



# IARMJ report

The quarterly newsletter of the  
INTERNATIONAL ASSOCIATION OF REFUGEE AND MIGRATION JUDGES

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## **Drinks and canapes before the Europe Chapter's conference dinner at Castle Brdo, Slovenia on 12 September 2022**

A very welcome return to a sense of normality, catching up with old (and new!) friends face- to-face and putting behind us the dark times of the past two-and-a-half years.

*Dear colleagues and friends,*

I hope this newsletter finds you all well and safe.

A few days ago, from 10 October to 14 October 2022, the seventy-third session of the UNCHR Executive Committee (ExCom) took place at the Palais des Nations. The key note video entitled "*The Future Depends on us*" was really inspiring and I invite you all to watch it. I keep reflecting on the phrase "...*some are leaving everything behind right now, just to survive. Will we give them the help they need?.*" I feel that the answer to this question is not really easy.



Living the return of inter-state war to the borders of the EU, together with the ongoing conflicts and regional instability and the instrumentalisation of refugees in the Aegean Sea, make me feel really uncertain about the future and reflect on the term "refugee". I wonder whether our existing legal systems are actually designed to provide protection to the people who are fleeing their countries today because of global inequalities, civil wars, ethnic and interstate conflicts, generalized violence, natural disasters, economic hardship. Having also in mind the discrepancies in the recognition rates among the European member states and the different interpretations given to core terms of the Common European Asylum System by national authorities, someone might argue that similar cases are not treated alike and that judges are called to adjudicate asylum claims without any legal certainty. I feel that we are going through a transitional phase around the world. And I do hope that governments, international organisations and civil society will join their forces and respond to this ongoing instability.

We might have the chance to discuss all these during our upcoming Conferences, where I do hope to see you all!

We have already started our Chapters' Conferences round with the European Chapter Conference in Brdo! It was a great success, and you can all enjoy [our photo album](#)!

Next, in November is our African Chapter's conference in Arusha! and a few days later the Asian's Chapter Conference in Newcastle! And let's not forget the World Conference in Hague!

Hope you enjoy our newsletter!

Best wishes to all of you!

*Catherine Koutsopoulou*

Co-Editor

## HABARI KUTOKA NAIROBI

### Update from the President...



Greetings to you all,

With the COVID pandemic subsiding in much of the world save for an upsurge in some countries, life is almost back to normal and our activities have escalated. Chapters have lined up annual conferences with details to be given by their Presidents elsewhere in this Newsletter. The highlight will of course be the World Conference in May 2023. Keep an eye on updates in due course.

On 10th October 2022, Filippo Grandi, UN High Commissioner for Refugees stated: “Never before have we – as a human race – moved so much. So easily. We move for work; for pleasure; for curiosity; for meeting with friends or family. But how often do we really reflect on movement? Do we appreciate the ease with which many of us can choose to move? And how much do we really – really – think about what movement – or rather flight – means for refugees? How it is for them to move in a world that too often does not want them to?”

He then added:

“While in many countries the COVID-19 pandemic is gradually being addressed, its longer-term consequences continue to impact the most vulnerable, including — often — refugees and displaced people. Meanwhile, the climate emergency increasingly drives displacement, making life harder also for those already uprooted. The link between climate change and displacement is clear and growing. We see it in the Horn of Africa, for example, where people are forced to flee by a combination of conflict and drought — more than one million have been displaced in Somalia alone since January 2021. Around 80 per cent of refugees are from countries that are most affected by the climate emergency. Some 90 per cent of recent returnees have gone back to highly climate vulnerable situations. But what is their future? And what is the future of those hoping to return home? Of those, displaced or not — like I saw in Cameroon — who see their lives and livelihoods evaporate like the lakes that have nourished their families for generations?”

We as decision makers must reflect on these words and think of the effect of climate change in our decision making. The traditional grounds for movement remain but new conditions, unthought of a few decades ago have emerged. How do we deal with them even as we maintain fidelity to existing laws and judicial precedent?

I hope to see many of you at the Africa Chapter Conference in Arusha, Tanzania from 13th November and best wishes as we continue serving humanity.

*Isaac Lenaola*

**President, IARMJ**

## NEWS FROM THE CHAPTERS

In each issue, we report on developments and issues affecting the four chapters of the IARMJ

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### AFRICA CHAPTER

Dear colleagues,

I pen this report exactly five weeks from the Chapter conference in Arusha, Tanzania. It's all systems go and we are now in overdrive finalising all aspects of the conference. The programme committee is in the process of wrapping up the final programme. The LoC is due to hold its final meeting in the next few days to finalise all local logistics. The list of participants is slowly being finalised. The good news is that the continent of Africa will be represented from all its far corners. What is pleasing is the attendance of a sizeable Francophone delegation, which we have not had in a very long time.



On other fronts I can report that our centre of excellence under JIFA, organised a very successful training programme during the week of 19 September which was aimed at members of Refugee appeal authorities. This was an introduction to Refugee law training programme. A diverse group of participants attended this virtual training programme from a number of countries especially Ecast Africa and SADC. By all accounts it was a very successful programme characterised by interactive participation by attendees. Another training programme is ran from 10 October to Wednesday 12 October. This will be followed by Train the Trainer programme scheduled end of October to expand the pool of trainers.

So successful are our training programmes under the auspices of the centre of excellence, that exploratory discussions are being undertaken to have a formal engagement with the South African Judicial Training Institute (SAJEI) to collaborate with the Centre of Excellence. Initial discussions have also been held to establish a Centre of Excellence for French speaking countries. These are important initiatives and will enhance the Chapter's efforts of encouraging training activities on a continuous basis throughout the continent.

On the jurisprudence front courts continue to issue ground breaking decisions that enrich refugee jurisprudence.

*Mlambo JP*

**President, Africa Chapter**



## AMERICAS CHAPTER

Dear friends and colleagues,

Kind regards from the Americas!

Our continent is experiencing a severe human mobility crisis. Unfortunately since our last message, the conditions have not changed positively. I thank all the judges and adjudicators who work daily in their offices and courts in the best application of the law for migrants and refugees who are increasing every day.



In line with the good news, we are preparing our regional conference. It's been 4 years since we met in Washington! On this occasion, the conditions force us to do it virtually on November 21 and 22. It will have the title: "Application of regulations for people in movement during post-pandemic times. Realities and Challenges in the Americas". You can register or request more information by email: [conf.americas.iarmj@gmail.com](mailto:conf.americas.iarmj@gmail.com)

It will be a pleasure to meet again, update on the situation of our continent for migrants and refugees and exchange ideas and good practices. With the support of the IRB of Canada we will have, as always, an important training space for members. I thank in advance our strategic partners who support the chapter and its members in the different countries!

We continue working with UNHRC in different countries of our chapter, we have expressed our interest that more and more colleagues join our association and can join the conference.

I hope to see you all soon at our conference!

Español:

Saludos cordiales desde las Américas!

Nuestro continente sigue experimentando una severa crisis de movilidad humana. Lamentablemente desde nuestro último mensaje, las condiciones no han cambiado positivamente. Agradezco a todos los jueces y adjudicadores que cotidianamente trabajan en sus oficinas y tribunales en la mejor aplicación de la ley para las personas migrantes y refugiadas que cada día aumentan más.

*Esteban Lemus Laporte*

**President, Americas Chapter**

## ASIA PACIFIC CHAPTER

Dear colleagues,

We are less than a month away from our Asia Pacific Regional Conference and there is a real sense of excitement and anticipation. The opportunity to meet in person, and to hear thought provoking presentations is something I am very much looking forward to, as are many of my colleagues.

The conference will be held from 23-25 November this year, at the stunning Newcastle Law School, in Newcastle, New South Wales with the conference title of *Culture and Cultural Constructs in Protection and Migration*. The program is set out elsewhere in this newsletter and we are lucky to have a range of national and international speakers including decision makers, academics in a range of fields, other professionals and refugees. The program has been structured to engage judges and review decision makers and allow us to listen, learn, query and increase our understanding on important issues of culture and cultural constructs and competence which affect our work.

In addition to the conference proper, there will be a day of training, in both introductory and advanced concepts in protection and migration law. There will also be a winery tour on the Saturday for those able to stay for the weekend.

Last week I visited Newcastle with Sue Zelinka and we met key people at the University and checked all of the venues. Newcastle itself is a very picturesque city, with ocean views and the University and Conservatory of Music are first rate venues. The city is easily accessed by air, rail or car.

It promises to be an excellent conference. There is still space available. If you are interested, please do come along.

*Sean Baker*  
President, Asia Pacific Chapter

## EUROPE CHAPTER

Dear colleagues,

Almost exactly four years after the last conference of the European Chapter in Catania, Italy, the Chapter met again. In 2018, it was agreed that the next Chapter conference should take place in Odessa, Ukraine, 2020 and so many things had already been settled when the world turned turtle and COVID-19 stopped everything. We all were looking forward to our Odessa conference for 2022 but on 24 February this year the war of aggression against Ukraine started and all hopes for



‘Odessa 22’ were gone. These circumstances make it even harder to believe that the highlight of two wonderful days in Brdo, Slovenia was the presentation of Judge Ella Kataeva of the Administrative Court in Odessa on ‘Being a Judge in a War Zone’. Her insights in the daily work of her and her colleagues under constant threat or for quite a few of them, under Russian occupation, were breath-taking, her optimism – ‘war is a time for opportunity to get rid of the post-Soviet system’ admirable and worthy of any support we – the European Chapter and each individual – can offer.

The conference brought together old and new members of our association and thus inspired a real judicial dialogue by exchanging views on contentious procedural and material law issues of European character in the case law of highest national courts such as the German Bundesverwaltungsgericht (by Holger Böhm), the Dutch Raad van State (Liesbeth Steendijk), the French Court nationale de droit d’asile (Christian Boulanger) and the Czech Nejvyšší správní soud (Jakub Camrda). The dialogue between national and inter/supra-national courts was also enhanced and triggered by Jolien Schukking, Matthias Guyomar (judges at the European Court of Human Rights), Bernd Hammermann (EFTA-Court), Damjan Kukovec (General Court of the EU) and Lars Bay Larsen (Vice President of the Court of the European Union) and their respective interventions. Presentations were the starting point for the dialogue, first questions in the plenary started a dialogue but the real dialogue took place during the break and the conference dinner – as is always the case at IARMJ conferences.

The perfectly organised conference – many thanks again to our re-elected Chapter President Boštjan Zalar, who has done such a wonderful job – did not forget that despite judges play a significant role in refugee law, there are other players in that field who are of the utmost importance. Without UNHCR, the conference would not have been the same. Their logistic and financial support and the interventions by Stefan Maier (Head of the Policy and Legal support Unit, Representative for EU Affairs) and Ricardo Viviani Associate Legal Officer) are very highly valued. The conference was very honoured that the Slovenian Minister of Interior, Tatjana Bobnar, was able to spare some of her time and explained the difficulties that the application of the (rather old and old-fashioned) EU-Directive on Temporary Protection brings with it. She quite rightly underlined that those difficulties will most certainly to difficulties for us judges as soon as cases come before the courts. Finally, the European Agency for

Asylum (EUAA), a partner of IARMJ over the last decade, was represented not only by “Mr. Court&Tribunals”, Paul Leplomb, but also by the Executive Director, Nina Gregori.

It was very good to see how serious the Slovenian judiciary took the conference with the President of the Constitutional Court, Matej Accetto, the President of the Supreme Court, Damijan Florjančič, and the President of the Administrative Court, Jasna Šegan.

There is not enough space to address each intervention and participant of the conference in the Slovenian Alps although there were many more of them worth mentioning.

Let’s hope that we will all meet together in 2024. The location is not yet decided. The one decision taken is, however, that as soon as it is safe and realistic to go to Odessa, we will do so!

*Boštjan Zalar*

President, Europe Chapter

*Michael Hoppe*

Vice-President, Europe Chapter

## IN THE LIBRARY

### RECENT PUBLICATIONS

**“Refugees, Self-Reliance, Development: A Critical History”** by Evan Easton-Calabria (Bristol University Press, June 2022)

According to Bristol University Press:

“Evan Easton-Calabria’s critical history of refugee self-reliance assistance brings new dimensions to refugee and international development studies.

The promotion of refugee self-reliance is evident today, yet its history remains largely unexplored, with good practices and longstanding issues often missed. Through archival and contemporary evidence, this book documents a century of little-known efforts to foster refugee self-reliance, including the economic, political, and social motives driving this assistance.

With five case studies from Greece, Tanzania, Pakistan, Uganda, and Egypt, the book tracks refugee self-reliance as a malleable concept used to pursue ulterior interests. It reshapes understandings of refugee self-reliance and delivers important messages for contemporary policy making.



The first chapter is available Open Access under CC-BY-NC-ND licence”.

**“Environmental Justice for Climate Refugees”** by Francesca Rosignoli (Routledge, London and New York, 2022).

According to Routledge:

“This book explores who climate refugees are and how environmental justice might be used to overcome legal obstacles preventing them from being recognized at an international level.

Francesca Rosignoli begins by exploring the conceptual and complex issues that surround the very existence of climate refugees and investigates the magnitude of the phenomenon in its current and future estimates. Reframing the debate using an environment justice perspective, she examines who has the responsibility of assisting climate refugees (state vs non-state actors), the various legal solutions available and the political scenarios that should be advanced in order to govern this issue in the long term. Overall, *Environmental Justice for Climate Refugees* presents a critical interrogation of how this specific strand of forced migration is currently categorized by existing legal, ethical and political definitions, and highlights the importance of applying a justice perspective to this issue.

Exploring the phenomenon of climate refugees through a multi-disciplinary lens, this book will be of great interest to students and scholars of environmental migration and displacement, environmental politics and governance, and refugee studies.”

### **RECENT COI REPORTS**

A selection of in-depth reports covering topics of interest:

#### **Protecting women and girls in the asylum procedure**

*European Union Agency for Asylum (EUAA), August 2022*

Women and girls throughout the world may be subjected to intense forms of cultural, structural and direct violence. Gender-based violence may include – but is by no means limited to – sexual abuse and exploitation, rape, female genital mutilation/cutting (FGM/C), human trafficking, harassment and domestic violence, as well as social stigmatisation and marginalisation, and related psychosocial consequences. It is fundamental that gender considerations are integrated into asylum law, even when a specific claim is not clearly gender-related *per se*.

#### **Medical Country of Origin Report on the Russian Federation**

*European Union Agency for Asylum (EUAA), 29 September 2022*

The European Union Agency for Asylum (EUAA) has published a Medical Country of Origin Information (MedCOI) report on the Russian Federation. It aims to provide EU+ asylum caseworkers with information on the overall epidemiological situation in Russia, as well as the challenges in accessing healthcare; as they consider international protection requests from Russian nationals.

### **12 years on, civilians still exposed to armed conflicts and targeted attacks in Syria**

*European Union Agency for Asylum (EUAA), 28 September 2022*

The European Union Agency for Asylum (EUAA) has just published three Country of Origin Information (COI) reports on Syria. With them, the Agency is providing an update on the security situation, the targeting of certain profiles and groups in the country, as well as the socio-economic context in Damascus city. The reports will also contribute to a forthcoming update of the EUAA's Country Guidance on Syria (2022). In the first six months of 2022, Syrians were the second largest group of applicants for international protection in the EU+.

### **Taliban has had major impact on security and women's rights in Afghanistan**

*European Union Agency for Asylum (EUAA), 19 September 2022*

The European Union Agency for Asylum (EUAA) has recently published three Country of Origin Information (COI) reports on Afghanistan. With them, the Agency is providing an update on the targeting of certain profiles and groups in the country, the security situation as well as the socio-economic context. Since September 2021, Afghan nationals continue to be the largest group of asylum applicants in EU+ countries.

### **A New Era of Sectarian Violence in Pakistan**

*International Crisis Group (ICG), 5 September 2022*

Sectarian strife remains a challenge to the Pakistani state and a danger to its citizenry. Large-scale sectarian attacks, which killed thousands in the late 1980s and 1990s, are now less frequent, but ICG suggests sectarian animosity is spreading into larger parts of the Sunni Islamist milieu.

### **Afghanistan: "They don't treat us like humans": Unlawful returns of Afghans from Turkey and Iran**

*Amnesty International, 31 August 2022*

This report reveals how Turkish and Iranian security forces have unlawfully returned Afghan men, women and children to their country, despite the general situation in Afghanistan and the real risk of serious human rights violations there. AI states that Turkish authorities have also denied Afghans the opportunity to lodge claims for international protection and have unlawfully used firearms as both a deterrent and a pushback method.

### **"It Was Really Hard to Protect Myself" - Impact of the Armed Conflict in Syria on Children with Disabilities**

*Human Rights Watch (HRW), 8 September 2022*

Widespread atrocities, extensive violations of international human rights and humanitarian law, and high humanitarian needs have characterised the conflict in Syria. Based on interviews with 54 people between October 2020 and June 2022, this report examines the impact of the conflict on children with disabilities. It examines the risks faced by children with disabilities during attacks, mental health impacts of the conflict, the impact of poverty, and other issues.

### **Global Estimates of Modern Slavery: Forced Labour and Forced Marriage**

*International Organization for Migration, International Labour Organization, Walk Free, 12 September 2022*

The 2021 Global Estimates indicate there are 50 million people in situations of modern slavery on any given day, either forced to work against their will or in a marriage that they were forced into. This report assesses the situation of modern slavery and the key policy priorities for ending it among children by 2025 and universally by 2030, in accordance with the target dates set by the international community in the 2030 Sustainable Development Goals.

### **Disaster Displacement in Asia and the Pacific**

*Asia Development Bank, 18 September 2022*

Most of the disaster displacement recorded globally has taken place in the Asia and Pacific region. An estimated 225.3 million internal displacements, or forced movements, were recorded during 2010–2021. This report presents regional trends and provides insights into its social and economic impacts. It also discusses the opportunities ahead, by highlighting progress across the region in preventing and responding to disaster displacement. It aims to serve as a basis to raise awareness, encourage further investments in risk reduction and durable solutions, and guide policy.

### **The geopolitical implications of Russia's invasion of Ukraine**

*Emeritus Professor Paul Dibb AM, 7 September 2022*

This Australian Strategic Policy Institute (ASPI) paper looks behind the reasons Russia decided to attack Ukraine. Why have Russia's military forces performed so poorly? What are the geopolitical implications for the world order, including for Australia? The report provides key policy and intelligence recommendations.

### **DFAT Country Information Report: Papua New Guinea**

*Australian Department of Foreign Affairs and Trade, 6 September 2022*

This report covers topics related to protection status determination, including, but not limited to, the country's political system, its human rights framework, its security situation, and groups of interest including civil society organisations, women, and the LGBTIQ+ community.

## **IN THE MEDIA**

A selection of media reports from the past months:

### **EU border agency accused of serious rights violations in leaked report**

*The Guardian, October 2022*

A classified EU report on Frontex, the EU Border and Coast Guard Agency, details serious allegations of cover ups of human rights violations in EU member states by the agency and its staff.

### **Venezuelan migrants in shock and limbo after new US immigration plan**

*CNN, 15 October 2022*

On Wednesday, the US announced that it is expanding Title 42 — a pandemic-era provision that allows migration officials to expel illegal migrants to Mexico on public health grounds — and unveiled a new program to allow some Venezuelan migrants to apply to arrive at US ports of entry by air with a cap of 24,000.

### **Lebanon: Stop the so-called voluntary returns of Syrian refugees**

*Amnesty International, 14 October 2022*

Responding to the news that Lebanon's General Security agency will start sending Syrian refugees back to their country next week in a so-called voluntary process, Diana Semaan, Amnesty International's Acting Deputy Director for the Middle East and North Africa, said: "The Lebanese authorities are scaling up the so-called voluntary returns, a plan which has been in place for four years, when it is well established that Syrian refugees in Lebanon are not in a position to take a free and informed decision about their return due to restrictive government policies on movement and residency, rampant discrimination, lack of access to essential services as well as unavailability of objective and updated information about the current human rights situation in Syria."

### **Iran protests: Death toll rises to 76 as crackdown intensifies - rights group**

*BBC, 29 September 2022*

At least 76 protesters have been killed by Iranian security forces during 11 days of unrest sparked by the death of a woman in custody, activists say. Iran Human Rights (IHR), a Norway-based organisation, accused authorities of using disproportionate force and live ammunition to suppress the dissent. State media have put the number of dead at 41, including several security personnel, and blamed "rioters".

### **Sri Lanka: Revoke Sweeping New Order to Restrict Protest**

*Human Rights Watch, 27 September 2022*

The Sri Lankan government should reverse a new regulation that unlawfully restricts protests in large areas of the capital, Colombo, Human Rights Watch said. On September 24, 2022, a day after the measure was issued, police arrested 84 people and used tear gas and water cannon to disperse protesters calling for the release of student activists being held under the notorious Prevention of Terrorism Act.

### **Death toll from Lebanon asylum seeker boat tragedy rises to 94**

*Al Jazeera, 24 September 2022*

A boat carried approximately 150 people capsized off the Syrian port of Tartous, those on board were mostly Lebanese, Syrians and Palestinians, including children and the elderly. The Lebanese army said it arrested a suspected smuggler. According to the article, the dire economic condition in Lebanon has forced Lebanese citizens to join Syrian and Palestinian refugees using dangerous boat journeys in search of a better life in Europe.

### **Escalating Conflict on the Kyrgyz-Tajik Border**

*The Diplomat, 22 September 2022*

In mid-September, Tajik and Kyrgyz forces exchanged sustained gunfire along several border points. After a short ceasefire fierce fighting resumed and extended from the initial border areas deep into the territory of Kyrgyzstan, leaving at least 59 civilians and servicemen dead at the time of writing, dozens wounded and over 140,000 internally displaced. The article suggests that civilians were deliberately targeted.

### **Cambodia: UN-backed tribunal ends with conviction upheld for last living Khmer Rouge leader**

*UN News, 22 September 2022*

The final Khmer Rouge leader to be prosecuted under an UN-backed special tribunal (the Extraordinary Chambers in the Court of Cambodia). Under the Khmer Rouge, an estimated 1.7 million Cambodians, roughly a quarter of the population, were killed by execution, torture and starvation between 1975 and 1979.

### **Myanmar army helicopters fire on school, killing six**

*CNN, 20 September 2022*

At least six children were killed and 17 wounded when army helicopters shot at a school in Myanmar, media reports said on Monday, as the military said it opened fire because rebels were using the building to attack its forces.

### **Armenia-Azerbaijan: Almost 100 killed in overnight clashes**

*BBC, 13 September 2022*

Dozens of soldiers have been killed in fighting between Armenia and Azerbaijan. Armenia's Prime Minister said that 49 of its soldiers died in the clashes. These neighboring countries have fought two wars and have seen regular clashes over the past 30 years. Russia claims to have brokered a ceasefire for the latest clash but Armenia said that the cease-fire calmed fighting rather than ended it.

### **Afghan refugees face uncertainty in Central Asia**

*The Diplomat, 8 September 2022*

Tajikistan has been criticized by the UNHCR for deporting Afghan refugees. The article notes that Tajikistan acceded to the 1951 Refugee Convention and the 1967 Protocol. The [\*\*UNHCR's submission for Tajikistan 2021 Universal Periodic Review \(UPR\)\*\*](#) notes that Tajikistan hosts Central Asia's largest number of refugees (at of April 2021, numbering just under 6,000, mostly ethnic Tajik refugees from Afghanistan).

### **UN humanitarian chief says 'famine at the door' in Somalia**

*Al Jazeera, 5 September 2022*

Martin Griffiths, the head of the UN's Office for the Coordination of Humanitarian Affairs warned that parts of Somalia are on the brink of famine after four failed rainy seasons that have caused drought. The article notes that "[a]t least 1 million people in Somalia have been displaced by the worst drought in decades, driven by climate change, which is also affecting the wider Horn of Africa, including Ethiopia and Kenya". The article also notes that fighting between al-Shabaab and the government also limits humanitarian access to many areas.



### **Migrants in South Africa have access to healthcare: why it's kicking up a storm**

*The Conversation, 31 August 2022*

This article discusses treatment of migrants in South Africa's healthcare sector, including issues faced by non-national patients when accessing healthcare services. The author points out that patients' experiences vary by geographic locations and the type of medical treatment required.



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## **UPCOMING EVENTS**

### **THE AFRICA CHAPTER REGIONAL CONFERENCE 14-18 November 2022**

**Arusha, Tanzania**

Arusha is the venue for the next IARMJ Africa Chapter Biannual Conference, scheduled to take place on 14 to 18 November 2022. Arusha nestles below Mount Kilimanjaro and can justifiably boast to be the tourist destination of choice in Africa. It is the home of the African Court on Human and People's Rights as well as a number of continental Human Rights Public Benefit organizations.

Tanzania hosted the largest contingents of Southern African refugees from the early 1960s. These were so-called revolutionaries who spent a large part of their exile years in this beautiful country. These revolutionaries were later instrumental in overthrowing colonialist regimes in their countries. For Zimbabwe and South Africa in particular, the liberation forces from these countries found refuge in Tanzania and have never ceased to talk about the hospitality of the Tanzanian peoples.

It is apposite that our biannual conference as a Refugee and Migration Judges Association will congregate in Arusha, Tanzania, to discuss the current state of the refugee challenges in Africa.

Our programme will have a number of highlights including –

- A pre-conference training programme in the first two days comprising a beginner and advanced level programme, in English and French.
- An opening ceremony that will be graced by leaders from continental groupings, the Judiciary, Government, UNHCR to name a few.
- A mouthwatering conference programme that will focus on the current state of the refugee situation in Africa. We will also explore emerging trends in the implementation of global and regional conventions by African state parties.

We have invited speakers from diverse backgrounds in the continent and diaspora who will enrich our discussions.

Visit us at [www.iarmj.africa](http://www.iarmj.africa) or [www.iarmj.org](http://www.iarmj.org) or contact [sarie.brits@dha.gov.za](mailto:sarie.brits@dha.gov.za)

## **THE ASIA PACIFIC CHAPTER REGIONAL CONFERENCE**

### **23-25 November 2022**

## **CULTURE AND CULTURAL CONSTRUCTS IN PROTECTION AND MIGRATION**

**A CONFERENCE FOR JUDGES AND DECISION-MAKERS IN PROTECTION AND MIGRATION LAW**



**Workshops - 23 November 2022  
Conference - 24-25 November 2022**

Enquiries: [martin@cat22.co.nz](mailto:martin@cat22.co.nz)

Visit us at [www.iarmj.org](http://www.iarmj.org)



## PROGRAMME

**(AT 20 October 2022 – SUBJECT TO ADJUSTMENT)**



8:30 – 9:00 (30m)	<b>Registration</b>
9:00 – 10:15 (1 hr 15m)	<p align="center"><b>Session 1 (Chair: Sean Baker, President Asia Pacific Chapter)</b></p> <p align="center"><b>Opening Ceremony</b></p> <p align="center">Acknowledgement of country / Newcastle University representative Justice Meagher, President of AAT / Associate Professor Amy Maguire, Newcastle Law School Asif Sultani, Refugee Speaker and Advocate</p>
10:15 – 11:00 (45m)	<b>Conference photo (photographer: Luke Hardy) and refreshments</b>
11:00 – 12:00 (1 hr)	<p align="center"><b>Session 2 (Chair: (retired) Judge Rolf Driver)</b></p> <p align="center"><b>Dealing with the applicant before us</b></p> <p align="center">Speakers: 1: Zachary Steele, psychiatrist, UNSW and Guy Coffey, Foundation House 2: Professor Mary Crock, University of Sydney – vulnerability and the child applicant</p>
12:00 -1:00 (1 hr)	<p align="center"><b>Session 3 (Chair: Justice Meagher, President of AAT)</b></p> <p align="center"><b>Re-thinking fundamentals of protection</b></p> <p align="center">Speakers: 1: Hugo Storey - Cultural constructs, well-founded fear and the inner self 2: Adrienne Anderson - Domestic violence and gender</p>
1:00 -2:00 (1hr)	<b>Lunch</b>
2:00 – 3:00 (1 hr)	<p align="center"><b>Session 4 (Chair: Dr Samuel Woldamariam)</b></p> <p align="center"><b>Rewriting Refugee and Migration Jurisprudence</b></p> <p align="center">Speakers: Dr Kate Ogg, Associate Professor, School of Law and K Alhussain, post-doctoral researcher, ANU; Dr Maria O’Sullivan, Associate Professor, Faculty of Law, and Sitarah Mohammadi, JD student, Monash University; Saba Vasefi (Sydney University) and Sara Dehm (UTS); Neeraja Sanmuanathan (Sydney University) and Jessica Hambly (ANU)</p>
3:00 – 3:30 (30m)	<b>Refreshments</b>
3:30 – 4:30	<p align="center"><b>Session 5</b></p> <p align="center"><b>Breakout sessions</b></p> <p align="center"><b>Moderator – Bridget Dingle, Senior Member IPT</b></p>

(1 hr)	<b>Credibility</b> 1: Martin Treadwell, Chair, IPT 2: Larissa Wakim, IPT	<b>Deportation</b> 1: Andrew Molloy, IPT 2: Theo Tavoularis, AAT	<b>Vicarious trauma, judicial resilience and wellbeing</b> 1: Martha Roche, IPT 2: Jade Murphy, AAT
4:30 – 5:00 (30 m)	Breakouts – reporting back		
5:00 – 5:30 (30m)	<b>The Global Judicial Analysis project</b> Hugo Storey		
7:00	<b>Official Conference Dinner</b> Linkup with Justice Isaac Lenaola CBS, President IARMJ		

### CONFERENCE DAY 2 – Friday, 25 November 2022

7:30 – 8:45 (1 hr 15m)	<b>President's breakfast</b>		
9:00 – 10:00 (1 hr)	<b>Session 6 (Chair: Deputy President Jan Redfern, Chair, Migration and Protection, AAT)</b> <b>Statelessness – a regional perspective</b> 1: Associate Justice Jhosep Lopez, Supreme Court, Philippines 2: Professor Michelle Foster, Director, Peter McMullin Centre on Statelessness, UoM		
10:00 – 10:10 (10m)	<b>Launch of AAT Guidelines</b>		
10:10 – 11:10 (1 hr)	<b>Session 7 (Chair: Bridget Cullen, AAT)</b> <b>Asia Pacific - Future impacts– climate change, securitization and protectionism – drivers and barriers to migration and protection</b> 1: Jane McAdam – Scientia Professor, Kaldor Centre, UNSW 2: Bruce Burson – Senior Member, IPT, NZ		
11:10 – 11:30 (20m)	<b>Refreshments</b>		
11:30 – 12:30 (1 hr)	<b>Session 8</b> <b>Breakout sessions</b> <b>Moderator – (retired) Judge Rolf Driver</b>		
	<b>Cultural competence</b> 1: Assoc. Professor Russell, NCCC, University of Sydney 2: (tbc)	<b>Social media in migration and protection claims</b> 1: Louise Moor, IPT, NZ 2: Christine Cody, AAT	<b>Refugee claims in the Pacific Islands and north Asia</b> 1: Bridget Dingle (tbc) 2: (tbc)
12:30 – 1:00 (30m)	Breakouts – reporting back		
1:00 – 2:00 (1 hr)	<b>Lunch / Women Judges Lunch</b>		

2:00–3:00 (1hr)	<p><b>Session 9 (Chair: Judge Joy Torres, Philippines)</b> <b>Language and Intermediaries</b></p> <p>Speakers: 1 Rukiya Stein - PhD Candidate, University of Newcastle Law School - Effective Communication Between Migrants, Refugees and Judges: The Role of the Communication Intermediary in the Process of Refugee Status Determination</p> <p>2. Dr Laura Smith-Khan, Faculty of Law, University of Technology Sydney – Language and credibility in asylum procedures</p>
3:00–3:30 (30m)	<b>Refreshments</b>
3:30–4:30 (1 hr)	<p><b>Session 10 (Chair: Andrew Molloy, senior member, IPT)</b> <b>Challenges in Migration and Refugee Decision Making – a panel discussion</b></p> <ol style="list-style-type: none"> <li>1. Jan Redfern (AAT, Australia)</li> <li>2. Kay Ransome (Hong Kong)</li> <li>3. Martin Treadwell (IPT, New Zealand)</li> <li>4. Rea Mackinnon (NRSRT, Nauru)</li> </ol>
4.30-4.45 (15 m)	<b>Drinks and Closing Event</b>
4.45–5.15 (30 m)	<b>Chapter Annual General Meeting</b>

## PRE CONFERENCE WORKSHOP PROGRAMME

[NB: THE TWO WORKSHOPS RUN CONCURRENTLY – DELEGATES CANNOT ATTEND BOTH]

**23 NOVEMBER 2022**

### INTRODUCTORY / REFRESHER WORKSHOP

8:15-8:45	<b>Check-in, early registration and coffee</b>	
8:45 – 9:00 (15 mins)	<b>Welcome:</b> Sean Baker, President, Asia Pacific Chapter, IARMJ	
9:00-10:00 (1 hr)	Refugee law	<b>International law and the human rights framework / Article 1A(2)</b> Sean Baker, AAT
10:00-11:00 (1 hr)	Refugee law	<b>A well-founded fear... / “Being persecuted”</b> Sean Baker, AAT
11:00-11:30	<b>Morning tea</b>	
11:30-1:00 (1 hr, 30 mins)	Refugee law	<b>The Convention Reasons / Exclusion / Cessation / Cancellation</b> Martin Treadwell, IPT
1:00-2:00	<b>Lunch</b>	
2:00-3:00 (1 hr)	Complementary Protection	<b>Complementary Protection</b> Martin Treadwell, IPT
3:00-3:30	<b>Afternoon tea</b>	



3:30-5:00 (1 hr, 30 mins)	Migration	<p><b>Statelessness</b> Michelle Foster and Katie Robertson</p> <p><b>Deportation</b> Martin Treadwell, IPT</p>
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### ADVANCED WORKSHOP

8:15-8:45	Check-in, early registration and coffee	
8:45 – 9:00 (15 mins)	<b>Welcome:</b> Judge Martin Treadwell, Chair, Immigration and Protection Tribunal, NZ	
9:00-11:00 (2 hrs)	Refugee law	<p><b>Credibility assessment</b> Martin Treadwell, IPT and Heath Owen, AAT</p>
11:00-11:30	Morning tea	
11:30-1:00 (1 hr, 30 mins)	Refugee law	<p><b>COI – the Pitfalls</b> Dr Femke Vogelaar</p>
1:00-2:00	Lunch	
2:00-3:00 (1 hr)	Migration	<p><b>Weighing discretions in migration matters</b> Heath Owen, AAT and Sean Baker, AAT</p>
3:00-3:30	Afternoon tea	
3:30-4:30	Refugee law	<p><b>Gender</b> Melissa McAdam, AAT and (tbc)</p>
4:30-5:00 (30 mins)		Summary and close

## RECENT CASE-LAW OF INTEREST FROM AROUND THE WORLD

### AFRICA

#### *S v Bashala (CC 30 of 2018) [2022] NAHCMD 465 (08 September 2022)*

A former refugee from the Democratic Republic of Congo has been convicted on three charges relating to the smuggling of immigrants into Namibia. The woman took money from desperate people to smuggle them into Namibia, with the promise of further travel to Canada, though the flights to Canada never materialised. The court was satisfied that she was part of a syndicate which preyed on people desperate to escape from war and start a new life.

In sentencing the woman to three years' imprisonment, the Court noted:

[18] As rightly pointed out by both counsels that in order to consider an appropriate sentence, the court has the duty to weigh up the accused's personal circumstances, the crime committed and the interests of society. It is against that background that the United Nations *Convention against Transnational Organised Crime* and the Protocol was established with the main purpose to prevent and combat the smuggling of migrants as well as to promote cooperation among state parties to that end, while protecting the rights of smuggled migrants. Namibia is a party to that Protocol.

[19] It is now common cause that all the victims were running away from their country as a result of the war. They were vulnerable and desperate to find safety and security. That to my mind is a factor which aggravates and contributes towards the seriousness of the crimes and the consequent punished thereof."

### ***Moussa v Directorate of Criminal Investigations & 4 others [2022] eKLR***

The applicant, a citizen of Chad resident in Nairobi, Kenya, was arrested by the Kenya Police in March 2021 and detained. The arrest followed an international warrant of arrest from Interpol, Ndjamena, Chad, where he was wanted for committing offences under the Chadian Penal Code. The applicant was then handed over to Chadian officers on 29 March 2021 and taken back to Chad.

The applicant sought various orders but, notably, a declaration that the acts of the respondents in extraditing him was contrary to, and inconsistent with, part III of the Extradition (Contiguous and Foreign Countries) Act, Cap 76 Laws of Kenya. In declining the application, the Court held that, although extradition had been sought, the applicant had in fact been deported and:

"... it is clear that the issue of the applicant was handled under the Kenya Citizenship and Immigration Act, 2011. The said Act gives the cabinet secretary power to issue a deportation order against one who is not a citizen of Kenya and whose presence in Kenya is contrary to the national interest. The process was not an extradition under the Extradition (Contiguous and Foreign Countries) Act, Cap 76, as submitted by counsel for the applicant.

Worth noting is that under the Kenya Citizenship and Immigration Act, 2011, there is no requirement or provision that warrants of arrest (if at all) must be approved and or signed by a magistrate of competent jurisdiction. The responsibility of declaring one a prohibited person under the Act lies with the cabinet secretary. Similarly, the responsibility of declaring that the presence of anyone in Kenya is contrary to national interest also lie with the cabinet secretary."

Presumably because of the nature of the (misconceived) application, the Court did not go on to consider whether the cabinet secretary's discretion to declare a person's presence "contrary to national interest" was amenable to judicial review.

## **ASIA PACIFIC**

### ***Public Prosecutor v Somon [2022] VUSC 76; Criminal Case 404 of 2019 (22 June 2022)***

One of the most important trials in the South Pacific has recently concluded in Port Vila, Vanuatu, with the convictions of four foreign nationals for slavery, human trafficking, money laundering and other offences.

The charges arose from the importation into Vanuatu of 107 Bangladeshi nationals, most of whom had paid over AU\$20,000 each to be moved to another country. They were duped into thinking that their final destination would be Australia, New Caledonia or the like but, in reality, once in Vanuatu, the victims were put to manual work under harsh and repressive conditions. A culture of fear prevailed. Mr Somon used a group of associates to enforce his authority, and imposed rules and harsh living and working conditions including food of inferior quality and quantity. The victims were bullied and assaulted if they did not pay money, if they complained or if they passed on information. Somon assaulted those who broke these rules. Victims were taken to the edge of the cliff and their lives threatened, on one occasion by a broken bottle. Somon threatened to run over the victims in his car, cut them up and hang them from a tree, take them to the jungle and put them in the freezer. He would threaten that pictures of their dead bodies would be sent to their families. Remunerations were withheld and unreasonable deductions were made, including on the basis of income tax, though Vanuatu does not have an income tax regime. The personal and travel documents of the victims were immediately removed from them upon arrival.

In sentencing Somon to a total of 14 years' imprisonment and three others to sentences of 6 and 7 years' imprisonment, Lunabek CJ spoke about the impact on the victims:

"[T]he evidence of the victims showed a recurrent theme of deep sense of shame and humiliations experienced by them with the return back home with nothing to show for their time away and were criminalized by their illegal immigration status. This was coupled by a deep sense of sadness that they were not able to do more for their families financially. Most of the victims still feel a lot of guilt and pain for what occurred to them at your hands and in particular the first and second defendants. Most victims had to sell their properties (shops, farms, land...), others obtained bank loans and mortgage properties to find money to pay to you and others to come to Vanuatu."

### ***Attorney General v Kenilorea [2022] SBCA 7; SICOA-CAC 35 of 2021 (8 July 2022)***

It is always a matter of delight – even *schadenfreude* – when one comes across a decision which begins:

"This is a pointless appeal.... "

Mr Kenilorea was born in the Solomon Islands and is citizen. In 2000, he married a dual Netherlands and Australian national. They then resided in the United States and had two children. Being born in the USA, under the laws of that country, the children acquired US citizenship.

The Keniloreas returned to the Solomon Islands and applied for Solomon Islands passports for the children. This was refused by the Immigration Department, who said they would have to wait until they were 18 years of age. That decision was on the advice of an officer of the Attorney-General's chambers. It led to judicial review proceedings being filed in the High Court. The Judge found that the Attorney-General's case was based on a clear misinterpretation and misconception of the law. The claimants were Solomon Islands citizens by birth in accordance with s.22 of the Constitution, their father being a Solomon Islander. While s.23 of the Constitution provided that a citizen who is a national of some other country shall cease to be a Solomon Islands citizen two years after the date on

which he/she attains the age of 18, unless he/she has renounced or lost the other nationality, the children here were under 18 years. Citizenship should not have been denied.

On (the pointless) appeal by the Attorney General, the Court of Appeal noted that “the decision of the Judge was self-evidently correct and should not have been appealed” and awarded solicitor-client costs against the Attorney General.

## EUROPE

### **CJEU, C-241/2, I. L. v Politsei- ja Piirivalveamet, 6 October 2022, ECLI:EU:C:2022:753**

*Reference for a preliminary ruling – Directive 2008/115/EC – Return of illegally staying third-country nationals – Article 15(1) – Detention – Grounds for detention – General criterion based on the risk that the effective enforcement of the removal would be compromised – Risk that the person concerned would commit a criminal offence – Consequences of the establishment of the offence and the imposition of a penalty – Complication of the removal process – Article 6 of the Charter of Fundamental Rights of the European Union – Restriction of the fundamental right to liberty – Requirement of a legal basis – Requirements of clarity, predictability and accessibility – Protection against arbitrariness.*

The Riigikohus (Supreme Court, Estonia) referred to the CJEU the following question: ‘Is the first sentence of Article 15(1) of [Directive 2008/115] to be interpreted as meaning that Member States may detain a third-country national who, while at liberty prior to removal, presents a real risk of committing a criminal offence the establishment and punishment of which is likely to complicate the removal process considerably?’

The Court (Second Chamber) ruled: “ Article 15(1) of Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, must be interpreted as not permitting a Member State to order the detention of an illegally staying third-country national solely on the basis of a general criterion based on the risk that the effective enforcement of the removal would be compromised, without satisfying one of the specific grounds for detention provided for and clearly defined by the legislation implementing that provision in national law”.

### **CJEU, C-159/21, GM v Országos Idegenrendészeti Főigazgatóság, Alkotmányvédelmi Hivatal, Terrorelhárítási Központ, 22 September 2022, ECLI:EU:C:2022:708**

*Reference for a preliminary ruling – Common asylum and immigration policy – Directive 2011/95/EU – Standards for granting refugee status or subsidiary protection status – Withdrawal of the status – Directive 2013/32/EU – Common procedures for granting and withdrawing international protection – Danger to national security – Position taken by a specialist authority – Access to the file*

The Fővárosi Törvényszék (Budapest High Court) referred to the Court the following questions:

'(1) Must Article 11(2), Article 12(1)(d) and (2), Article 23(1)(b) and Article 45(1) and (3) to (5) of [Directive 2013/32] – in the light of Article 47 of [the Charter] – be interpreted as meaning that, where the exception for reasons of national security referred to in Article 23(1) of [Directive 2013/32] applies, the Member State authority that has adopted a decision to refuse or withdraw international protection based on a reason of national security and the national security authority that has determined that the reason is confidential must ensure that it is guaranteed that in all circumstances the applicant, a refugee or a foreign national beneficiary of subsidiary protection status, or that person's legal representative, is entitled to have access to at least the essence of the confidential or classified information or data underpinning the decision based on that reason and to make use of that information or those data in proceedings relating to the decision, where the responsible authority alleges that their disclosure would conflict with the reason of national security?

(2) If the answer is in the affirmative, what precisely should be understood by the "essence" of the confidential reasons on which that decision is based, for the purposes of applying Article 23(1)(b) of [Directive 2013/32] in the light of Articles 41 and 47 of the Charter?

(3) Must Article 14(4)(a) and Article 17(1)(d) of [Directive 2011/95] and Article 45(1)(a) and (3) to (4) and recital 49 of [Directive 2013/32] be interpreted as meaning that they preclude national legislation according to which refugee or foreign national beneficiary of subsidiary protection status may be withdrawn or excluded by a non-reasoned decision which is based solely on automatic reference to the – likewise non-reasoned – binding and mandatory report of the national security authority and finds that there is a danger to national security?

(4) Must recitals 20 and 34, Article 4 and Article 10(2) and (3) – particularly subparagraph (d) – of [Directive 2013/32] and [Article] 14(4)(a) and [Article] 17(1)(d) of [Directive 2011/95] be interpreted as meaning that they preclude national legislation according to which that national security authority examines the ground for exclusion and takes a decision on the substance in a procedure that does not comply with the substantive and procedural provisions of [Directive 2013/32] and [Directive 2011/95]?

(5) Must Article 17(1)(b) of [Directive 2011/95] be interpreted as meaning that it precludes an exclusion based on a circumstance or crime that was already known before the judgment or final decision granting refugee status was adopted but which was not the basis of any ground for exclusion in relation to either the grant of refugee status or to subsidiary protection?'

The Court (First Chamber) ruled:

1. Article 23(1) of Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection, read in conjunction with Article 45(4) of that directive and in the light of the general principle of EU law relating to the right to sound administration and of Article 47 of the Charter, must be interpreted as: precluding national legislation which provides that, where a decision rejecting an application for international protection or withdrawing such protection is based on information the disclosure of which would jeopardise the national security of the Member State in question, the person concerned or his or her legal adviser can access that information only after obtaining authorisation to that end, are not provided even with the substance of the grounds on which such decisions are based and cannot, in any event, use, for the purposes of administrative procedures or judicial proceedings, the information to which they may have had access.

2. Article 4(1) and (2), Article 10(2) and (3), Article 11(2) and Article 45(3) of Directive 2013/32, read in conjunction with Article 14(4)(a) and Article 17(1)(d) of Directive 2011/95/EU of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary



protection, and for the content of the protection granted, must be interpreted as: precluding national legislation under which the determining authority is systematically required, where bodies entrusted with specialist functions linked to national security have found, by way of a non-reasoned opinion, that a person constituted a danger to that security, to refuse to grant that person subsidiary protection, or to withdraw international protection previously granted to that person, on the basis of that opinion.

3. Article 17(1)(b) of Directive 2011/95 must be interpreted as: not precluding an applicant from being excluded from being eligible for subsidiary protection, pursuant to that provision, on the basis of a criminal conviction of which the competent authorities were already aware when they granted to that applicant, at the end of a previous procedure, refugee status which was subsequently withdrawn.

## **WORKING PARTIES REPORT**

Each issue, we bring you an update from one or more of the Association's Working Parties, This issue, the report is from the Working Party on Particular Social Groups.

### **Report from the Asylum Procedures working group**

The working party on asylum procedures is currently dedicated to questions of judicial independence. Its current members are: from Canada IRB Member Joshua Prowse, from Germany Judge Michael Hoppe (rapporteur), from the UK Judge Leighton Hughes and from the U.S. Judge Jeremiah Johnson.

The group meets regularly virtually every three months. The first results of the meetings for the Working Party (which has been running in this composition since mid 2021) has been that the understanding of what is the core of judicial independence partly differs from country to country. But there is of course a clear unanimous agreement on some basic minimum guarantees. There seems to be a global understanding that the protection from external intervention or pressure which is liable to jeopardise the independent judgment is one core element of judicial independence. Further, there is a necessity for clear rules as regards the composition of judicial bodies, the appointment, lengths of service and grounds for abstention, rejection and dismissal of the judges. The Working Party aims at two interrelated products: First, there shall be a short text in the form of a judicial analysis, which compares the different views from different legal systems and thus reveals the common core of an understanding of independence. Second, we will develop a questionnaire for IARMJ members that shall help to find out which areas of their independence our colleagues consider to be impaired or threatened in their daily work. It is our idea to have parts of the work ready to present and to discuss for the XIII. World Conference in The Hague in May 2023. It is not the aim to have both products finished by then!

The Working Party is still very Global North and common law centred. We would love to welcome members from other countries and regional chapters so that we could expand our knowledge of judicial independence and thus create a more comprehensive picture of our core guarantee as judges – judicial independence.

### **Report from the Detention working group**

Irregular migration is an issue for countries around the world not only from a legal point of view but also, and perhaps more importantly, from a political and social aspect. Whilst there is fairly common international ground on the definition of refugees and the legal routes for regular migration the treatment of irregular migrants be they asylum seekers, illegal entrants or foreign criminals is almost infinitely variable. The Detention Working Group is examining just one aspect of that treatment, researching and comparing the use of detention and where it exists alternatives to detention across the globe.

Our group comprises IARMJ members from Japan, Canada, Australia, New Zealand and the United Kingdom giving us a very wide geographical and political perspective. Whilst our concentration will be on these countries where we have knowledge and experience we hope to be venturing at least a little further afield by the time we present our report to the World Conference in the Hague.

The political sensitivity of irregular migration means that the ground is moving constantly making our preparations more complex but also endlessly fascinating. In the UK , famed for using Australia as an example of a firm approach, closed detention centres are being reopened in an apparent signal that there will be a greater use of detention whilst in Australia there are hints that the political stance may be softening.

In preparing our report our group will concentrate on the comparative legal situations but in doing so will always have international human rights law and norms in mind. We are interested in reports from all countries and continents so if any members have detention perspectives that they would like to share from their own experience or indeed if anyone would like to join our group its never too late! Please contact me at [residentjudge.phillips@ejudiciary.net](mailto:residentjudge.phillips@ejudiciary.net)

Julian Phillips

24 October 2022

## WHO WE ARE AND WHAT WE DO

### THE INTERNATIONAL ASSOCIATION OF REFUGEE AND MIGRATION JUDGES

The IARMJ is an organisation for judges and decision-makers interested in refugee law and migration law. In particular, it fosters recognition that refugee status is an individual right established under international law, and that the determination of refugee status and its cessation should be subject to the rule of law.

#### THE EXECUTIVE

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<b>Americas Chapter President</b>	Judge Esteban Laporte, Costa Rica
<b>Asia Pacific Chapter President</b>	Sean Baker, Australia
<b>Europe Chapter President</b>	Judge Bostjan Zalar, Slovenia

Membership is open to judges and appellate decision-makers, and Associate Membership to interested academics by invitation.

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#### THE ASSOCIATION'S WORKING PARTIES

The Association maintains a number of Working Parties, for the advancement and exploration of developments in refugee and migration law. The Convenor of the Working Parties is **James Simeon**, who can be contacted at [jcsimeon@yorku.ca](mailto:jcsimeon@yorku.ca). The Working Parties' Rapporteurs are:

##### Rapporteurs

Artificial Intelligence  
 Asylum Procedures  
 Deportation  
 Detention  
 Exclusion, Cessation and Deprivation of Citizenship  
 COI, Expert Evidence and Social media  
 Human Rights Nexus  
 Judicial Resilience and Well-Being  
 Particular Social Group  
 Vulnerable Persons

**John Keith**  
**Michael Hoppe**  
**Martin Treadwell**  
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