



# iarmj

international association of refugee and migration judges

## Global Newsletter, January 2020

### INTRODUCTION

Welcome back to the first 2020 edition of the Global Newsletter of the International Association of Refugee and Migration Judges (IARMJ). The Newsletter is for the IARMJ membership and is edited by Judith Gleeson. Contact details are at the end of the newsletter.

### PRESIDENT'S REPORT



Dear everyone,

Welcome to the new decade, the Roaring Twenties. This will be my last report in the newsletter as Global President, as my term ends at the 2020 Global Conference to be held from 17-22 February 2020 in San Jose, Costa Rica.

It has been a privilege to serve as your President for the past 6 years. I have had a fascinating time, meeting judges from all around the world and working with regional courts and the national courts of our members, UNHCR, other UN bodies, regional institutions such as the African Union, the European Union, its institutions and agencies, and national governments and academic institutions. As the soon to

be, passed president, I will continue to participate in the work of this very important judges Association.

You will see at the end of this Newsletter a paper which I wrote on the history of the IARLJ/IARMJ. It is quite astonishing to see how the Association has grown and also the international respect it has gained, as well as all of the publications, some of it under contract to European Asylum Support Office. We have much of which to be proud, but the work is ongoing!

The theme of the 2020 Global Conference is *A New World on the Move: The Realities of Irregular Mass Migration and the Challenges Facing Asylum and Immigration Judges*. The conference is to be held jointly by the IARMJ and the Tribunal Administrativo Migratorio (the Migration Administrative Court) of Costa Rica and is sponsored by the American Institute of Human Rights. I am grateful to Judge Gabriela Richard, the President of the TAM, for all her help in organising the conference.

As always, there will be a pre-conference training course at both Intermediate and Advanced level from 17-18 February, and the Global Conference is on February 19, 20 and 21 2020. The IARMJ pre-conference workshop will provide training opportunities and fully address specific and current issues related to refugee law as well as aspects of migration law.

Today, more than 70.8 million people around the world have been forced to move in search of a safer place. Many of them seek protection. Understanding not only the importance of the international protection of refugees and the rights of migrants but also strengthening the national, regional and international legal frameworks in accordance with international law standards, is, indeed without a doubt, one of the incontrovertible imperatives of our time.

For Costa Rica and for the TAM, as well as for us as IARMJ judges, this is an unique opportunity for decision makers and adjudicators from around the globe to share good practices in the comprehensive approach and treatment of migrants and people seeking international protection.

**IARMJ Newsletter**

**January 2020**

*IARMJ President:*            *Katelijne Declerck*  
*Vice-President:*            *Isaac Lenaola*

*Newsletter editor:* *Judith Gleeson*

During the conference, migration and asylum issues will be approached from different angles, considering legal and humanitarian consequences in the countries of transit and destination. Indeed, mass influxes challenge countries. They are compelled to ensure the protection of basic rights of migrants and asylum seekers, guarantee the safety of those in need of protection and uphold the rule of law.

If you have not yet registered, early bird registration has now ended but the increase in registration fees is modest. If you have not signed up, I encourage you to do so as soon as possible.

I thank you all for your support and help, and wish you a very happy, healthy and prosperous New Year!

*Katelijne Declerck*  
*Global President of the IARMJ*

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## 12<sup>th</sup> WORLD CONFERENCE, 17-22 FEBRUARY 2020, SAN JOSÉ, COSTA RICA

The World Conference this year will be held from 17-22 February 2020 at the Hotel Radisson, San Jose, Costa Rica. The theme of the 2020 World Conference is *A New World on the Move: The Realities of Irregular Mass Migration and the Challenges Facing Asylum and Immigration Judges*.



The IARMJ is proud to be working with the Tribunal Administrativo Migratorio (the Migration Administrative Court) of Costa Rica ('the TAM') and the American Institute of Human Rights, which is kindly sponsoring the conference. The Conference registration form is available here: <http://conferenciamundial-iarmj.com/en/registration/>.



by land, sea and air, with ports on both the numerous airlines. For judges coming from Highway serves Costa Rica and is open all year. on visas and appropriate vaccinations before

Costa Rica enjoys spring-like weather all year, with average temperatures between 22°C inland and 32°C at the coast. The country is easily accessible Atlantic and the Pacific Oceans, and the Americas, the Inter-American You are advised to check information travelling.

The 12<sup>th</sup> World Conference is an unique opportunity for decision makers and adjudicators from around the globe to share good practices in the comprehensive approach and treatment of migrants and people seeking international protection. As always, there will be a pre-conference training course at both Intermediate and Advanced level from 17-18 February, and the World Conference is on February 19, 20 and 21 2020. The IARMJ pre-conference workshop will provide training opportunities and address fully specific and current issues related to refugee law as well as aspects of migration law.

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Breakout sessions for the IARMJ Working Parties will be included in the main conference, to hear and discuss the papers and reports which are being prepared by the Working Parties for the Conference. You may attend whichever Working Party interests you most (details of the Working Parties and their Rapporteurs are at the end of this Newsletter).

More details of the 12<sup>th</sup> World Conference can be found on the IARMJ website at <https://www.iarmj.org/events/event/66-12th-world-conference-iarmj-san-jose-costa-rica-17-22-february-2020>, and on the conference website at <http://conferenciamundial-iarmj.com/en/>.

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### IARMJ Working Parties

The IARMJ's Working Parties are led by the Coordinator, Professor James Simeon. Regular Skype discussions are held between World Conferences. Full details of the Working Parties, their Rapporteurs and Associate Rapporteurs, appear at the end of this newsletter. In principle, each Working Party has a lead rapporteur and an associate rapporteur, and the membership of each Working Party for the next two years is established at the World Conference.

The Working Parties and their Rapporteurs meet and report at each World Conference. There will be a Breakfast Meeting for Rapporteurs and Associate Rapporteurs during the 12<sup>th</sup> World Conference next month, as well as breakout sessions for each Working Party to consider the papers prepared since the 11<sup>th</sup> World Conference in Athens in 2017. Previous papers prepared by IARLJ/IARMJ Working Parties are available on the IARMJ website ([www.iarmj.org](http://www.iarmj.org)) and many are included in the list of publications in Katelijne Declerck's account of the history of the IARLJ/IARMJ, towards the end of this Newsletter.

You are free to attend whichever Working Party session interests you, and are warmly invited to take part in the ongoing work between the 12<sup>th</sup> and 13<sup>th</sup> World Conferences. Please let James Simeon ([jcsimeon@yorku.ca](mailto:jcsimeon@yorku.ca)) know if you are interested in assisting as a Rapporteur or member, and on which Working Party.

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### ***News from around the world...***

#### ***AFRICAN CHAPTER: Ahmed Arbee and Tjerk Damstra – the end of an era***



At the African Chapter conference in October 2019, when the African Chapter celebrated the 50<sup>th</sup> anniversary of the OAC Convention in 1969, the celebrations were tinged with sadness as Ahmed Arbee, President of the African Chapter, and Tjerk Damstra, who have worked so closely together since its inception, both stepped down after 20 years at the helm of what is now the African Chapter of the IARMJ.

Ahmed Arbee is a former Member of the South Africa Parliament, a former Member of both its Immigration Selection Board and National Transport Commission.



In 1998, Ahmed was appointed by the then Minister of Home Affairs as the first Chairperson of the Refugee Appeal Board (RAB), mandated to establish the Appeal Board. In 1999, at the invitation of the UNHCR, he participated in a judicial conference hosted by the Supreme Court Bar Association of India in Delhi. During this conference he met Geoffrey Care, President of the IARLJ (as it then was), and Erika Feller of the UNHCR. Since that meeting, Ahmed became actively involved in the IARLJ and has addressed numerous Regional and World Conferences.

A highlight of this engagement was the relaunch of the Africa Chapter in Pretoria in September 2006. The Africa Chapter has since grown phenomenally with Ahmed consistently demonstrating a passion to promote the activities of both the IARLJ and the Africa Chapter.

The following thoughts and thanks from around the world (and around the corner) recognise the huge achievements of the Chapter under Ahmed's leadership over the last 20 years.

***From Isaac Lenaola, Vice-President of the IARMJ, in Kenya:***

#### **TRIBUTE TO AHMED ARBEE AND TJERK DAMSTRA**

The IARMJ Africa Chapter, in bidding farewell to two of its founders and leaders, Ahmed Arbee and Tjerk Damstra, is grateful for their exemplary and distinguished service over the last ten plus years. Speaking for myself, two of South Africa's finest, they have been the anchor of the African Chapter.

Their dedication, total commitment and loyalty to the ideals of our Association have been second to none. Full of wisdom, they shaped the destiny of the Chapter growing it to be one of the most vibrant. While Ahmed was the face of the Chapter, joyfully

leading his troops from success to success, Tjerk, quiet and effective behind the scenes (with Sarie Brits) ensured that nothing was left to chance. Both, extremely humorous, were fantastic company and from conference to conference, the joy of being with them, uplifted my spirit, even in the most trying times.

Although retired, they are not tired and I look forward to continued engagement with them as we build upon the foundation they laid for us.

## **THANK YOU AHMED! THANK YOU TJERK!**

***From Geoffrey Care, Past President IARLJ, in Scotland, United Kingdom***

*"There is a tide in the affairs of men, which taken at the flood, leads on to fortune"* which Shakespeare had Brutus say: you are not Brutus, Ahmed but that is what you did. Before I go back to how and when the African Chapter was conceived, I want to mention a fellow country man of Ahmed's - Shun Cbhetty - who at the end of the first Conference in London in 1969 in the "cellars" of the Strand Hotel in London said "this venture is worth pursuing, let's make it sure the world knows what we are about", and the IARLJ (as then called) was born.

It is due to the efforts of a few, and in particular the leadership of Ahmed Arbee, that the vision for a group of African judges with a commitment to justice in a continental and global context, transcending national boundaries, was conceived and nurtured and brought to maturity. He got the loyal support of his colleague Tjerk Damstra and went on to build a team which has now produced our next President. There is a solid core of courageous and well-intentioned people in every corner of the Continent of Africa which gives us hope and assurance for the future of the enormous diversity of men and women in every country.

Ahmed and I first met in Delhi in 1999. It was not an IARLJ meeting as such, but we were both invited to take part in a Judges' Seminar there. The debates were of a high standard and we met many Indian judges and politicians, which enabled us to have some better understanding of why India had not acceded to the Refugee Convention and reinforced our views that we were on the right track. This meeting gave us the opportunity to exchange views over the IARLJ and the need for its extension into Africa. It was you Ahmed who took this up and formed the Africa Chapter.

The Africa chapter of the IARMJ now represents a significant body of those in various posts as judges on whom, not only those who have had to flee their own countries or those displaced within their own country, rely for justice but the citizens at large for whom the judges are so often the only and the last hope against enslavement in all its modern guises.

It is with gratitude and much humility that we give thanks to those who have selflessly worked over the last 20 years to enable us to reach this position. Ahmed Arbee, without whose leadership over the past 20 years the Chapter would never have reached this stage, is now about to take a back seat and allow others to carry the baton forward. I just hope that even though he may not be as active, Ahmed will be asked for and will give of his experience and wisdom for the future.

Spouses and families and indeed those working behind the scenes are often overlooked when praising the one leaving, it would be a mistake in this case to overlook your wife Fanda and your extended family. They have supported you whatever the price of your devotion of so much time and effort to the IARLJ. We salute them too.

Finally I would add that those who conceived the then OAU had a similar vision to that which the Africa Chapter has advanced over the years. So we say, farewell et aussi nos adieux, but not goodbye Ahmed and Tjerk, from us all.

***From Dunstan Mlambo, President of the Africa Chapter***

During the 2019 Cape Town conference, I was nominated to be the next President of the African Chapter, and I accepted, though with some trepidation as I have very big shoes to fill. Mr Ahmed Arbee has led the Chapter with distinction and I will knock on his door constantly for necessary guidance. I know that members of this Chapter will join me in thanking Ahmed for having taken care of the interests of the Chapter and in ensuring that we remain in touch with global developments.

***From James Simeon, Coordinator of the IARMJ Working Parties, in Canada:***

Ahmed Arbee and Tjerk Damstra were the heart and soul of the Africa Chapter of the IARMJ for so many years that it will be difficult to accept that they have retired and passed the torch on to others to continue their outstanding work on behalf of the Association and, of course, ensuring that all those who are refugees are treated fairly and justly, not only in Africa but on every continent. Ahmed Arbee, the brilliant speaker and raconteur, who could leave even the most dour among us in stitches, and, Tjerk Damstra,

the consummate caring companion and host, together made an unbeatable team that defied common convention and set the best example for how we can all work together for the greater good and for each other.

Our friendship, admiration, and appreciation of your tremendous contribution, seemingly delivered so effortlessly, will grow even stronger in the years to come, as we wish you both the very best as you continue to set a shining example to us all!!

## 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.

### AFRICA CHAPTER



During the month of September 2019, our Chapter held its regional conference in Cape Town and I had the privilege of being nominated as the next President of the African Chapter, following the retirement of Ahmed Arbee.

The Cape Town Conference was singularly important in that it marked the 10th anniversary of the chapter and more importantly, the 50th anniversary of the OAU Convention adopted by the OAU in 1969. The adoption of that Convention signalled a commitment by African leaders to join the global effort of protecting the rights of refugees and displaced persons as well as regulating their situation.



The institution of asylum and the system of refugee protection are currently under tremendous stress globally and more particularly in this continent. According to the United Nations Economic Commission for Africa, Africa has the second highest number of displaced persons in the world. Further reports from the United Nations High Commissioner for Refugees (UNHCR) indicate that sub-Saharan Africa currently hosts an estimated 6.6 million refugees, most of whom have been forced from their homes as a result of war, indiscriminate violence, poor governance, climate change and endemic poverty. Uganda, Libya, South Africa, Morocco and Kenya host, by far, the largest contingent of refugees in this continent. Scores of visuals of men, women and children in Libyan camps and in crowded boats leaving the shores of that country in an attempt to cross the Mediterranean have been displayed by media networks worldwide. While this has brought about much needed attention to the internally displaced crisis the continent is facing, the distress over refugees landing in Europe has overshadowed the efforts of African countries also grappling with refugee and migration emergencies. Cross-border movements of refugees, internal displacement, and failed reintegration have further contributed to this phenomenon. We are also witnessing an increase in the erosion of refugee protection policies and human rights in general.

The reasons for this erosion in Africa are as diverse as the complex situations and politics that fuel them. The lack of financial, material and technical assistance from donor countries and relevant intergovernmental and non-governmental organizations have increased the pressures on host states to use their limited resources for their own nationals and focus less on the commitment towards refugee protection. Whilst there are many problems and challenges to the continued ability of African states to host those who have been displaced, a few African countries have stepped up to the challenge and opened their borders and developed strategies to manage the mass inflows. The UNHCR has commended Uganda and Ethiopia for their open-door policy that welcomes refugees and allows humanitarian access and protection as well as settlement opportunities for displaced persons. Rwanda also deserves praise for opening its shores to the most vulnerable refugees stuck in Libyan camps.

Many African States are experiencing what some have termed 'hospitality fatigue'. This in turn has resulted in a decrease in the level and standard of refugee protection provided for by hosting African States. This has been further exasperated by perceived threats to job security and other domestic interests, when dealing with refugees and non-citizens in general. During the Cape Town conference, South Africa was going through a period marked by high tensions between citizens and non citizens which was sometimes accompanied by violence and destruction of property. This led unfortunately to further displacement of the victims. In an attempt to conciliate these tensions, host governments have strived to formulate strategies aimed at addressing the local communities' concerns but this has inevitably imperilled the creation of frameworks aimed at protecting refugee rights in particular. We all must strive to ensure that the treatment of refugees and migrants is in line with the prescribed international human rights standards and refugee protection programmes as well as domestic legislative enactments.

There is a need to demonstrate to hosting States that upholding their duty to protect those fleeing persecution and violence is not only a virtue in itself but also a means of advancing their domestic interests. Those seeking asylum often lend their skills and

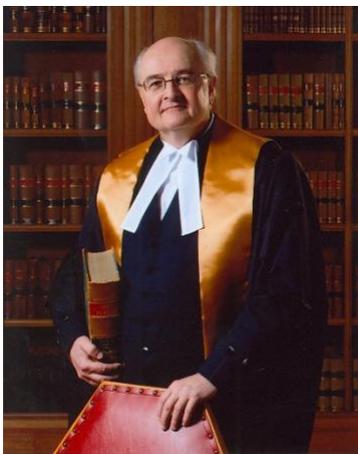
education which in turn promotes growth and contributes positively to the host economy. UN Secretary-General Ban Ki-moon reaffirmed this notion when he stated that “...far from being a threat, refugees and migrants contribute to the growth and development of host countries as well as their countries of origin. The better new arrivals are integrated, the greater their contribution to society will be. We need more measures to promote the social and economic inclusion of refugees and migrants.”

There also exists a great need to identify and address the root causes of the refugee crises the African continent currently faces. In the past year at the African Union (AU) summit, the focus was on refugees, returnees and internally displaced persons. It was resolved that a Continental Operational Centre in Khartoum would be established with the aim of addressing irregular migration and human trafficking on the continent. The AU has a critical role to play in this context, efforts must be made to address the root causes of the refugee crisis and come up with a sustainable plan of action tackling these root cause. The African leadership must decisively grapple with the issue of destabilization taking place in some parts of the continent which are the direct and main causes of the refugee crisis.

I look forward to engaging members of the Judiciary to create networking relationships in an effort to get involved in the refugee and migration law discourse as well as jurisprudential developments.

*Dunstan Mlambo  
Judge President, Gauteng Division  
High Court of South Africa  
President, African Chapter IARMJ*

## AMERICAS CHAPTER



**February 17-22, 2020, 12<sup>th</sup> IARMJ World Conference, San José, Costa Rica.**

The Americas Chapter is proud to be hosting the IARMJ’s 12<sup>th</sup> World Conference in San José in February 2020. I am grateful to Gabriela Richard of the Migration Administrative Court of Costa Rica, to our global President, Katelijne Declerck, and to ground, Judge Esteban Lemus Laporte, Vice-President of the Americas Chapter and a member of the International Commission of Jurists, for all their hard work in putting together the 12<sup>th</sup> World Conference program in such a beautiful location.

I will not say much more this time: I look forward to meeting all of you in Costa Rica in February and wish you a very good New Year.

*Russel Zinn  
President, Americas Chapter*

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## ASIA PACIFIC CHAPTER

### THE ASIA PACIFIC CHAPTER – 2019 IN REVIEW

2019 has been a year of steady growth and development for the Asia Pacific chapter.

#### *Vanuatu*

After the success of the Wellington regional conference in November 2018, we provided assistance by way of training (in cooperation with UNHCR) to the Vanuatu Immigration Service in December 2018. Although not a signatory to the Refugee Convention, Vanuatu has incorporated its core protection elements into its domestic legislation. That led to the chapter playing an advisory role on the country’s first determination of a refugee claim in mid-2019.



#### *Africa Chapter Conference*

On behalf of the Asia Pacific Chapter, the Chapter President also attended the Africa Chapter conference in Cape Town in early September 2019. The conference was notable not only for the setting and the quality of the programme but also because it was the final conference to be organised by the Africa Chapter president, Ahmed Arbee, and a long-time stalwart of the Association, Tjerk Damstra. For nearly 20 years, Ahmed and Tjerk have been the engine room of the Africa Chapter and its success is substantially due to the countless hours they have put in. It is with great sadness that we accept their understandable desire to step back a bit after so many years and hand over the reins of a very healthy chapter. But it was also a real delight to be there for the Cape Town conference – marred only by the writer’s embarrassment at being unable to find a non-vandalised cash machine on the way to the airport and having to leave the taxi driver Tjerk’s phone number....

### ***Japan***

In October and November 2019, IARMJ members (headed by Allan Mackey) ran a summer school intensive at Tokyo University, with the assistance of Professor Yasu Sato and the office of the Project of Compilation and Documentation on Refugees and Migrants. On the same trip, the IARMJ provided an afternoon’s training on credibility and other RSD concerns for Japanese immigration officers.

### ***Nepal***

In October 2019, members of the chapter, including Judge Torres from the Philippines, took part by video link in a human rights conference in Nepal, organised by the Asian Network for Refugees and International Protection.

### ***Credibility Workshop - Australia***

In late November 2019, the chapter ran a very successful workshop at the offices of the Administrative Appeals Tribunal in Melbourne, in conjunction with the Tribunal and the Peter McMullin Centre on *Statelessness* at Melbourne Law School. We were also incredibly lucky to secure the participation of Hilary Evans Cameron, from the University of Toronto, who was in Australia at the time. The workshop was on credibility in RSD and Hilary, who recently wrote “Refugee Law’s Fact-finding Crisis: Truth, Risk, and the Wrong Mistake” gave an outstanding presentation, followed by papers from IARMJ members on the practical aspects of addressing credibility in decision writing, with commentary from Michelle Foster, Jan Redfern (chair of the refugee and migration division of the AAT) and Judge Rolf Driver, and questions from the floor. The workshop was attended by some 50 people and the post-workshop feedback has been highly complimentary and positive, with many suggestions for an annual event of that kind. We will certainly look at the possibility of it.

After the workshop, the presenters and some of the participants made their way to Red Spice Road, a famous Southeast Asian Restaurant in Melbourne, for a chance to talk and catch up on things. It was a memorable evening.

### ***Summary***

Over the year, the chapter has continued to grow and now has just on 100 members. Next year will see our usual biennial regional conference, in about November and probably in Australia this time. The programme for that conference is currently being developed and we warmly welcome submissions and ideas as to the content members would like to see included.

*Martin Treadwell*

*President, IARMJ Asia-Pacific Chapter*

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## **EUROPEAN CHAPTER**

## “Report on the major directives of activity of the President of IARMJ-Europe in the period from September 2018 until June 2019”



As President of the European Chapter, I have had a very busy year. Below is a non-exhaustive list of major relevant activities which I have undertaken for IARMJ Europe during 2019. We are already beginning necessary preparations for the next Regional Conference of IARMJ-Europe which will take place in Odessa (Ukraine), 1-2 October 2020 at the premises of the Fifth Appellate Administrative Court.

**Sept. - Nov. 2018:** Work on deliberation of the programme for the High Level Judicial RoundTable between Court of Justice of the European Union (CJEU), European Court of Human Rights (ECtHR) and IARMJ and participation at the roundtable at the premises of the CJEU in Luxembourg 22-23 November 2018.

**Zagreb, December 4, 2018:** participation as a trainer at the seminar for judges in Croatia organised by Croatian Judicial Academy and local NGO (“Hrvatski pravni centar”). Presentation of the topic „Case study on detention of vulnerable asylum seeker(s)».

**Malta, 21-22 January 2019:** participation at the Annual Coordination and Planning Meeting of the EASO Networks of Courts and Tribunals.

**Brussels, 30 January 2019:** Annual contact point meeting between 13 international associations of judges or prosecutors who signed Memorandum of Understanding with the European Judicial Training Network (EJTN). I represented the IARMJ-Europe. The standard purpose of these annual meetings is to discuss what has been done by the EJTN in the previous year in terms of training activities (this includes individual study visits/exchanges), what are the envisaged training events for the next year, what has been done by each of the partners and what are their plans for the next year. Out of 11 active associations, the report of the IARMJ-Europe is always the most extensive, which means that we are obviously the most active association among all. Even more, the area of refugee law had 17 individual exchanges (study visits) in 2018; migration law is listed separately and there are 22 different areas of law for eventual study visits; only organised crime (19) and family law (27) had more study visits.

**Genève, 1. February 2019,** Annual meeting with UNHCR. Katelijne Declerck and I attended the regular annual meeting with UNHCR officers. We have been received by Grainne O'Hara (Director of Department for International Protection) and many other experts of the UNHCR office with whom we talked either in person or via teleconference, for example: Madeline Garlick (Protection Policy Legal Advice), Samuel Boutruche, Carole Dahan, Monserrat Feixas Vihé, Nabil Benbekhti, Kees Wouters, Marco Formisano (regional representative for America); we had a teleconference with Presidents of the IARMJ American Chapter Russell Zinn and IARMJ Asia Pacific Chapter Martin Treadwell joined by Allan Mackey. All discussions were very substantial and since we did not have enough time for European affairs and collaboration with IARMJ-Europe we decided to have an additional meeting only for the issues related to IARMJ-Europe.

**Trento University (Italy), 4-5 March 2019:** I attended the kick-off meeting of partners and advisers in the FRICore judicial training project “Fundamental Rights in Courts and Regulation”. I represented the IARMJ-Europe. During this project, which is a sort of follow up of the RE-Jus project, funded by the Justice Programme of the EU, members of the IARMJ-Europe will have a chance to participate or to act as trainers in the field of migration and asylum in relation to the use of the Charter and judicial dialogue.

**Brussels, 25 March 2019,** meeting with UNHCR office for Europe: I attended this meeting together with Katelijne Declerck. Our main contact person before and during the meeting was Randhir Wanigasekara (Bureau for Europe) who is also our main contact person for workshops we are planning to have with UNHCR on preliminary reference procedure. We met and discussed with Gonzalo Vargas Llosa (Regional Representative for EU Affairs). The meeting was chaired by Sophie Megennis (Head of Policy and Legal Unit, Bureau for Europe). Several other experts of the UNHCR were present or we discussed with them via tele-conference, for example, with Samuel Boutruche, Carole Dahan, Fabian Baxewanos, Karem Sakhr, Sara Granlund, Nabil Benbekhti. The topical issues were:

- briefing on the situation in the North Africa;
- training needs in relation to Quality Initiative in Central and Eastern Europe (Ukraine, Belarus, Moldova Caucasus, region) and Balkan region;
- organisation of national workshops on preliminary reference at the CJEU in Poland, Hungary and transnational workshop in Italy in the light of signing a contract between IARMJ and UNHCR for future cooperation.

**Brussels, 25 March 2019:** meeting with Mrs. Emmanuelle Cretin-Magand, Policy Coordinator, European judicial training, European Commission, Directorate General for Justice and Consumers, Unit B1., general criminal law and judicial training: The purpose of this meeting was to present to the competent person at the relevant Unit of the EU Commission what we have done during the 3 years project and what we do under the 4 years contract with European Asylum Support Office (EASO). Mrs. Diana Ungureanu (Policy Officer) who is a sort of link between the aforementioned unit and EJTN, attended that meeting, too. Fabian Lutz, who was the “author” of the EU Return Directive 2008/115, was present and actively contributed to the discussion. We informed Mrs. Emmanuelle Cretin-Magand not just about the results of our work, but also about the condition in which we do our work based on the contract with EASO in relation to Professional Development Series (PDS) and actual and future challenges for judicial independence in relation to training in cooperation with EASO and EJTN.

**Luxembourg, CJEU, 13-14 May 2019,** EJTN Conference on the Rule of Law Project with the participation of the CJEU and ECtHR: As President of IARMJ-Europe, I received an invitation to attend and to actively participate at the aforementioned conference which was considered as a final act of the EJTN project on the rule of law, but I could not participate in that conference. Judith Gleeson kindly took that responsibility and represented IARMJ-Europe at that conference.

**Berlin, 12-13 May 2019,** meeting of members of the Editorial Team (ET) for drafting PDS on vulnerability, and Bi-annual meeting of IARMJ-Europe: As a member of the ET, I participated in that meeting and prepared a presentation at bi-annual meeting of IARMJ-Europe on “Selected Comments on New Case-Law of the CJEU and ECtHR in the Field of Migration and Refugee Law”.

**Helsinki, 14 May 2019:** Seminar for Administrative Courts on “Membership of a Particular Social Group as a Persecution Ground” organised by UNHCR in collaboration with IARMJ-Europe: As the representative of the IARMJ-Europe I gave presentation entitled: “Methods of Interpretation of Membership of Particular Social Group: Presentation of Judicial Analyses Produced under the Contract between EASO and IARMJ-Europe.”

**June 2019:** Several preparations have started concerning various training events for judges planned to be conducted by members of the IARMJ-Europe in countries like: Croatia, Sweden, Hungary, Poland, Italy.

The major activities from June 2019 until December 2019 will be listed and shortly explained in the next global newsletter. But, I need to underline that these are only my (major) activities, while it is impossible for me to list or mention here all meaningful and numerous contributions in international activities of my colleagues that have influenced my work, while they were acting as members of the IARMJ-Europe either as (Vice)Presidents (Katelijne Declerck, Catherine Koutsopoulou, Harald Dörig), members of the Council or they have been acted as core members of the IARMJ-Europe.

*Bostjan Zalar*  
*President, IARMJ Europe Chapter*

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## INTERNATIONAL JUDICIAL DIALOGUE ON MIGRATION AND ASYLUM THE INTERNATIONAL ASSOCIATION OF REFUGEE AND MIGRATION JUDGES (IARMJ)

The International Association of Asylum and Migration Judges (“the IARMJ”) was, prior to the amendments of December 2017, named the International Association of Refugee Law Judges (“the IARLJ”). The IARMJ is an international judicial organization fostering the development of and understanding of refugee and migration law.

The founding President of the IARLJ, Geoffrey Care from the United Kingdom<sup>1</sup>, affirmed:

*“The vision, which the Association has, is to achieve a consistent and coherent application of international norms in the role of asylum and refugee matters. It is committed to promoting a worldwide understanding of refugee law principles: to encourage countries, courts and tribunals to adopt the best practices – not just minimum standards, on the local stage – in the determination process, in appeals from earlier decisions, and to do what we can to ensure that all claims for refugee status and analogous protection are governed by the rule of law.”<sup>2</sup>*

### History

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1 Geoffrey Care was succeeded by Allan Mackey (UK), Tony North (Australia), Sebastiaan de Groot (the Netherlands).

2 “The Asylum Process and the Rule of Law”, 6th IARLJ conference, Stockholm April 2005, (Manak publications, Delhi, India, 2006)

During the 1980s and the 1990s, many Western countries reviewed their regulations concerning access to their national territories. This was partly due to the drastic increase in the number of asylum seekers in the 1980s. One country after another formulated more clear and stringent migration and asylum policies. These regulations impacted immediately on neighbouring countries. Co-operation became necessary on all levels.

The IARLJ was founded in the 1990s, at a time when closer judicial dialogues in various fields of the law were initiated. International judicial co-operation in asylum and migration law did not exist at that time. Contact between judges dealing with asylum appeals was almost non-existent. Occasional bi-lateral visits to similar courts in neighbouring countries took place around Europe as well as a few study visits encouraged by UNHCR (in 1991, newly appointed Polish judges visited the United Kingdom), the EU and the Council of Europe. It was all still very much an *ad hoc* situation and insufficient for judges to engage in a structured, ongoing conversation.

A first IARLJ conference, with about 50 judges (mostly from Western European countries but also the USA, Canada, Australia, New Zealand, Poland, Russia, Uzbekistan, Bulgaria and the Czech Republic) took place on 1 and 2 December 1995 in the Inner Temple, London with the support of UNHCR. A Steering Committee was formed with an active group of judges such as Geoffrey Care (UK), Sebastiaan de Groot (NL), Roger Errera (France), Walter Stöckli (Switzerland), Joachim Henkel (Germany), Erik Møse (Norway), Igor Belko (Slovakia); Nurjehan Mawani (Canada) and Jacek Chlebny (Poland). A few years later, in a second IARLJ conference at Nijmegen (the Netherlands) besides those represented during the first conference, more judges joined and about 37 countries were represented including, among others, Brazil and Georgia. In 1997, after a seminar in Warsaw Poland, 15 judges from 12 countries adopted the Provisional Constitution. The IARLJ was there to be.

It was the law that could, so rapidly, pull together interested judges from around the world. Indeed, the 1951 *Convention Relating to the Status of Refugees* ("the Refugee Convention"), as amended by its 1967 Protocol was the common denominator. If applied correctly, the interpretation of refugee law should give the same result whenever and wherever in the world asylum applications were decided upon. Moreover, national legislation has to be in accordance with principle of non-refoulement. Further, asylum is rights-driven, which impacts on the domestic processes of signatory States. Judges had a common ground on which they could communicate, widen their knowledge and fine-tune their jurisprudence.

A factor of utmost importance for the IARLJ was the tremendous support that was received from the start from the Netherlands. Indeed, the IARMJ secretariat is still today in the court of Haarlem, funded by the Dutch government. Without this secretariat it would have been impossible to maintain and develop this judicial organisation. The IARMJ has repeatedly acknowledged this in its conferences around the world.

### **Membership**

The discussion about the membership has proven to be crucial to the working of the IARMJ. It indeed reflects the state of international refugee law in the world. International judicial organisations are set up to encourage courts to engage in a judicial exchange. Nevertheless, the IARLJ had chosen differently. From the start, the aim was to ensure that individual judges genuinely interested in asylum and migration law could become members and be given access to their homologues. From a worldwide perspective, it was particularly important that the association would remain totally independent. The IARMJ has always been extremely careful in making any statements that could compromise its members.

A second reason for accepting only individual judges is the reality that few countries have specialised asylum and migration courts. In the civil law countries where, contrary to the common law system, no specialised tribunals exist, the system provides for either separate administrative courts or special chambers within the civil courts, both with jurisdiction over disputes in several areas of the law. Certainly, in the 90s, few courts considered asylum and migration a priority over the other branches of the law. The appeal of attending workshops and conferences was therefore limited. Moreover asylum law was considered very much to be national law, even if the qualification of refugee status is based on an international Convention, the Refugee Convention, and regardless of the fact that the recognition of refugee status is a declaratory act.

Other global realities were further to be considered. Many countries still do not have specific refugee determination procedures. Where possible, UNHCR provides for the determination of refugee status under its mandate. Inevitably, no proper judicial appeals procedures are active in such jurisdictions. Other (mainly Asian) countries have not signed the Refugee Convention. But, ever more,

judges of these countries join the IARMJ, especially from Africa and Asia. The fact remains that judges in all countries deal with the rights and human rights of non-nationals, the issue of detention before removal and the principle of non-refoulement.

IARMJ members include judges from the highest courts, such as the Court of Justice of the European Union (CJEU), the African Court on Human and People's Rights and the European Court of Human Rights (ECtHR), the International Criminal Court, the Residual Special Court for Sierra Leone, and many Supreme Court judges, Appeal Court judges and First Instance judges.

Finally, from the first conference onwards, some academics with publications and research in the field of asylum and migration were invited to share their views and analyses at IARLJ conferences and workshops. Their membership requests are discussed individually and, if accepted, they become associate members without voting rights. The first academics to join the IARLJ were Professor Elspeth Guild and Professor Guy Goodwin-Gill.

## Objectives of the IARMJ

According to the original constitution of the IARLJ:

*"The International Association of Refugee Law Judges seeks to foster recognition that protection from persecution on account of race, religion, nationality, membership in a particular social group, or political opinion is an individual right established under international law, and that the determinations of refugee status and subsidiary protection are subject to the rule of law".*

At the General Meeting of the Association held at the 11<sup>th</sup> conference of the IARLJ at Athens, Greece, on 1 December 2017, it was resolved that asylum is what we (the IARLJ) have always embraced and we will continue to do so but, depending on the legislation of the countries and the jurisdictions of the courts, migration is just as much, and sometimes even more so, part of the work of the judges who are members of our association. It has been a fundamental part of our discussions, our workshops and conferences. At the conference in Athens, it was resolved "to reflect the current reality of the mixed nature of 'cross border' matters coming before members, the objectives of the Association and its name should be changed to include not only refugee law but also, complementary protection and migration law issues".

To reflect this, the IARLJ became the IARMJ.

The IARMJ aims to strengthen recognition:

- that judges have a special role in determining issues involving refugee status, complementary protection (termed "subsidiary protection" in the European Union) and rights and obligations arising from issues of migration law. In this role, they are axiomatically required to consider core principles of the international rule of law, including international human rights law and practice, international humanitarian law and the concepts of human dignity and human security;
- that protection from being persecuted on account of race, religion, nationality, membership of a particular social group or political opinion is an individual right established under international law, and that the determination of refugee status and its cessation and exclusion should be subject to the international rule of law;
- that other international complementary protection issues, including *non refoulement* to the danger of arbitrary deprivation of life, torture, or cruel, inhuman or degrading treatment or punishment also involve rights protected by international human rights law and practices;
- that, in this special role, judges often become involved in related issues, including: statelessness, deportation, extradition, detention, exceptional humanitarian circumstances, family unity and a wide ambit of international and domestic-based migration law and practices ("related migration issues").

To these ends the IARMJ has committed itself, *inter alia*, to foster:

- within the judiciary and quasi-judicial officers world-wide a common, consistent understanding and application of international law, practices and principles relating to refugee, complementary protection, statelessness and related migration issues;

- the use of fair practices and procedures to determine all refugee, complementary protection, statelessness and related migration issues;
- judicial independence;
- the development, within national legal systems, of independent decision-making institutions applying international rule of law and practices to refugee, complementary protection, statelessness and related migration issues;
- the sharing of relevant jurisprudence by international, regional and national courts and tribunals of information and databases relating to conditions in countries of origin and countries of transit;
- the development of clear norms of access by all claimants to judicial systems compatible with international rule of law standards, including the core rights to a fair hearing, an effective remedy and procedural fairness;
- amongst judges mutually beneficial professional development, training and research initiatives, timely, issued based, decision writing and publications and projects that further the attainment of the objects of the Association.<sup>3</sup>

## Regional Chapters

The IARLJ has always tried to address the practicalities of arising issues. Thus, there were discussions to form specific Chapters, initiated by the European members of the IARLJ and accelerated near the end of the 90s. **The European Chapter of the IARMJ**, formed in 1997, arose as a consequence of the development of the Common European Asylum System (CEAS) and the Member States of the European Union becoming increasingly subject to specific rules and standards based on the primary and secondary legislation of the European Union. Taking into account, also, the application of the European Convention for the Protection of Human Rights (ECHR) to member states of the Council of Europe, it needed to be recognised that the regional law in Europe differs in certain important respects from international refugee law.<sup>4</sup> The driving force behind this were judges Allan Mackey (UK), Jacek Chlebny (PL), Roger Errera (FR), Hugo Storey (UK), Katelijne Declerck (BE), and Sebastiaan de Groot (NL).<sup>5</sup> The -European Chapter of the IARMJ remains the largest and the most active one being involved in a considerable number of workshops and conferences as well as in the publication of training materials and in depth refugee law studies. Judge Boštjan Zalar (Slovenia) is the European Chapter President.

The IARLJ Chapters did not follow the geographical boundaries of the continents when they were created. Being at a far distance from the other IARLJ member countries, a New Zealand-Australia Chapter formed in Auckland, New Zealand, in March 2000 with the strong support of the members of each country's tribunals and senior benches. It changed its name twice, and became the Australasia Chapter for some years, until the Chapter Conference in South Korea in June 2016 when the name Asia-Pacific Chapter was adopted. Clearly, the expansion of the activities of the Chapter led to the new name. The **Asia-Pacific Chapter of the IARMJ**, with Martin Treadwell from New Zealand as its President, has members in, among other countries, India, Sri Lanka, the Philippines, Hong Kong, South Korea, Japan, Taiwan and in many of the Pacific Islands.

The discussions on the **Americas Chapter of the IARMJ** started in the early 2000s, with the collaboration of the Immigration and Refugee Board of Canada, the Federal Court of Canada, the United States, Mexico and Costa Rica.<sup>6</sup> They came to a conclusion in Washington D.C. thanks to Lori Scialabba (USA), Gaetan Cousineau and James Simeon (Canada) and the then IARLJ president, Allan Mackey. The bylaws for the Americas Chapter were approved by the IARLJ in Trier, Germany, in May of 2003. Its membership extends to Central America, Brazil and the Caribbean Islands. A Chapter assembly was held in Washington D.C. (2003); Toronto, Canada (2015), and conferences were held in Costa Rica (2004) and in Washington D.C. (2018). The next World Conference "A New World on the Move: The Realities of Irregular Mass Migration and the Challenges Facing Asylum and Immigration Judges" will be in Costa Rica on 17-21 February 2020. Justice Russel Zinn (Canada) is currently the IARMJ Americas Chapter President.

<sup>3</sup> Constitution of the IARMJ (<https://www.iarmj.org/iarmj/the-association>)

<sup>4</sup> Constitution of the European Chapter of the International Association of Refugee Law Judges (IARLJ) <https://www.iarmj.org>

<sup>5</sup> The European Chapter of the IARMJ applied for, and received, an EU grant for the IARMJ-Iustitia project (December 2001- June 2003).

<sup>6</sup> Some of its most active members are/were Paul Schmidt, Lori Scialabba, Juan Osuna (USA); Nurjehan Mawani, Gaetan Cousineau, James Simeon (Canada); Ana Calzada, Esteban Lemus Laporte (Costa Rica)

Several initiatives were taken by the first IARLJ president Geoffrey Care to focus on regional issues in Africa. Judges from Africa were involved from the 3<sup>rd</sup> IARLJ conference in Ottawa, Canada in 1998 onwards. In the next few years, a small co-ordinating group of delegates from 13 countries in Africa was formed.<sup>7</sup> The breakthrough came in 2006, thanks to the determination of Ahmed Arbee from South Africa and Justice Tony North from Australia. A higher number of Africans were present during the 4<sup>th</sup> Conference in Mexico City in 2006, where the founding members of the **African Chapter of the IARMJ** presented their resolution, which was formally accepted later that year.<sup>8</sup> The African Chapter undertook further activities over the years and held many regional conferences (Abuja, Nigeria 2010; Mombasa, Kenya (2012); Marrakesh, Morocco 2015; Cape Town, South Africa (2019)). It also hosted the 8<sup>th</sup> World Conference in Cape Town, South Africa in 2009 and the 10<sup>th</sup> World Conference in Tunis, Tunisia in 2014. The 2 last IARMJ Vice-Presidents were Justice Kashim Zannah (Nigeria) and Justice Isaac Lenaola (Kenya). Ahmed Arbee (South Africa) is currently the President of the IARMJ-Africa Chapter.

The IARMJ remains the parent body. It operates internationally and provides overall guidance and direction of all activities. This is done in close co-operation and consultation with the four regional Chapters of the Association which have been formed since 1997: Asia Pacific, Africa, the Americas and Europe.

### Formal co-operation

While keeping in mind the independence of the members of the Association in their judicial functions, the IARMJ has set out to co-operate with the United Nations High Commissioner for Refugees (UNHCR), EU institutions and agencies, IOM and other both international and national bodies, that are concerned with the promotion of an understanding of refugee law and migration law issues and its human rights law and humanitarian law aspects.

UNHCR has been particularly critical to the IARLJ and IARMJ's activities throughout its existence. It was its primary and most stable partner. Many workshops and conferences would not have been able to take place without logistical and financial support from UNHCR. It is clearly a relationship that benefits both organisations and will continue to do so in all parts of the world. The first Memorandum of Understanding (MOU) with UNHCR was reconfirmed on 9 December 2002.<sup>9</sup>

The European Chapter<sup>10</sup> signed another MOU with the European Judicial Training Network (EJTN) in 2014.

Since the establishment of the European Asylum Support Office (EASO) in 2011, the European Chapter has worked in close cooperation to help EASO perform its remit to provide training to members of courts and tribunals under Article 6 of the EASO Regulation (EU) No 439/2010. A formal exchange of letters was signed in July 2013. There has been close association in many of EASO's activities in support of members of courts and tribunals both in EU and EU+ countries and in countries with which EASO has an external dimension (e.g. Tunisia and Morocco). Moreover, the European Chapter signed two contracts with EASO for the periods of 3 and 4 years (2014-2022), for the development of common training materials for judges in the field of the Common European Asylum System.

The third major European training institution for judges is the European Law Academy (ERA, Trier) where members of the European Chapter are regular speakers at Annual ERA conferences on Asylum and Migration Law. Further, the European Chapter traditionally also works closely with the Technical Assistance and Information Exchange instrument of the European Commission (TAIEX). Members of the IARMJ are also on the list of judges-trainers of *The European Institute of Public Administration* (EIPA).

The European Chapter has a contract in the process of preparation with UNHCR, specifically for training in the field of preliminary reference to the Court of Justice of the EU.

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7 The Changing nature of Persecution, *La Nature Changeante de la Persecution*, 4th IARLJ conference, October 2000 Switzerland published by The Institute of Public Law, University of Bern, Switzerland (Bern 2001)

8 South Africa, Kenya, Nigeria, Zambia, Uganda, Tanzania, Ivory Coast, Guinea, Mozambique, Ghana, Benin, Malawi. More countries followed from also from the North of Africa, such as Egypt, Tunisia, Morocco.

9 Under IARLJ president Allan Mackey.

10 Judges Katelijne Declerck and Boštjan Zalar. Judge Hugo Storey was closely involved in the procedures.

## Achievements

It is fair to say that the IARMJ has gone far beyond its own expectations. The dynamics of the organisation are entirely to the credit of its members. This proves that the option to have individual members adhere to the IARMJ was the right one.

Asylum law remains complex and the need for on-going professional development is self-evident. IARMJ members have, throughout the world, given countless lectures and workshops on aspects of refugee and migration law, on other international instruments such as the *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, human rights conventions, on subjects related to the rights of migrants, on judicial independence, access to courts.... The list of achievements is a book in itself.

The list of IARMJ Publications and papers for IARMJ conferences and workshops is long. These are just some of the publications:

- IARLI, *Asylum Law*, 1st International Judicial Conference, 1-2 December 1995, London, United Kingdom, 1996.
- IARLI, *Refugee and Asylum Law: Assessing the Scope for Judicial Protection*, 2nd World Conference, 9-11 January 1997, Nijmegen, Netherlands, 1997.
- IARLI, *The Realities of Refugee Determination on the Eve of a New Millennium: The Role of the Judiciary / Les réalités de la détermination du statut de réfugié à l'aube du nouveau millénaire: Rôle du système judiciaire*, 3rd World Conference, October 1998, Ottawa, Canada, 1999.
- IARLI, *The Changing Nature of Persecution / La nature changeante de la persécution*, 4th World Conference, October 2000, Bern, Switzerland, 2001.
- IARLI, *Stemming the Tide or Keeping the Balance – the Role of the Judiciary*, 5th World Conference, Wellington, New Zealand, October 2002, IARLI, 2003.
- IARLI, *The Asylum Process and the Rule of Law*, 6th World Conference, Stockholm, April 2005, IARLI, 2006.
- IARLI, *Forced Migration and the Advancement of International Protection / Migración forzada y el avance de la protección internacional*, 7th World Conference, 6-9 November 2006, Mexico City, Mexico, 2006.
- IARLI, *Judicial Criteria for Assessing Country of Origin Information (COI): A Checklist* (7th Biennial IARLI World Conference, 2006).
- IARLI, *A Manual for Refugee Law Judges Relating to the European Council Qualification Directive 2004/84/EC and European Council Procedures Directive 2005/85/EC*, 2007.
- IARLI, *Where to Now: Charting the Future Course of International Protection*, Proceedings of the 8th World Conference of 28-30 January 2009, Cape Town, South Africa, 2009.
- IARLI, *Guidelines on the Judicial Approach to Expert Medical Evidence*, June 2010.
- IARLI, *Advancing Refugee Law Around the World: Contemporary Challenges in Emergent and Established Asylum Systems*, 9th World Conference, Bled, Slovenia, September 2011.
- Informal Meeting of Experts on Refugee Claims relating to Sexual Orientation and Gender Identity, held in Bled, Slovenia, 10 September 2011.
- IARLI, *Assessment of Credibility in Refugee and Subsidiary Protection Claims under the EU Qualification Directive: Judicial Criteria and Standards*, prepared by J. Barnes and A. Mackey, 2013.
- IARLI, *Preliminary References to the Court of Justice of the European Union: A Note for National Judges Handling Asylum-Related Cases*, 2014.
- IARLI, *Advancing Refugee Law Around the World: Contemporary Challenges in Emergent and Established Asylum Systems*, 10th World Conference, Tunis, October 2014.
- IARLI, *Due Process Standards for the Use of Country of Origin Information (COI) in Administrative and Judicial Procedures* (10th World Conference, 2014).

- IARLJ, *A Structured Approach to the Decision Making Process in Refugee and other International Protection Claims Including: A Flowchart using Established Judicial Criteria and Guidance, The IARLJ International Judicial Guidance for the Assessment of Credibility, The IARLJ, Judicial Checklist for COI*, June 2016.

and further:

- EASO, *An Introduction to the Common European Asylum System (CEAS) for Courts and Tribunals – A Judicial Analysis*, August 2016, produced by the IARLJ-Europe under contract to EASO.
- EASO, *Qualification for International Protection (Directive 2011/95/EU) – A Judicial Analysis*, December 2016, produced by the IARLJ-Europe under contract to EASO.
- EASO, *Evidence and Credibility Assessment in the Context of the Common European Asylum System (CEAS) – A Judicial Analysis 2018*, produced by the IARLJ-Europe under contract to EASO
- EASO, *Asylum Procedures and the Principle of Non-Refoulement – A Judicial Analysis 2018*, produced by the IARLJ-Europe under contract to EASO.

The European Chapter holds many workshops and conferences each year. Some are bi-annual such as the IARMJ-Europe Berlin Workshops at the Law Academy of Berlin, or the tripartite meetings (round-table) of the European Court of Human Rights (ECtHR), Court of Justice of the European Union (CJEU) and IARMJ, held alternatively at the Court in Strasbourg or the Court in Luxembourg.

Apart from these many conferences, the members of the IARMJ are heavily involved in training and teaching around the world. The IARLJ and later the IARMJ has *undertaken research, publications, professional development and projects to support these activities*. The idea is to have tools ready to be implemented by the relevant judges. The IARMJ-Asia Pacific Chapter has repeatedly participated in professional training events in the Philippines, South Korea, Japan and Hong Kong.

The IARMJ is also consulted by countries trying to set up new asylum systems, or are involved in the publishing of articles and books on asylum and migration to assist such countries.

A final word goes to one of the most pivotal roles of the IARMJ, which is to bring refugee law judges and decision-makers together, to come to a common understanding of international refugee law and practice. The **IARMJ Inter-Conference Working Parties Process** is comprised of a number of transnational groups of refugee law judges or decision-makers, at all instances of the refugee status determination process within their respective jurisdictions, who are working on a number of critical issues in international refugee law and practice. The objective of these transnational working groups is to try to resolve divergences and differences in judicial understanding, application, analysis, and the interpretation of international refugee law on these critical issues. Currently, the working parties are on Human Rights Nexus, Membership in a Particular Social Group; Expert Evidence; Extraterritorial Processing; Vulnerable Persons; Asylum Procedures; Country of Origin Information and Country Guidance; Exclusion Clauses; Statelessness; African Asylum Systems; Electronic evidence. James C. Simeon, Associate Professor at York University, Toronto, Canada is the IARMJ Inter World Conference Working Parties Coordinator.

## Conclusion

It is fair to say that the IARMJ plays an important role around the world in bringing together judges and independent decision makers in asylum and migration. Its tasks are growing with the incorporation (or not) of international human rights instruments. Ever more judges are confronted with migrants even those in remote areas or countries which saw few migrants or were traditionally transit countries. The IARMJ has lived up to the goals it set out in its constitutions. Perhaps the only handicap is that judges need to refrain from publicity. This publication may encourage some of the readers to reach out to their homologues. Visit us at [www.iarmj.org](http://www.iarmj.org).

*Katelijne Declerk  
President, IARMJ*

## WHO'S WHO IN THE IARMJ

### IARMJ Global Council:

|                                  |                     |
|----------------------------------|---------------------|
| President:                       | Katelijne Declerck  |
| Vice-President:                  | Isaac Lenaola       |
| Immediate Past President:        | Sebastiaan de Groot |
| Treasurer:                       | John Bouwman        |
| President Africa Chapter:        | Dunstan Mlambo      |
| President Americas Chapter:      | Russel W. Zinn      |
| President, Asia Pacific Chapter: | Martin Treadwell    |
| President, European Chapter:     | Bostjan Zalar       |

### Supervisory Council:

**Ad Interim President:** Joy Torres

**Members (in alphabetical order):** Johan Berg, Sylvie Cossy, Paulah Dauns, Rolf Driver, Harald Doerig, Judith Gleeson, Michael Hoppe, Jody Kollapen, Esteban Lemus Laporte, Dunstan Mlambo, Fred Ochieng, Michèle de Segonzac, Hugo Storey and Kashim Zannah.

### Working Party Coordinator and Rapporteurs

**Working Party Coordinator:** James Simeon

|                                     |  |
|-------------------------------------|--|
| <b>Human Rights Nexus:</b>          | Deborah Morrish, Manoj Kumar Sinha                     |
| <b>Particular Social Group:</b>     | Hilkka Becker, Nigel Holmes                            |
| <b>Expert Evidence:</b>             | Geoffrey Care, John Barnes, Rebecca MM Wallace         |
| <b>Extraterritorial Processing:</b> | Linda Kirk   |
| <b>Vulnerable Persons:</b>          | Mona Aldestam  |
| <b>Asylum Procedures:</b>           | Judith Gleeson, Jacek Chlebny                          |
| <b>COI and Country Guidance:</b>    | Bernard Dawson, Bostjan Zalar, Louise Moor, Mark Symes |
| <b>Exclusion Clauses:</b>           | Satvinder Juss, Johan Berg                             |
| <b>Statelessness:</b>               | Martin Treadwell                                       |
| <b>African Asylum Systems:</b>      | Amor Boubakri, Fred Ochieng                            |

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### Editor's Note

*This IARMJ Global Newsletter was edited by Judith Gleeson under the supervision of the IARMJ President Katelijne Declerck. We hope 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).*