global Council and their remarks have been included. Apart from some formatting and editing, the text of the new Constitution is now with the secretariat. As the IARLJ/IARMJ is officially registered in the Netherlands, the official IARMJ

version in Dutch will be prepared within the next month and sent out along with the English (unofficial) version with a resolution for approval of the General Assembly pursuant Article 8.5 of the 1997 IARLJ Constitution. A final date for voting will be announced at that time. A general meeting for the announcement of the results will be held in Wellington, New Zealand where I will be for the Asia Pacific Chapter Conference. I hope to meet many of you there.

Finally, there is our daily work.

As I said in my Americas Chapter Conference opening address to members of the judiciary of 25 American nations, migration and asylum judges can see all around a climate that is not favourable to the work we do. We are there to enforce rules and international treaties. However, some countries have neither working refugee determination systems in place, nor administrative procedures to deal with migrants. Hoping to remain transit countries can be seen imprudent in light of the present-day migrations on the American continent. Moreover, as all Americas countries have signed the Geneva Convention, they have acknowledged that the granting of refugee status is a right, not a favour.

We had an excellent conference in Washington DC. The discussions on the conference concept of resilience within the legal frameworks of our asylum systems, were open and fruitful. The will and necessity to continue meeting and exchange views, was one of the final conclusions of the conference.

I certainly hope that the judges from Southern and Central America will join us again in the next workshops and conferences. Their experiences are important and very interesting to us all. I send you all my warmest regards and best wishes, until we meet again, somewhere in the world!

Katelijne Declerck  
President of the IARLJ/IARMJ

### **The IARMJ World Council, Executive and Chapter Presidents**



The 11th World Conference in Athens, Greece, November 27-1 December 2017, elected a new Council for the IARLJ to serve until the next World Conference (in 2019/2020), with Katelijne Declerck from Belgium remaining President of the global IARLJ and Isaac Lenaola from Kenya as

the new Vice-President. The Immediate Past President, Sebastiaan de Groot from the Netherlands, is an ex officio Member of the Executive.

Full details of the current Officers and Council are at the end of this newsletter.

## Inter-Conference Working Parties

In the years between our World Conferences, an important feature of the IARMJ's contribution and collegiality lies in its ten Working Parties, coordinated by Dr James Simeon of York University, Canada. In principle, each working party has a lead rapporteur and an assistant rapporteur, and the membership of each Working Party for the next two years is established at the World Conference. The IARMJ's working parties and their rapporteurs meet and report at each World Conference. The Working Parties are led by James Simeon and regular Skype discussions are held. Previous papers prepared by IARLI/IARMJ Working Parties are available on the IARMJ website ([www.iarlj.org](http://www.iarlj.org)).

The range of the Working Parties is considerable: they cover Human Rights Nexus, Membership of a Particular Social Group, Expert Evidence, Extraterritorial Processing, Vulnerable Persons, Asylum Procedures, Country of Origin Information and Country Guidance, Exclusion Clauses and Statelessness.

Full details of the present inter-conference Working Party structure are at the end of this newsletter. There are a number of vacancies for Rapporteurs or Associate Rapporteurs: if you are interested, or if you would like to become involved in the work of any of the Working Parties, please contact James Simeon ([jamescsimeon@hotmail.com](mailto:jamescsimeon@hotmail.com)).

## Women Judges Group

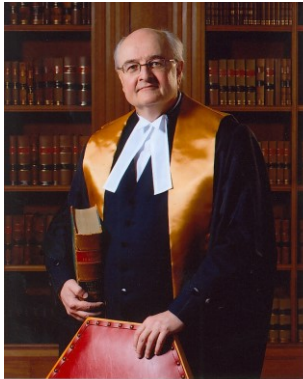
Paulah Dauns has organised a series of very enjoyable women judges' lunches at the World Conferences since 2011, with the numbers growing exponentially at each conference. It may be time to consider a Women Judges' Group which would work on relevant issues between conferences.

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## Presidents' Corner

In the Presidents' Corner, we bring you news and views from the four corners of the earth, as represented by the IARMJ's four Chapters: Americas, Africa, Asia-Pacific and Europe. More details and reports about recent and forthcoming Chapter Conferences are provided separately, following the Presidents' Corner commentary.

## Americas Chapter



AMERICAS CHAPTER CONFERENCE: Georgetown University Law Centre, Washington D.C., August 1 – 5, 2018

This was the first Americas Chapter Conference since Mexico in 2006. When programming the 2018 Americas Chapter Conference, we were guided by the statement made by Assistant High Commissioner for Protection, Volker Türk at the Protection Dialogue in Mexico City in March 2017:

*“Despite the horrors they have endured, refugees discover strength and resilience while in displacement. We need to empower them to contribute to their future and become agents of change.”*

Our 2018 conference theme of “Resilience” focused on the necessary resilience of protection determination systems and processes in today’s world and the resilience of decision-makers in those systems who are faced with ever increasing demands and work load.

The planning had been underway for two years and was designed with five key outcomes:

- (1) Broadening and consolidating the legal knowledge base for state adjudicators;
- (2) Identifying and incorporating trauma-informed adjudication techniques and theories into the legal framework and adjudication process;
- (3) Assisting adjudicators in learning to identify and understand the impact and influence of their own biases on the outcomes of legal adjudications;
- (4) Conducting in-depth case law analysis and exploring legal frameworks around adjudicating claims from vulnerable populations; and
- (5) Developing resilient legal protection systems that are able to withstand large influxes and identify legitimate asylum seekers while maintaining program quality and integrity.

I am pleased to report that all of these objectives were met – and more!

The first two days were optional pre-conference workshops consisting of speakers, group exercises and panel discussions curated to provide all participants with a strong foundation about working with vulnerable populations in preparation for the plenary sessions.

The next two days were plenary sessions. Starting out at a micro level, we began with a facilitated session focusing on trauma-informed adjudication techniques and theories, incorporating group exercises based on specific case studies. The session plenary also examined burnout among adjudicators working with vulnerable populations and the impact of



an adjudicator's biases on the outcomes of legal adjudications. The session broadened to provide a macro level look at the resilience of current asylum systems when faced with large influxes of applicants. It offered an in-depth analysis of case law and existing legal frameworks to examine resilience in the context of a state protection regimes that adequately distinguish between legitimate refugees and asylum seekers and those fleeing generalized violence.

The plenary session ended with the personal accounts of three recent refugees. They described the perils of fleeing their homes and the success each has found in their adopted country. All three continue being involved in the larger refugee system assisting others.

The final day was a capstone session consisting of a tour of the U.S. Holocaust Museum's permanent exhibit, followed by a facilitated program for judges and adjudicators. Using legal decrees, judicial opinions, and case law, this close scrutiny of the past provided the participants with a foundation for modern legal analysis and a warning about the consequences of indifference.

Each of the workshops, plenary sessions, and the capstone event were conducted in English or Spanish with simultaneous translation into the other language.

We welcomed refugee judges and adjudicators from all across the world, including from Aruba, Bahamas, Belize, Belgium, Brazil, Canada, Colombia, Costa Rica, Curacao, Dominican Republic, Ecuador, Finland, Great Britain, Guatemala, Kenya, Panama, The Netherlands, Peru, South Africa, Trinidad and Tobago, and the United States of America.

The Chapter was provided with financial support from the UNHCR, and from Immigration, Refugees and Citizenship Canada which enabled the funding of many of our participants.



From all reports, the Conference was a tremendous success, due in no small measure by the volunteers who assisted with the programming and logistics. In particular we thank and acknowledge the significant efforts made by Ross Pattee, Felix Ulloa, and Brigitte Witzel of the Immigration and Refugee Board of Canada, and Jennifer Higgins, Dimple Dhabalia, and Matthew Joseph of the United States Citizenship and Immigration Service.

Lastly, we could not have held the conference if the facilities of Georgetown University Law Centre were not generously provided, thanks to our faculty sponsor, Professor Andrew Schoenholtz, and Dean William Treanor.

Russel Zinn  
President, IARMJ Americas Chapter

## Africa Chapter

### *Looking Forward to a very Historic Occasion: Celebrating 50 years of Refugee Protection under the 1969 OAU Refugee Convention*



Next year, the African Chapter will be celebrating the 50th anniversary of the landmark 1969 OAU Refugee Convention. Adopted in a context of decolonization struggles across the continent, the 1969 Convention is considered the most generous and flexible international agreement on refugee protection, broadening the scope of admission as enshrined in the 1951 Geneva Convention.

The 1969 OAU Convention is ground-breaking as it set out a common framework for refugee protection and the development of jurisprudence in Africa through an expanded definition that includes those fleeing civil war, generalized violence and insecurity. It was also the first instrument of its nature to elaborate on the principles relating to voluntary repatriation, international solidarity and burden-sharing including elaboration on the Internal Flight Alternative.



50 Years on, this Regional instrument remains relevant in the context of contemporary challenges confronting the African Continent. We have established contact with the African Union Commission (AU) who have expressed interest in collaborating with our Chapter and the UNHCR in hosting the event possibly in September 2019. Discussions will now be

initiated to invite bids.

We are looking at possible options for the 2019 Conference in Sharm El Sheikh (Egypt), Mombasa (Kenya), Cape Town (South Africa), and in Algeria including anticipated proposals from the Central and West African Region. Watch the next Newsletter for more information !!!!!.



Ahmed Arbee  
President, IARMJ Africa Chapter

## Asia Pacific Chapter



My very warm greetings to the global membership on behalf of the Asia Pacific members.

To give you some idea of the scale of the 'tyranny of distance' which faces the members of our Chapter, I should explain that we stretch longitudinally from 45 degrees east to 90 degrees west (or 270 degrees east depending on which way you're facing). That is a staggering two thirds of the way around the world. As to latitude, our northernmost members are at 40 degree north and our southernmost at 40 degrees south. That is nearly half of the north-south axis of the planet by degrees of latitude and we have to shout to each other from opposite sides of the Tropics. The cartographers among you will know that these latitudes are, in fact, much more than half the surface area of the Earth because the spherical nature of the planet means that degrees of latitude diminish in circumference the further they are from the equator.

The end product is that, unless Magellan was embarrassingly wrong, the Asia Pacific Chapter spans more than half of the world.

For us, the tyranny of such vast distances means that physical meetings are rare. We depend heavily on electronic communications, the internet and the Chapter newsletter to keep in touch. We visit each other when we can, but the strings which hold our Chapter together are very much in the ether.

All of which makes the November conference of the Asia Pacific Chapter in Wellington terribly important for us. It is our biennial chance to sit down together and talk as judges and decision-makers in a collegial and supportive forum. Friendships are forged, professional contacts are made, fresh light is shed on how other jurisdictions do things. Academics push at the boundaries of what we thought we knew. We get to hear from the giants on whose shoulders we stand. Fellow judges seek guidance and we, in turn, can be guided. Bread is broken and wine is drunk. All of these things meld into best experience that a conference can offer and we fully intend that Wellington will produce exactly that.

If you can be there, we would love to see you at the conference. Full details (including the programme) are on the Associations' website but, in brief, the conference itself is on 15-16 November, with a day of workshops beforehand on 14 November. New Zealand will be in the full bloom of spring, with the chance for you to add some sight-seeing while you're here.

Ka kite anō au i a koutou.

Martin Treadwell  
President, IARMJ Asia-Pacific Chapter



## European Chapter



IARMJ's European Chapter is looking forward to its 2018 Chapter Conference on 12-14 September 2018 in Catania, Sicily. The following comments are reprinted from the European Chapter newsletter, with the kind permission of Hugo Storey, the European IARMJ President.

The July 2018 European Chapter newsletter is Hugo's last as European Chapter President. The IARMJ owes him a debt of gratitude which it must acknowledge, but can never repay, for his consistent enthusiasm and efforts in the IARMJ both at World and European levels, and as a superb ambassador around the world for our Association and the collegiality between judges which is at its heart. Over to Hugo for a final word:

*"As this is the last Note I will pen as president of IARMJ-Europe, I hope you will forgive me for being a little sentimental. Can I thank you all for having placed confidence in me to head this wonderful association over the past 4 and a half years, which has so enriched my life and hopefully that of others too.*

*I am not going away; I am not stepping down as president to have a rest; I hope to be almost as involved in the work of the association as before (and I will remain as head of the new four-year project we have with EASO. I'm stepping down from being president because I strongly believe that, for an association like ours, two terms is enough and that it's right, in order for the association to continue being dynamic, to let others have a turn and put their own stamp on things. I know there are others who can do a terrific job and bring new energy so that we can continue to be viable and relevant.*

*For me personally the most valuable and rewarding activity of our association has been the collegiality. We continue to be active and strong because we enjoy each other's company as friends – everyone who has been involved in IARMJ in Europe and globally speaks of that. But we get to be friends because we crave judicial dialogue to help us in our difficult professional duties (I'm sure there's a pseudo-chemical equation for this: JD (judicial dialogue) + C (collegiality) = SJA (a successful judicial association))!*

*For judges, asylum and migration law are complex - and stressful - areas of law where we need all the help we can get."*

Hugo Storey

President, IARMJ European Chapter

## IARMJ Events, 2018/2019

## Americas Chapter (Washington DC, 1-5 August 2018)



The Americas Chapter held its conference in Washington DC at Georgetown University, in the first week of August 2018.

The conference marked the formal launch of the new IARMJ name and style, as well as being the first Americas Chapter conference for 12 years. All of the conference and pre-conference papers are available on the IARMJ website (still at [www.iarlj.org](http://www.iarlj.org) for the time being).

### The pre-conference workshop

The main conference was preceded by a well-attended pre-conference workshop, on the topic of Interviewing Vulnerable Populations, focusing on the non-adversarial interview, and handling specific vulnerable groups such as children, gender-based claims and LGBTQ claims. There were interesting discussions on the second day of the pre-conference on eliciting testimony from vulnerable populations, and analyzing credibility. The pre-conference also included discussions on obtaining and using country of origin information on gang-related issues in the region, and interviewing torture survivors.

### Asylum Procedures Working Party

A meeting of the IARMJ's Asylum Procedures Working Party was held during the pre-conference and contributions were invited from attendees on fast track and accelerated asylum procedures in their countries of origin.

For those willing to contribute, the Asylum Procedures Working Party Rapporteur, Judith Gleeson, can be contacted at [uppertribunaljudge.gleeson@ejudiciary.net](mailto:uppertribunaljudge.gleeson@ejudiciary.net).

### The Plenary Conference

The theme of the main conference was Resilience, both for asylum seekers and the judiciary. After a welcome and opening remarks from Dimple Dhabalia of the US Citizenship and Immigration Services, from the Americas Chapter President Justice Russell Zinn of Canada, and the World President, Judge Katelijne Declerck of Belgium, we saw a short film, *Refugees*,

narrated by Cate Blanchett and heard a keynote address from Doris Meissner of the Migration Policy Institute in the USA.

The themes of interviewing and assessing the credibility of applicants impacted by violence and trauma were considered in several very useful sessions over the rest of the first day of the main conference.

On the second day of the full conference, we benefited from a keynote address by Melissa Fleming from UNHCR Switzerland, a panel discussion on building resilient asylum systems, and group and plenary sessions on adjudicating protection claims based on generalized violence.

There was an interesting optional lunch session on resilience from the African perspective, followed by a panel discussion on minimizing the effect of bias on the adjudicative process, and a moving presentation on the experience of seeking asylum, in which three former asylum seekers (Joseph Sebarenzi, Afsoon Houshidari and Luis Mancheno) explained their reasons for leaving their home countries, the effect of the asylum process, and their successful present lives as US and Canadian citizens. The day ended with a meeting of the IARMJ Americas Chapter Executive Meeting, to reflect on the conferences and plan future conferences (much sooner than 12 years!).

### Visit to the Holocaust Museum in Washington DC

On the last day of the conference, there was an opportunity for a full-day visit to the Holocaust Memorial Museum in Washington, the United States' official memorial to the Holocaust. The museum is dedicated to helping leaders and citizens of the world confront hatred, prevent genocide, promote human dignity and strengthen democracy.

The museum opened in April 1993 and holds an extraordinary collection of memories and artefacts, only a small proportion of which are on show. It has documented 9000 oral history testimonies and 1000 hours of archival footage, as well as holding 13000 artefacts and over 84000 library items. Researchers at the museum have documented 42500 ghettos and concentration camps erected by the Nazis in German-controlled areas of Europe from 1933 to 1945.



We had a fascinating guided tour of the museum. Particularly striking was a four-sided exhibit, spanning three floors of the Museum, with images of all of those killed in one village in Poland. The village was entirely wiped out.

The group study in the afternoon was really thought provoking and useful.

## European Chapter Conference (Sicily, 12-14 September 2018)

The European Chapter regional conference will take place at the Monastery of San Nicolò l'Arena in Catania, Sicily, on 13-14 September 2018, with a pre-conference training workshop on 12 September. The topic is *The Right to Effective Judicial Protection under EU Asylum Law*. A draft programme is available on the IARMJ website (<https://www.iarlj.org/events/archived-events/event/58-biannual-conference-european-chapter-workshops>).

## Asia-Pacific Conference (Wellington, New Zealand, 15-16 November 2018)

The Asia-Pacific Chapter regional conference will take place at the New Zealand Parliament Buildings on 15-16 November 2018 in Wellington, New Zealand, with pre-conference training workshops on 14 November. A draft Program is available on the IARMJ website and further details are available from Joy Ottaway on [joy.ottaway@internet.co.nz](mailto:joy.ottaway@internet.co.nz) (telephone +64 21 192 1155).

## African Chapter conference (to be advised, 2019)

The African Chapter regional conference will take place in 2019, to commemorate the 50<sup>th</sup> anniversary of adoption of the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa (the OAU Refugee Convention) on 10 September 1969.



More details of the African Chapter regional conference will be included in the Global Newsletter as they become available.

## Asylum Procedures Working Party

There will be a meeting of the Asylum Procedures Working Party at each of the regional Chapter conferences in 2018 and 2019. Your contributions on fast track and accelerated procedures in your country or region are very welcome, whether or not you are formally a



member of the Working Party. Please send them to the Asylum Procedures Working Party Rapporteur, Judith Gleeson, at any time ([uppertribunaljudge.gleeson@ejudiciary.net](mailto:uppertribunaljudge.gleeson@ejudiciary.net)).

## IARMJ Member News

This section of the newsletter is for news of IARMJ members: promotions, retirements, marriages, and deaths, as well as any other professional news or publications. Please send news for future editions at any time to the Editor, Judith Gleeson.

### Obituary: Barbara Harrell-Bond OBE (7 November 1932- 11 July 2018)



Barbara Harrell-Bond is best known for her work with refugees. To her the refugee was a person, not a number. Barbara trained as a social anthropologist under Professor Edward Evans-Pritchard, well-known for his work on African cultures and political systems. She founded the Refugee Studies Centre at Oxford University in 1982, to study the causes, consequences, and responses to forced displacement. Barbara went on to set up many such centres around the world, pioneering the academic field of Refugee Studies.

Geoffrey Care, who knew her well, had this to say about Barbara's importance in the field of refugee law, his long friendship with her, and her death:

*Very few of us who operate, or who have operated, in this field in some capacity and especially the refugees themselves past, present and to come are not touched by Barbara's hand. Barbara managed to combine the professional with the intensely practical in what she said and did, and there are many refugees whom she befriended at her homes who can testify to her understanding of their predicament.*

*I first met Barbara in about 1992 when the man she was due to meet in Thanet House, probably to cajole him into doing something, ducked the meeting and Barbara landed up with me instead. At the time I was Deputy Chief Adjudicator and, along with a couple of colleague adjudicators, had been charged with creating a system to handle the appeals from Home Office refusals which new legislation was about to create. That was the beginning of a long association in during which I was privileged to get to know her well, help where I could - and we became good friends too. She seemed ever optimistic that she could use our skills as judges to assist her, but she always respected our role as independent judges.*

*Sometimes one of us would speak at summer courses at the Refugee Studies Centre she had founded at Oxford; Barbara also fostered a gathering at Makerere University in Uganda (where she had set up another Refugee Law Project which thrives to this day) between local judges, police Immigration official UNHCR and the IARLJ, as it was then known. Whilst she was at Cairo University I and other members of IARLJ were invited on*



*several occasions to Cairo to participate in seminars of judges, prosecutors, officials, politicians, academics and of course refugees themselves.*

*Barbara thrust us into the middle of the controversies arising out of Palestine and the decision making by the UNHCR in Egypt. We learned more, I am sure, than we taught. Critical though she may have been of some of our approaches as judges, Barbara joined the IARLJ and she always kept our respect. Recently when she was in search of the impossible - someone to take over her role - she remarked "age is not for softies". Barbara was certainly no "softie".*

*Barbara's death is a great loss to all of us who knew her, personally or as judges, academics, politicians or civil servants. Her son told me she wanted neither grave nor headstone. Barbara does not need either for her extraordinary life to be engraved in all our memories.*

Geoffrey Care, August 2018

## Oranges, Sunshine and a view of the Parthenon



This 11<sup>th</sup> World Conference – originally planned for Washington DC in May 2017 – was eventually held at the end of November 2017 in Athens, Greece. There could not have been a more appropriate place to hold a global conference of refugee law judges than Athens, the cradle of democracy in the ancient world, and the focus, since 2014, of all of the problems which come with the biggest mass migration since the Second World War. The World Conferences occur in principle every 2 years, though recently it has been 3 yearly. In the years in between, our four Regional Chapters (Europe, Africa, Asia Pacific and the Americas) continue the good work in regional conferences. The 2017 World Conference was a huge success, bringing together about 150 judges from across the globe, to discuss the problems we all face and renew existing friendships, as well as making new ones.

Athens was beautiful: we could see the Parthenon from the hotel restaurant and we all enjoyed the stunning views from the rooftop. There were oranges on the trees, and the weather was really warm, perfect for Europeans who were in the middle of a cold, damp northern winter. We began, as usual, with a series of pre-conference workshops, at intermediate (English and French languages) and advanced level. The Intermediate workshops studied the refugee definition, and effective interviewing techniques for refugee status determination, the vital

topic of credibility assessment, and the adjudication of sensitive claims. On the second day, the intermediate group looked at state protection, exclusion, complicity, and the writing of reasons in refugee status determination. The sessions were lively and thought provoking, much enjoyed by the participants.

The advanced pre-conference workshops looked at armed conflict and asylum, both in group discussions and case studies, and at terrorism and asylum. The workshops benefited from the contributions of senior judiciary and practitioners, as well as UNHCR and researchers, and were very well received.

The main conference was entitled 'Asylum and Migration Law 20 years later', recognising that this is the 20<sup>th</sup> anniversary of the founding of the IARLJ. It will also be the last conference of the IARLJ, since the membership has decided that the aims of the global judicial conversation can no longer be restricted to asylum, but must now include migration law.

The Conference agreed that the name and aims of the Association should include "migration". There were elections for the Council, with the current President, Katelijne Declerck, being elected unopposed for a further term. She has worked incredibly hard for the Association, travelling the world (it seems) almost constantly since the last World Conference in Tunisia in 2014.

## Chapter meetings and Working Parties

During the Conference, all four Regional Chapters held Chapter meetings, and the leaders of the IARLJ's Working Parties took the opportunity for the traditional conference breakfast meeting, under the expert guidance of Dr James Simeon, the coordinator of the Inter World Conference Working Parties and then held meetings of the Working Parties for those who were interested. Some of the working parties hope to meet again at the Regional Conferences which will take place in 2018/2019.

We are extraordinarily fortunate in the quality and seniority of the judicial panels at these conferences, and we all worked extremely hard, but our conversations continued over a series of dinners and an optional cultural tour.

## Women Judges' Lunch



I remember the first of the women judges' lunches I attended at the Bled Conference in 2011. It was a small but lively group of women judges and took place in a room at the conference itself. I enjoyed it very much, but there were not very many of us, reflecting the fact that there were at the time relatively few women judges working in this field.

What was really striking in Athens in 2017 was the number of women judges attending the conference: the women's lunch, held on the second day, was so big that it filled an entire restaurant.

There were fascinating discussions at the table where I sat: we discussed how we reconcile judicial work and family life, and who cooks the dinner, as well as continuing the legal discussions from that morning. In fact, we talked for so long that we nearly missed the Working Party sessions. Those discussions have continued in a WhatsApp group, both during and after the conference, on which we exchanged our photographs of the conference, many of which accompany this article.

## The World Conference at work

The first working session of our Athens Conference was opened by Ahmed Arbee, Chapter Head of the Africa Chapter, who introduced Mr Ioannis Mouzalas, the Greek Minister of Migration Policy, and our global President, Judge Katelijne Decker. The Keynote Address was given by Mr Volker Turk, the UN's Assistant High Commissioner for Protection, who spoke on 'International Protection and Human Mobility: legal principles and policy challenges'.

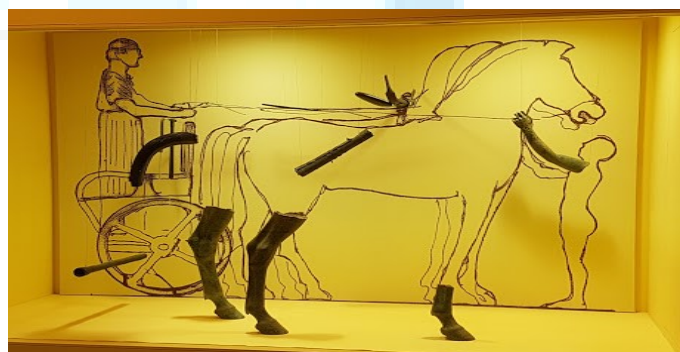
The next session, on contemporary challenges in the context of refugee and migration law was chaired by Judge Kashim Zannah, the IARLJ Vice-President and a Judge of the High Court of Justice in Maiduguri, Nigeria. The panel members were Judge Lars Bay Larsen, from the Court of Justice of the European Union; Judge Mogoeng Thomas Reetsang Mogoeng, the Chief Justice of South Africa; and Justice Russell Zinn, of the Federal Court of Canada.

For a session on security issues in asylum and migration litigation, chaired by Johan Berg of the Norwegian Immigration Appeals Board, we heard from Judge Sanji M Monageng, a Judge of the International Criminal Court and Sybille Kapferer from UNHCR. Judge Jacek Chlebny of the Supreme Administrative Court of Poland was unable to attend at the last moment but has forwarded his paper to be put on the website. We then had a number of breakout meetings, to discuss security issues and classified information. This was followed by a session on statelessness, chaired by Judge Catherine Koutsoupolou of the Third Independent Appeal Committee of the Administrative Court of First Instance in Athens, who introduced Mr Tamas Molnar of the European Union Agency for Fundamental Rights, and Judge Maxim Ferschtman of the Netherlands First Instance Court.

There was a useful discussion on current regional issues in human rights, chaired by Judge Dunstan Mlambo, the President of the Gauteng Division of the High Court of South Africa, who introduced Judge Paul Lemmens of the European Court of Human Rights, Judge Roberto de Figureido Caldas, President of the Inter-American Court of Human Rights, Judge Ben Kioko, the Vice-President of the African Court on Human and People's Rights, and Judge Maria Josefina G SanJuan-Torres, Presiding Judge, Morong Philippines. Breakout meetings enabled more detailed discussion of regional human rights issues.

The final topic tackled by the Conference was that of non-state actors of persecution, chaired by Judge Panagiotis Danias of the Greek Court of Appeal; who introduced Judge Kuniko Ozaki, the Vice-President of the International Criminal Court, Ross Pattee, the Executive Director of the Immigration and Refugee Board of Canada, and Justice Isaac Lenaola, a Justice of the Supreme Court in Kenya. The conversation continued in breakout groups.

After the conference ended, I went on a trip to Delphi organised by Judge Martin Treadwell of New Zealand. The scenery is breath-taking and the museum beside the ruins has an exhibit which reminded me of the difficulty of the assessment of credibility and fact in asylum claims: there were just a few parts of a chariot recovered, together with the charioteer, from which the museum had successfully deduced the rest of the chariot. That is an exercise familiar to any asylum judge.



These meetings are invigorating and reviving. The more I attend them, the more I become aware of the lasting power of the Refugee Convention and of those who constructed it out of the ruins of Europe.

There are now 146 countries which have signed the Refugee Convention (the most recent being Nauru, in 2011). The UNHCR Figures at a Glance shows that there are 68.5 million forcibly displaced people worldwide, of whom 25.4 million refugees and 3.1 million asylum seekers, and another 10 million stateless people.

Following the instruction given to them by Resolution 8(1) of the First General Assembly of the United Nations, adopted at the nineteenth plenary meeting on 12 February 1946. Resolution 8(1) is entitled, simply, 'Question of Refugees' and it encapsulates the work which would be done to create the Refugee Convention:

*"The General Assembly, recognizing that the problem of refugees and displaced persons of all categories is one of immediate urgency and recognizing the necessity of clearly distinguishing between genuine refugees and displaced persons, on the one hand, and the war criminals, quislings and traitors referred to in paragraph (d) below, on the other: ... recommends to the Economic and Social Council that it take into consideration in this matter the following principles:*

***(i) this problem is international in scope and nature ..."***



This Association, to which I am proud to belong, is an important step on the way to ensuring that we never forget that the question of migrants and refugees is international in scope and nature, a question which we solve best when we work together, seeking to understand each other's problems and perspectives. There is no more effective way to do that than by meeting and thinking together, exchanging our experiences, and establishing the lasting personal contacts, often developing into lifelong friendships, which the IARMJ fosters.

Judith Gleeson, London, November 2017

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## The IARLJ Executive and Council

The members of the IARLJ Executive elected in November 2017 are:

President:	Katelijne Declerck (Belgium)
Vice-President:	Isaac Lenaola (Kenya)
Immediate Past President:	Sebastiaan de Groot (the Netherlands) [ex officio]
Treasurer:	John Bouwman (the Netherlands)

The Council Members elected in Athens are (in alphabetical order):

Johan Berg (Norway), Sylvie Cossy (Switzerland), Paulah Dauns (Canada), Rolf Driver (Australia), Harald Doerig (Germany), Judith Gleeson (United Kingdom), Michael Hoppe (Germany), Jody Kollapen (South Africa), Esteban Lemus Laporte (Costa Rica), Dunstan Mlambo (South Africa), Fred Ochieng (Kenya), Michèle de Ségonzac (France), Joy Torres the Philippines), Kashim Zannah (Nigeria).

The Chapter Presidents are:

President Africa Chapter:	Ahmed Arbee (South Africa)
President Americas Chapter:	Russel W. Zinn (Canada)
President, Asia Pacific Chapter:	Martin Treadwell (New Zealand)
President, European Chapter:	Hugo Storey (United Kingdom)

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## Inter-Conference Working Party Process (November 2017)

Working Parties Coordinator: Dr James C. Simeon, Canada, [jamescsimeon@hotmail.com](mailto:jamescsimeon@hotmail.com)

### 1. Human Rights Nexus Working Party

Rapporteur: Deborah Morrish, Assistant Deputy Chairperson, Refugee Appeal  
Division, Immigration and Refugee Board of Canada (IRB)



Associate Rapporteur: Rana Khan, Legal Counsel, UNHCR Canada

## 2. Membership in a Particular Social Group

Rapporteur: Hilikka C. Becker, International Protection Appeals Tribunal,  
Ireland

Associate Rapporteur: Vacant

## 3. Expert Evidence

Rapporteur: Geoffrey Care, Chairperson of the Eurasylum International Advisory Board, founding President and life member of the IARLJ, former Chairman of the Immigration Appeal Tribunal, United Kingdom, and Justice of the High Court of Zambia

Associate Rapporteur: Professor Rebecca M. M. Wallace, Judge of the First-Tier Tribunal (Immigration and Asylum Chamber), United Kingdom and Research Professor of International Human Rights and Justice, The Robert Gordon University, Aberdeen, Scotland.

## 4. Extraterritorial Processing

Rapporteur: Professor Linda Kirk, Senior Member, Administrative Appeals Tribunal, Australia, and Associate Professor at the University of New South Wales, Australia.

Associate Rapporteur: Vacant

## 5. Vulnerable Persons

Rapporteur: Mona Aldestam, Judge, Administrative Court, Stockholm, Sweden

Associate Rapporteur: Judge Kyrie James, First-tier Tribunal (Immigration and Asylum Chamber), United Kingdom

## 6. Asylum Procedures

Rapporteur: Judge Judith Gleeson, The Upper Tribunal (Immigration and Asylum Chamber), United Kingdom

Associate Rapporteur: Justice Jacek Chlebny, President, Regional Administrative Court in Warsaw, and Justice, Supreme Administrative Court, Poland

## 7. Country of Origin Information and Country Guidance

Rapporteur: Justice Professor Boštjan Zalar, High Court Judge at the Administrative Court of the Republic of Slovenia, Researcher at the University of Ljubljana, Slovenia

Co-Rapporteur: Judge Bernard Dawson, The Upper Tribunal (Immigration and Asylum Chamber), United Kingdom

Associate Rapporteur: Mark Symes, Deputy Judge of the Upper Tribunal (Immigration and Asylum Chamber, United Kingdom, Barrister, Garden Court Chambers; Fellow of Refugee Law Initiative, School of Advanced Study, University of London.

## 8. Exclusion Clauses

Rapporteur: Professor Satvinder Juss, School of Law, King's College London, Deputy Judge of the Upper Tribunal, (Immigration and Asylum Chamber), United Kingdom

Associate Rapporteur: Johan Berg, Board Leader, The Norwegian Immigration Appeals Board (UNE)

## 9. Statelessness

Rapporteur: Martin Treadwell, Deputy Chair, Immigration and Protection Tribunal, New Zealand

Associate Rapporteur: Vacant

## 10. African Asylum Systems

Rapporteur: Professor Amor Boubakri, Faculty of Law, Economics and Politics, University of Soussa, Tunisia

Associate Rapporteur: Justice Fred Ochieng, High Court of Kenya

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### A note from the Editors:

This IARMJ world newsletter was prepared by Judith Gleeson (Editor) and Paulah Dauns (Associate Editor), under the supervision of the IARLJ World President Katelijne Declerck. We hope you like the style, and that the content is relevant and useful. Please send contributions for the next edition, or comments on this one, to Judith Gleeson at [uppertribunaljudge.gleeson@ejudiciary.net](mailto:uppertribunaljudge.gleeson@ejudiciary.net).