



# **IMMIGRATION, ASYLUM and CITIZENSHIP BAR ASSOCIATION of IRELAND**

## **CONSTITUTION AND RULES OF MEMBERSHIP**

### **Article 1 - Interpretation**

1. In this Constitution, unless the context otherwise requires “the Association” means the Immigration, Asylum and Citizenship Bar Association (“IACBA”);
2. Words importing the singular number include the plural and *vice versa*, whether or not expressly so stated, save where the context otherwise requires.

### **Article 2 – Name and Establishment**

1. The name of the Association is the ‘Immigration, Asylum and Citizenship Bar Association of Ireland’ operating as ‘IACBA’
2. The establishment date for the Association is the 24<sup>th</sup> July 2019.

### Article 3 – Objects

The objects and purposes for which the Association is constituted are: -

- (a) To provide a forum for barristers who practise or possess expertise in the area of immigration, asylum and citizenship law or who would wish to develop such practice or expertise;
- (b) To advance the interests of members of the Association, and in particular:
  - i. to promote awareness of the skills and experience of members in the area of immigration, asylum and citizenship law;
  - ii. to promote good relations with other professional bodies or associations involved with immigration, asylum and citizenship law.
- (c) To provide continuing education for barristers in the area of immigration, asylum and citizenship law, and in particular;
  - i. to hold regular seminars, meetings, discussions or conferences;
  - ii. to organise the delivery of papers at such meetings;
  - iii. to liaise with the Bar Council as to recognition of participation of events organised by the Association for CPD purposes;
  - iv. to encourage participation in such seminars, meetings, discussions and conferences by all members of the Association regardless of seniority;

- (d) To liaise and cooperate with the Bar Council and to obtain appropriate use of the Bar's resources in order to ensure attainment of these objects;
- (e) To promote the study and development of immigration, asylum and citizenship law in Ireland and to collect and circulate statistical and other information and to form a collection of publications and documents of service or interest to members of the Association;
- (f) To make active contribution as a body to public debate and to promote reform of the law where the Association perceives it to be necessary;
- (g) To do all such other lawful things as are incidental or conducive to the attainment of objects or any of them.

#### **Article 4 – Membership**

Membership of the Association shall be open;

- (a) To any barrister who is a member of the Law Library;
- (b) To any person who is elected by the Committee of the Association as an Honorary Member.

#### **Article 5 – Officers**

1. The Officers of the Association shall be: -
  - i) Chair
  - ii) Vice Chair

- iii) Secretary
  - iv) Treasurer
2. All Officers of the Association shall be members of the Association. At the first Annual General Meeting of the Association the Officers shall be elected on the nomination of members present to serve until their successors have been elected at the next Annual General Meeting. Thereafter candidates for election as Chair, Vice Chair, Secretary and Treasurer shall be nominated by the Executive Committee and shall be elected at the Annual General Meeting to serve for one year until their successors have been elected. In default of annual election, any current Officer may continue serving in their previously elected position, on an interim basis, until a successor is elected.

#### **Article 6 – Chair**

1. The Chair shall preside at all meetings of the Association. He/she shall have power to call special meetings of the Association and of the Executive Committee. The Chair shall be eligible to serve 2 full years as Chair but, after the expiry thereof shall not be eligible for re-election as Chair unless a further period of at least 2 years has elapsed.
2. The Chair shall be an *ex officio* member of all committees of the Association.

#### **Article 7 – Vice Chair**

The Vice Chair shall perform such duties as may be assigned to him/her by the Chair or by the Executive Committee and shall discharge the duties of the Chair whenever invited to do so by the Executive Committee owing to the disability or absence of the Chair.

**Article 8 – Secretary**

The Secretary shall keep a record of the proceedings of all meetings of the Association. He/she shall notify the officers and all members of a Committee of their election or appointment and shall issue notices of all meetings. He/she shall keep a roll of the members of the Association. He/she shall do and prepare such other matters as the Chair and/or the Executive Committee may from time to time require.

**Article 9 – Treasurer**

The Treasurer shall collect and disburse all funds of the Association on the order of the Executive Committee and shall keep proper accounts in books belonging to the Association.

**Article 10 – Indemnity of Officers**

Officers of the Association (and ordinary members when carrying out authorised duties of the Association) shall be indemnified by the Association from all liabilities and expenses incurred by them in or about the discharge of their respective duties for the Association or when acting with the authority of the Executive Committee or as ratified by the Executive Committee, except such as happen from their own wilful misconduct. No member shall be liable for any other member or for joining in any receipt or other act for conformity.

**Article 11 – Executive Committee**

1. The Executive Committee shall consist of not more than 8 persons (4 Officers of the Association and 4 Ordinary Members) and shall reflect a balance of State and non-State practitioners. Members of the Executive Committee shall be elected annually at the Annual General Meeting. The outgoing Executive Committee may nominate candidates for election as ordinary members of the Executive Committee including but not restricted to members of the outgoing Executive Committee. Candidates for election as ordinary members of the Executive Committee may also be proposed by two members of the Association who shall, not less than fourteen days prior to the date of the Annual General Meeting, notify the Secretary in writing of their intention to nominate the particular candidate and certify that the candidate, if elected, is prepared to serve on the Executive Committee.
2. The Executive Committee may at its option co-opt up to two additional persons to serve on the Executive Committee until the next Annual General Meeting.
3. No member of the Executive Committee shall be eligible to serve on the Executive Committee for a continuous period of more than four years.
4. The affairs of the Association shall be managed by the Executive Committee which shall meet to dispose of business, adjourn and otherwise regulate its meetings as it thinks fit and may determine the quorum necessary for the transaction of business.
5. Unless otherwise determined, five members shall be a quorum. The continuing members of the Executive Committee may act notwithstanding any vacancy in their body or in the officers of the Association.

6. The Chairperson shall preside over the meeting of the Executive Committee or such one of their number as the Committee may decide in the absence of the Chair, commencing with the Vice Chair.
7. The Executive Committee, either on its own initiative or at the suggestion of any member in writing, may consider and report to the General Meeting of the Association such matters as, in the opinion of the Committee, concern the objects of the Association.
8. The Executive Committee shall appoint from its number or otherwise as it sees fit (and if it sees fit with power to co-opt) such Committees as it may deem necessary to accomplish the objects of the Association. Such Committees shall report in writing to the Executive Committee and their terms of office shall expire at the next Annual General Meeting of the Association.
9. The Executive Committee shall fill all vacancies occasioned by death, suspension or resignation of elected Officers (with the exception of the office of the Chair); such appointees to hold office until the next Annual General Meeting.
10. All disbursements of funds of the Association must be approved by the Executive Committee.
11. The Executive Committee may delegate its powers to any Officer or to any other members of the Executive Committee or to any sub-Committee consisting of such Officers, other Members of the Executive Committee or other members of the Association, as it thinks fit.
12. From the date of the establishment of the Association until the election of officers and the Executive Committee at the first Annual General Meeting, the powers of the

officers and the Executive Committee shall be exercised by the steering group which put in place the arrangements for the establishment of the Association.

## **Article 12 – General Meetings**

1. The Annual General Meeting shall be held upon such date after the 1<sup>st</sup> of October in each legal year as the Executive Committee shall appoint and ten members shall constitute a quorum.
2. At least fourteen days' clear notice of the Annual General Meeting shall be given to each member.
3. At the Annual General Meeting there shall be presented a report by the Chair of the Association of the proceedings of the Association for the preceding year together with a report from the Treasurer. The ordinary business of the Annual General Meeting shall also include the election of the Officers and of the ordinary members of the Executive Committee and the appointment of auditors. Any other business at the Annual General meeting shall be deemed special business.
4. Any resolution which a member wishes to have considered at the Annual General Meeting shall be served on the Secretary with the name of the proposer and seconder at least ten days prior to the date of the Annual General Meeting.
5. The Executive Committee may convene a Special General Meeting at any time it thinks fit, on the instigation of the Chair. The Executive Committee shall also convene a Special General Meeting on the written requisition of fifteen members of the Association stating the purpose for which the meeting is required. All the business of a Special General Meeting shall be deemed special business. Ten members shall constitute a quorum at a Special General Meeting.



6. At least fourteen days' clear notice of a Special General Meeting shall be given to each member.
7. The Notice of any General Meeting shall state the place day and hour of the meeting, and in any case where there is to be special business, the general nature of that special business. The Notice should also indicate whether the meeting is an Annual General Meeting or a Special General Meeting.
8. If, at any meeting, neither the Chair nor the Vice Chair be present or shall not be present within fifteen minutes after the time appointed for holding the same or shall be unwilling to act as Chair the members present shall choose a member present to be acting Chair of the meeting.

### **Article 13 – Voting at General Meetings**

1. Unless a poll is demanded in writing by at least 3 members, a declaration by the Chair or acting Chair at a General Meeting that a resolution has been carried or carried by a particular majority and an entry to that effect in the book of proceedings of the Association shall be sufficient evidence of the fact without proof of the number or proportion of the votes recorded in favour or against such resolution. If a poll be demanded by 3 members or more, the same shall be taken in such manner and either at once or after an interval or adjournment as the Chair directs and the result of such poll shall be deemed to be the resolution of the Association in General Meeting. On a show of hands or at a poll, every member present and entitled to vote shall have one vote. In the case of an equality of votes at any General Meeting, the Chair (or acting Chair in his/her absence) shall have a second or casting vote.
2. Only fully paid up members of the Association may vote at a General Meeting.

**Article 14 – Subscriptions**

1. The subscriptions for members shall be fixed at the Annual General Meeting of members. The Executive Committee shall first consider the subscriptions and shall report to the Annual General Meeting of the Association the rates, which, in their opinion, are desirable.
2. All subscriptions shall be due at the commencement of the legal year in respect of which they are payable and no part shall be returnable in the event of the dissolution of the Association or cessation of membership.
3. Any member who has failed to pay the subscription due for any legal year by a date to be set by the Executive Committee shall cease to be a member of the Association and all member services immediately cease.

**Article 15 – Amendments**

These Articles may be amended at any Annual or Special General Meeting of the Association by a vote of at least two-thirds of those present and voting provided that notice of any proposed amendment or new Article shall be given in writing to the Secretary at least ten clear days before such General Meeting and forwarded by him/her to each member at least seven clear days before such General Meeting.

**Article 18 – Notices**

Any notice required to be given to any member of the Association may be served by email to the member's nominated email address. The Executive Committee may entirely at its own option in the alternative serve any member by post or by text message or by any other standard means of communication.

#### **Article 19 – Discipline**

1. Where the Executive Committee is of the opinion that the conduct of any member, whether within or outside of his or her capacity as a member of the Association, is such as to be injurious as to the character, reputation or interests of the Association, the Executive Committee may vote by simple majority of the members present and voting, to request the member in question to attend at an Executive Committee Meeting on a specified date for the purposes of explaining his or her alleged misconduct.
2. Where the member in question fails to attend at the Executive Committee Meeting on the notified specified date, or where the member in question so attends but despite his or her explanations the Executive Committee remains of the view that his or her conduct is such as to be injurious to the character, reputation or interests of the Association, the Executive Committee may vote by simple majority of the members present and voting to formally request the member in question to resign his or her membership.
3. Where any such request is issued and the resignation of the member in question is not received within a period of three weeks from the date of the issue of the said request, the Executive Committee may expel the member from the Association.

#### **Article 20 – Termination of Association**

The Association may be dissolved at any time by resolution passed by a simple majority at a General Meeting. Such Resolution will be effective on a date to be determined by the said meeting and the assets of the Association, if any, may be disposed of as instructed by such meeting.