



EMN Ad-Hoc Query on Free procedural/legal advice/counselling during the administrative asylum procedure

Requested by Adolfo SOMMARRIBAS on 24th July 2018

Protection

Responses from Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Slovak Republic, Sweden, United Kingdom, Norway (24 in total)

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

Background information:



In Germany, asylum-seekers - in principle - have access to free procedural/legal advice/counselling during the administrative asylum procedure. De facto access is dependent on the availability of procedural/legal advice/counselling services; availability varies from Bundesland to Bundesland as well as location to location. Availment of free procedural/legal advice/counselling during the administrative asylum procedure is voluntary. Free procedural/legal advice/counselling during the administrative asylum procedure is provided by associated welfare organisations, churches, independent welfare organisations, non-governmental organisations and pro bono lawyers. Many Bundesländer finance or subsidise the provision of free procedural/legal advice/counselling during the administrative asylum procedure; in other Bundesländer, funding is covered exclusively by the providers. At this time, the Federal State does not provide any funding. Free procedural/legal advice/counselling during the administrative asylum procedure usually comprises general information and/or individual legal advice and/or other support with regard to the administrative asylum procedure, depending on the provider. Some Bundesländer specifically exclude the provision of procedural advice/counselling or legal advice/counselling from their financing or subsidising.


At present, Germany is considering the introduction of a federal system of free procedural/legal advice/counselling during the administrative asylum procedure. In 2017, the federal asylum authority (BAMF) established a first pilot project on free procedural/legal advice/counselling during the administrative asylum procedure implemented by federal associated welfare organisations. Germany currently is planning to conduct a second pilot project on free procedural/legal advice/counselling during the administrative asylum procedure implemented by BAMF staff. Germany would like to know, if Member States provide free procedural/legal advice/counselling during the administrative asylum procedure, how it is organised, and which benefits, challenges and/or best practices have been identified by Member States.


Questions


1. Do asylum-seekers have access to free procedural/legal advice/counselling during the administrative asylum procedure?
2. Is participation in free procedural/legal advice/counselling during the administrative asylum procedure voluntary or obligatory for asylum-seekers?
3. Which actors are responsible for the provision of free procedural/legal advice/counseling (Government, NGOs, lawyers)?
4. Who bears the costs for the provision of free procedural/legal advice/counselling during the administrative asylum procedure?
5. What is the content of free procedural/legal advice/counseling during the administrative asylum procedure? Which topics, if any, are explicitly excluded?
6. Has the provision of free procedural/legal advice/counselling during the administrative asylum procedure brought advantages or disadvantages with regard to the administrative asylum procedure? Which benefits or challenges, which best practices, have been identified, if any?

Responses

	Country	Wider Dissemination	Response
	Austria	No	
	Belgium	Yes	<p>1. Yes, applicants for international protection have the right to free legal counselling at the outset of the application. Applicants for international protection can ask for free support from a lawyer in the framework of the Legal Aid (previously called pro deo). In this regard, three options are available to the applicant:</p> <ul style="list-style-type: none"> • He can contact a lawyer by himself and ask if he is ready to submit a request to provide free support for his application. • He can ask the social worker at the reception centre to organise the appointment with a lawyer. • He can go to the Bureau for Legal Assistance, which organise the Legal Aid, and ask to have a lawyer appointed. <p>2. The participation in free legal counselling is a right offered to the applicant and is on a voluntary basis.</p> <p>3. There are two levels in the provision of legal aid:</p> <ul style="list-style-type: none"> • The first level consists in practical information or referral to specialised services. This aid can be provided, not only by lawyers, but also by the reception authority or by partners (NGOs, UNHCR...). • The second level consists in effective legal advices and is from the sole competencies of lawyers. This aid is organised by the Bureau for Legal Assistance. <p>4. If the applicant opts for the Legal Aid (pro deo lawyer), the legal counselling is provided free of charge. No costs can be charged to the applicant. Assistance provided by NGOs or International Organisations are usually free of charge.</p> <p>5. There is no specific content provided besides the information included in the brochure “asylum in Belgium” which explain the right for applicants to legal aid. No topics are explicitly excluded but the</p>

			<p>lawyer is not permitted to be present during the interview at the Immigration Office (the administration in charge of the registration). He may, however, attend the hearing at the Office of the Commissioner General for Refugees and Stateless Persons (the independent federal administration responsible for applications for international protection).</p> <p>6. The UNHCR has, in collaboration with Fedasil (the agency in charge of the reception of applicants for international protection), the Belgian Red Cross, the Immigration Office and the Office of the Commissioner General for Refugees and Stateless Persons, realised in 2016 a research on the quality of the legal counselling provided to applicants for international protection in Belgium. The main result of the research is that even if the provision of legal information is a prerequisite to support the applicant in its procedure, not every applicant is always correctly or enough informed. The participants to the research (applicants for international protection) pointed out that they were lacking of information during the registration at the Immigration Office and that the information provided by lawyers were not always accurate. It seems that the latter are not always well aware of the asylum procedure. The lack of a translator during the appointments with the lawyer was also highlighted as a curb on a good comprehension of legal information. Among the positive aspects, the brochure “asylum in Belgium” distributed at the registration was highlighted by participants as a good practice. The quality of the information provided by social workers and information provided by the diaspora were also underlined as good practices. (Non-exhaustive) recommendations provided in the report are as follow: - Setting up of a unique brochure comprising all the necessary legal information (including Dublin related information) and systematically distributed to all applicants - Promoting a better cooperation with external actors (NGOs, International Organisations...) to ensure the quality of information provided - Fostering the accessibility and the dissemination of information through the internet - Encouraging lawyers to make use of the existing tools at their disposal (brochures, etc.) - Foreseeing a systematic information about the follow-up of the procedure after every interview - Supporting the reception’s staff through continuous education - Harmonisation of information provided by the different reception structures</p>
	Bulgaria	Yes	<p>1. Yes. The state provides conditions for any foreigner seeking protection in the Republic of Bulgaria, to receive legal protection. Persons, who, due to the lack of financial means, are unable to hire a lawyer for the purpose of legal assistance, are entitled to legal aid financed by the state. Since 2013</p>

			<p>the applicants for international protection have been included in the categories of persons entitled to legal aid financed by the state.</p> <p>2. Participation is voluntary.</p> <p>3. The state provides legal assistance through the National Legal Aid Bureau (NLAB) with the Ministry of Justice. Legal aid is organised by NLAB and the attorney councils. The NLAB mainly coordinates and manages the activity, while legal assistance and representation is carried out by lawyers registered with the relevant Bar Association. Free procedural/legal advice/counselling during the administrative asylum procedure is provided also by NGOs and other organisations.</p> <p>4. Funding is provided from the state budget. NGOs and other organisations can receive AMIF funding for projects for provision of legal aid for asylum seekers.</p> <p>5. The content of free procedural/legal advice/counseling during the administrative asylum procedure is in relation mainly to international protection. According to the Law on Legal Aid the types of legal aid are: consultation with the purpose to achieve a settlement before initiation of court procedures or filing a case; preparation of documents for filing a case; litigation; litigation in event of detainment under Art. 72, Para 1 of the Ministry of Interior Act, under Art. 16a of the Customs Act and under Art. 124b of the State Agency for National Security Act.</p> <p>6. At the end of 2017 the National Legal Aid Bureau received AMIF funding to provide legal aid during the administrative asylum procedure to vulnerable categories asylum seekers.</p>
	Croatia	Yes	<p>1. 1. The Act on International and Temporary Protection specifies that during the administrative procedure regarding international protection (asylum or subsidiary protection) applicants should, at their request, be provided with legal and procedural information on the approval of international protection, taking into account the circumstances of the specific case, in a language which it may be reasonably presumed that they understand and in which they are able to communicate. This right can be exercised for free if the applicant has no financial resources or things of significant value that enable him or her to have an appropriate standard of living.</p>


			<p>2. 2. Availment of free legal counselling in the administrative asylum procedure is voluntary.</p> <p>3. 3. The right to free legal counselling during this type of procedure should be provided by organisations working to protect the rights of refugees or by attorneys with whom the Ministry shall conclude an agreement on the provision of legal counselling.</p> <p>4. 4. The Ministry of the Interior.</p> <p>5. 5. Legal counselling during the administrative asylum procedure includes legal and procedural information on the approval of international protection. Although there are no topics that are explicitly excluded from counselling, its content is prescribed by the Law as stated above.</p> <p>6. 6. Unfortunately, although the Law on International and Temporary Protection entered into force in July 2015, ensuring the right to free legal counselling (as stated above), Ministry of Interior has not yet published a public call for providers of legal counselling at first instance procedure before the Ministry of Interior. Consequently, the provision of legal information and counselling at first instance procedure before the Ministry of Interior is still not available on the state budget. At the moment, legal information and assistance in that regard are provided by NGOs financed from sources other than the state budget and on a project basis, primarily by the Croatian Law Centre as the implementing partner of UNHCR, the Legal Clinic of the Law Faculty of the University of Zagreb, the Centre for Peace Studies and the Jesuit Refugee Service (JRS).</p>
	Cyprus	Yes	<p>1. The State provides free legal advice during the second instance examination of an asylum application. In practice, if applicants applying for legal aid cannot understand or speak the language used in Courts (Greek language), then they are provided with free services of an interpreter during the Court hearing. If their application is successful, they also receive free services of an interpreter during the entire recourse procedure. It is important to mention that, the application forms for free legal aid have been translated upon request of the Supreme Court of the Republic of Cyprus, by the Press and Information Office of the Republic of Cyprus, in the following languages: Turkish, English, French, Farsi, Russian, Ukrainian, Arabic and Spanish. Although, the application forms are available in the languages previously mentioned, when filling in their forms, applicants are still provided with the aid of a translator and interpreter, in order for them to be able to communicate with the Recourse</p>


Registry and be informed of the date of the first hearing and of the procedure that needs to be followed. Furthermore, once the forms have been filled in and signed by the applicant, the interpreter should translate them to Greek. This is done via affidavit. In all other languages, the Recourse Registry takes all reasonable steps to arrange for an interpreter to assist the applicant by translating the application in writing in the applicants' mother language and also to provide all services explained above. During the hearing for the legal aid application of an applicant, free assistance of an interpreter is provided. In case such application is successful, free assistance of an interpreter is also provided during the entire recourse procedure. Please note that, the last amendment of the Legal Aid Law (was published in the Cyprus Republic Official Gazette on 27 October 2016, N. 111(I)/2016), provides that the free legal aid shall include free of charge (1) interpretation and (2) translation of the application form for free legal aid (article 6B(14) of the Legal Aid Law). Regarding the likelihood of success of an appeal, according to the existing national procedures for legal aid regarding the applicants of international protection, the applicant for legal aid does not need to prove likelihood of a successful outcome of the application. The fulfillment of this requirement has been interpreted by case-law, so that the court should be satisfied through the administrative files of the court that this possibility exists, without requiring the applicant of legal aid to prove anything before submitting the application. Further, in accordance with Article 2 of the Legal Aid Law, the legal assistance includes the provision of advice, assistance and representation. In this context, when the legal aid is granted, the lawyer will take any legitimate steps on behalf of the applicant. This means that the lawyer will handle the necessary formalities of legal proceedings and it does not require by the applicant to handle anything by himself/herself. Information leaflets (concerning rights and obligations of asylum seekers, such as access to health, education etc.) are provided to applicants in a language that (s)he understands or expected to understand. These information leaflets also define those organisations or other actors who provide special legal support.

2. As mentioned above, the Government offers free legal advice during the second instance examination of an asylum application. It's up to the applicant to choose whether to use this free legal advice or not.

3. Government, NGOs and other actors who benefit from co-funded projects under AMIF

4. The provision of free procedural/legal advice/counseling during the administrative asylum

			<p>procedure falls under the framework of co-funded projects or on State budget.</p> <p>5. No specific topics excluded. Content mainly involves advice on submission of asylum application, during RSD procedure, on submission of appeal in case of rejection etc.</p> <p>6. N/A</p>
	<p>Czech Republic</p>	<p>Yes</p>	<p>1. Yes, they have. Asylum seekers are provided by a list of NGOs which are active in the field of counselling. Some of the mentioned NGOs are beneficiaries of AMIF fund for legal counselling. Moreover, the Ministry of the Interior regularly launches calls for NGOs which then provide legal counselling within Asylum Facilities of the Ministry of the Interior as well as within their own premises in towns and cities in the Czech Republic. Asylum seekers have also an opportunity to pay by themselves for services of a lawyer (in this case they have to pay the service from their own sources). According to the new amendment of Act 85/1996 Coll., on Advocacy, asylum seekers whose income in last 6 months wasn't higher than triple of the living wage set by the Czech law may ask the Czech Bar Association for free legal counselling (the amendment is effective since September 2018). The costs for legal counselling provided under the new amendment are paid by the State.</p> <p>2. No, it is not obligatory.</p> <p>3. As for the free legal counselling provided under the new amendment of Act on Advocacy the responsibility lies on the State. Free legal counselling is in this case provided by the members of the Czech Bar Association. The other type of free legal counselling is provided by NGOs which use money from the AMIF (the Czech Republic launches calls periodically). The third type is provided by a lawyer who is paid by the asylum seekers themselves.</p> <p>4. See above.</p> <p>5. The exact content of free legal counselling is not specified by law. In general it can include the presence during all administrative acts (lodging of an application for asylum etc., interviews, legal proceedings etc.). Moreover, the person providing free legal counselling may add materials to the file</p>

			<p>of the asylum seeker on his/her behalf, make statements on his/her behalf etc.</p> <p>6. The Ministry of the Interior strives to provide precise information to all asylum seekers. Asylum seekers who are well informed do not need to seek out a NGO and its counselling services. However, counselling is considered very important part of asylum procedure in the Czech Republic but there are some cases in which the Ministry of the Interior struggles with bureaucratic obstructions caused by NGOs which are not in the best interest of their clients and which can cause inadequate prolongation of the procedure itself.</p>
	Estonia	Yes	<p>1. Yes. Counselling has been provided relating the AMIF2015-17 “Counselling and organizing leisure activities in detention center” project and currently relating the AMIF2018-9 “Support services for asylum seekers and returnees” project i.e. counsellors (one counsellor in the detention center and one in the accommodation center for asylum-seekers) are available in the detention center and accommodation center for asylum-seekers throughout their stay. Counsellors provide free counselling but cannot be legal representatives. According to AGIPA §10 an applicant for international protection and applicant for residence permit on basis of temporary protection shall be entitled to get legal assistance in the administrative court proceedings for contestation of the decision made on the basis of this Act for the purposes of clause 4 (3) 5) of the State Legal Aid Act. All asylum-seekers have access to state legal aid for contestation in administrative proceedings Estonian Human Rights Center provides free counselling and legal representation for asylum-seekers on request.</p> <p>2. Participation in free counselling is voluntary meaning that if the asylum-seeker in question, for any reason, refuses to converse, he/she is not obligated to (in counselling practice in the detention center, there are no cases of refusal). Applying for state legal aid and meeting with the Estonian Human Rights Center representatives is also voluntary.</p> <p>3. Counsellors work relating the aforementioned AMIF2015-17 and AMIF2018-9 projects. State legal aid is provided according to the aforementioned State Legal Aid Act i.e. lawyers are appointed for administrative proceedings. Estonian Human Rights Center as an NGO provides both counselling and free legal representation (in both: asylum as well as detention proceedings).</p>

			<p>4. Counselling (AMIF projects). State legal aid i.e. lawyers (State). Counselling and legal representation by the Estonian Human Rights (UNHCR).</p> <p>5. Content varies regarding the location and provider of free procedural/legal advice/counselling. There are different aspects in regards whether the asylum-seeker is in the accommodation center or detention center i.e. in the detention center an asylum seeker will also receive counselling regarding detention and access to state legal aid for representation in the administrative court proceedings. Counselling in the accommodation center and detention center involves: explaining the rights, obligations and responsibilities; explaining the proceedings and procedural acts including the asylum procedure; access to state legal aid; providing general information regarding different actors (PBGB, NGO-s) and possible return to the country of origin; and thereafter the availability for consultation regarding any 'running' issues. State legal aid lawyers representing asylum-seekers provide legal aid regarding the contestation of rejected asylum applications as well as contestation of detention in the detention center (representation in administrative court proceedings). Estonian Human Rights Center provides counselling regarding: asylum procedure and detention; preparing for asylum proceedings and interview; possible legal representation in both asylum as well as detention administrative court proceedings.</p> <p>6. Advantages: asylum-seekers are more informed about asylum procedure in the destination country as well as in EU (Dublin) and about different possibilities: preparation for the procedure, contestation, voluntary assisted return and reintegration to the country of origin, deportation and detention procedure etc. Disadvantages: deliberately elongating appellation process in order to avoid being sent back to the country of origin, overburdening the judicial system with clearly unfounded claims, misusing the asylum process. Best practices: state legal aid system is in place and correspondence regarding forwarding the legal aid applications is fast and smooth granting quick access to legal aid even in cases of short notices and urgent procedural matters.</p>
+	Finland	Yes	<p>1. Finland has made some recent legislative changes regarding the processing of matters relating to international protection, which came into force on September 1st 2016. As a result of these changes, the individual legal aid of asylum seekers during the administrative procedure has been moved under public legal aid and is therefore organized by the State Legal Aid Offices. The access to public legal</p>

aid is de-pendent on the financial status of the asylum seeker. Those with limited financial resources are eligible for free legal advice financed by public funds. Asylum seekers need to report their financial status to the State Legal Aid Office, This can be done by showing the decision of their reception allowance, for example. One of the duties of reception centers is to guide asylum seekers to the nearest State Legal Aid Office. In addition, reception centers provide general legal counselling which means that as a part of their information sessions to newly registered asylum seekers they provide general information about the asylum procedure and applicants' rights and duties in it.


2. It is voluntary.

3. State Legal Aid Offices are responsible for the provision of free legal aid when the application is being handled in the Finnish Immigration Service. Applicants can also use services provided by private legal counsels but instead of public funds they need to be paid at one's own expense. However, if the asylum seeker receives a negative decision and wants to appeal to the Administrative Court, in this stage of the procedure he or she can freely choose between public and private legal counsels.

4. See response to Q.1.

5. The content of free legal aid can include, for example, general counseling, helping to get ready for an asylum interview, going through the asylum transcript and its legal evaluation, helping to get additional documents and deliver them to the immigration authority, and going through the decision and assessment of the need for an appeal, if the decision is negative. The participation of the legal counsel in an asylum interview is allowed but it is not covered by public funds unless the applicant is under the age of 18 or there are special, weighty reasons why he or she needs to be present. These reasons could include, for example, experiences of torture, the inability to read and write or traumatization.

6. The advantage is that the asylum seekers are better prepared for the asylum interview and have recognized its importance in the process. Counselling also gives the asylum seekers a sense of predictability and security as their are better aware of the process itself. Based on the experience of the reception center staff, the system works smoother now when the asylum seekers are guided to the

			State Legal Aid Office. There are still some challenges with sporadic private legal counsels.
	France	Yes	<p>1. Yes. See below an extract of the information included in the guide for asylum seekers in France: “To submit your asylum application to the OFPRA, you must have registered your asylum request beforehand with a one stop of officials from the stop service prefecture and officials from the French Office for Immigration and Integration (OFII), brought together specifically to take care of your reception. There are 34 one stop service mainland France. Before going to the one stop service association, responsible for supporting you in your procedures. The role of the associations in charge of initial reception is to: - Give information on the asylum application electronic registration form which indicates your identity and your family makeup; - Make an appointment at the one stop service for you, supplying you with a summons letting you know the place, day and time at which you must go to the one stop the visit. This is after taking a association. It may be extended to 10 days in busy periods; - Take the identity photographs which will be requested at the one stop digitally. The registering of your asylum application at the one stop stages. During the first stage, an official from the prefecture checks all the information sent to the one stop service by the initial reception proceeds with an individual interview designed to retrace your journey from your country of origin, with a view to determining the country responsible for considering your asylum application (see 2.1. Deciding on the State responsible for considering your asylum application). Following this first stage, you are informed of the procedure which applies to the examination of your asylum application. Following the registration, an asylum application attestation valid for one month is given to you. During this time period, you must send your completed asylum application form to the OFPRA. During the second stage, an OFII official carries out the assessment of your personal situation via a questionnaire. This assessment will not be about the reasons for your asylum application, which will be discussed before the OFPRA. If you do not already have accommodation and you ask for this to be taken care of, this official will look accommodation to direct you towards. Lastly they will give you the right to financial assistance for asylum seekers. Your asylum application is examined by the OFPRA. Once your application has been registered by the OFPRA, you will get called to an interview. If you are called to an interview, you must go to the head office of the OFPRA. There you</p>


will be interviewed by an OFPRA officer called a “protection officer” and in the presence, if it is necessary, of an interpreter, provided by the OFPRA and speaking a language you have declared you speak on the asylum application form, or which it is reasonable to consider that you speak. You can, if you wish, come to the interview, accompanied either by a lawyer, or an authorized representative of an association accredited by the OFPRA who may make observations following the interview. However, the interview will not be deferred if the lawyer or the representative of the association is not present at the time of the summons. If you wish, due to difficulties in revealing the reasons for your application, for the interview to take place with an officer from the office and/or an interpreter of the sex of your choice, you can request this of the OFPRA. If your asylum application is rejected, the OFPRA will send you the decision written in French as well as a document, translated into a language which it is reasonable to think that you speak, indicating to you that your request has been rejected. You can appeal this decision before the CNDA within a month from the notification date. If you want to benefit from legal aid to form your appeal, you must make the request either within 15 days from the notification of the rejection decision, or when submitting your appeal”.

2. both; See Q1

3. See Q1 : agents of the prefectures, of the French office for immigration and integration (OFII), lawyers and associations.

4. See Q1, mainly OFII and prefectures, as well as associations and lawyers

5. Since November 2015, the foreign national that goes to the one-stop shop receives the "asylum applicant's guide", available in 21 languages, including clear and full information on the asylum procedure, its legal framework, the formalities to accomplish to achieve this status and the rights and obligations (process ; support and accommodation ; rights and access to education, health care, rights if the application is refused ; etc) as well as useful address (associations, one stop services, etc.). This information is mentioned in the French code for the entry and residence of third country nationals in France and asylum right (CESEDA). In parallel, common information brochures drafted by the European Commission on the Eurodac and Dublin procedures are given to the applicant, if applicable. These documents, translated respectively into 15 or 22 languages, enable answers to be


			<p>given to all situations requiring information on these procedures.</p> <p>6. The asylum seeker can come to the interview, accompanied either by a lawyer, or an authorized representative of an association accredited by the OFPRA who may make observations following the interview. This is not compulsory. In 2017, out of 68 326 interviews, 1 241 asylum seekers were accompanied by a third person. For 64.7% they were accompanied by a representative of an association.</p>
	Germany	Yes	<p>1. In principle, asylum-seekers have access to free procedural/legal counselling in the administrative asylum procedure. De facto access is dependent on the availability of procedural/legal counselling services; availability varies from Bundesland to Bundesland as well as location to location.</p> <p>2. Availment of free procedural/legal counselling in the administrative asylum procedure is voluntary.</p> <p>3. Free procedural/legal counselling in the administrative asylum procedure is provided by associated welfare organisations, churches, independent welfare organisations, non-governmental organisations and pro bono lawyers.</p> <p>4. Many Bundesländer finance or subsidise the provision of free procedural/legal counselling in the administrative asylum procedure; in other Bundesländer, funding is born exclusively by the providers. At this time, the Federal State does not provide any funding.</p> <p>5. Free procedural/legal counselling in the administrative asylum procedure usually comprises general information and/or individual legal advice and/or other support with regard to the administrative asylum procedure, depending on the provider. Some Bundesländer specifically exclude the provision of procedural counselling or legal counselling from their financing or subsidising.</p> <p>6. No information available</p>






Greece


Yes


1. Third country nationals or stateless people who arrive at the border, in transit zones or are held in detention, receive free information on the asylum procedure and on areas of relevant concern by the Asylum Service and representatives of the European Asylum Support Office supporting it, in cooperation with the Reception and Identification Service, the Hellenic Police, other relevant state authorities as well as international organizations (UNHCR and IOM) and civil society organizations active at these places. Provision of information on the asylum procedure is mainly undertaken by the Asylum Service. All basic information on the different stages of the asylum procedure and on the rights and obligations of the applicants is available on the Asylum Service's leaflet, available in eighteen languages [http://asylo.gov.gr/?page_id=159]. The leaflet is distributed free of charge to asylum applicants by the Service's staff at regional asylum offices/asylum units and is also accessible through the Asylum Service's web portal [www.asylo.gov.gr]. A specific leaflet (available in six languages) developed by the Asylum Service and funded by AMIF is also available to unaccompanied minors who seek international protection [http://asylo.gov.gr/?page_id=6210]. Throughout the administrative procedure, Asylum Service's staff with the support of certified interpreters of the NGO METAdrasi which is a contracted partner of the Asylum Service provide information orally and/or in writing to the applicants on the steps to be followed. Moreover, those granted international protection are notified of the issuance of their Residence Permits and Travel Documents (TDV) through the Asylum Service's web portal. Furthermore, the "Asylum Service Mobile App", funded by AMIF 2014-2020, and developed by the Asylum Service in cooperation with Harokopio University in Athens, is another means to provide applicants with reliable, authoritative and timely information to asylum applicants. The application is available in nine languages and can be downloaded to mobile phones free of charge. It contains information on asylum procedures, preregistration, relocation, family reunification, open accommodations facilities, transport as well as communication tools. Since September 2017 and in line with EU law, asylum applicants receive free legal aid at the appeal stage of the asylum procedure from lawyers registered in the Asylum Service's "Registry of Lawyers". In the framework of a Memorandum of Cooperation between the Ministry of Migration Policy and UNHCR, UNHCR's implementing partners (the NGO's, METAdrasi and the Greek Council of Refugees) have been providing free legal aid at the appeal stage to asylum applicants before the creation of the Asylum Service's Registry of Lawyers. Furthermore, the Asylum Service is currently considering the expansion of its legal aid program, with a view to providing free legal aid also at the first instance.


			<p>2. Participation in free procedural/legal advice/counselling during the administrative asylum procedure is voluntary.</p> <p>3. see Question 1.</p> <p>4. With regard to the provision of information on the asylum procedure and the legal aid at the appeal stage provided by the Asylum Service as described above, relevant costs are borne by the State and/or by the Asylum, Migration and Integration Fund 2014-2020 (National Program). [Note: The Asylum Service can not answer on behalf of other actors in the area of provision of free procedural/legal advice/counselling during the administrative asylum procedure]</p> <p>5. The Asylum Service provides information on all stages of the asylum procedure for all applicants according to their specific needs and personal circumstances. Legal aid at the appeal stage includes meetings of the lawyer with the applicant, the compilation of the appeal, the presentation of the case before the Appeals Authority, the compilation and deposition of a written memorandum and any other document or element required to support the appeal.</p> <p>6. Provision of free and reliable information on the asylum procedure as well as free legal assistance currently provided for asylum applicants at the appeal stage of the asylum procedure safeguards the rights of the applicant whilst also guaranteeing a fair asylum procedure.</p>
	Hungary	Yes	<p>1. All asylum-seekers have an opportunity, to ask for a legal adviser during the administrative procedure, for free.</p> <p>2. The participation is voluntary, the asylum-seekers have to fill a form to participate in the free legal adviser service.</p> <p>3. There are two options for the asylum-seekers. One is that they can fill a form to ask for a legal advisor, who is a lawyer, which is provided via an AMIF project by the Government, or they can entrust a lawyer from an NGO.</p> <p>4. To providing a free legal adviser is a project now in Hungary which is co-founded by the AMIF</p>


			<p>and the Government.</p> <p>5. There is no such topic that is excluded. The legal advisor can even represent the asylum-seeker, since all the legal advisors are lawyers in the project.</p> <p>6. We haven't detected any changes, since the asylum-seekers don't understand the nature of the legal representation and/or advice; sometimes they don't even stay in contact with their legal representatives. The only detected trend that the legal representatives sometimes convince the asylum-seekers, whose application has been rejected to appeal to the court, but this hasn't brought a significant change yet.</p>
	Ireland	No	
	Italy	Yes	<p>1. Legislative decree n. 142 of 18 August 2015 guarantees asylum seekers access to free information services provided by accredited organisations: the Ministry of the Interior passes conventions with the UNHCR and other organisations with experience on the matter, which are then allowed access the various reception centres. In addition, following article 10(3) of Legislative decree n. 25 of 28 January 2008, asylum seekers may contact the UNHCR or any organisation he/she chooses, at any point in the procedure, for advice or assistance. In a similar fashion, legal information is provided in any of the reception centres belonging to the SPRAR network (Sistema di Protezione Richiedenti Asilo e Rifugiati - Protection System for Asylum Seekers and Refugees) as a part of the so-called "integrated reception" approach.</p> <p>2. Counselling on the matter is not mandatory in the course of the administrative procedure. However, basic information must be given to asylum seekers at the moment they lodge their claim: the police station concerned must inform the asylum seeker of the procedure and of his/her rights and duties during the proceedings. He or she is also given an informative leaflet.</p> <p>3. Free legal advice may be provided by international organisations (such as UNHCR) and NGOs. Free legal advice is also provided within the reception centres belonging to the SPRAR network (Protection System for Asylum Seekers and Refugees) for which it constitutes one of the minimum</p>


			<p>services mandatory for any such centre.</p> <p>4. Regarding the costs of free legal counselling, a difference ought to be made between legal advice provided by international organisations and NGOs, and legal advice provided within SPRAR reception centres. In the former, the costs are born by the organisations themselves. In the latter case; i.e. within SPRAR centres, costs are mostly born by the Central State through the National Fund for Asylum Policies and Services and the European Asylum Migration and Integration Fund.</p> <p>5. Legal advice may differ from one place to another but the minimum legal service provided within SPRAR centres include: - Accompany the asylum seeker in his/her interactions with the bodies in charge of evaluating protection claims; - Help the asylum seeker understand the national and European legal framework, also with regard to family reunion; - Accompany the asylum seeker through administrative and other procedures; - Inform the asylum seeker about the rights and obligations applicable to people residing in Italy; - Inform about voluntary and assisted returns.</p> <p>6. N7A</p>
	Latvia	Yes	<p>1. During the first stage of the asylum procedure asylum seekers information on asylum procedure receive from the State Border Guard (responsible for identification and initial interviews) and Asylum Affairs Division of the Office of Citizenship and Migration Affairs (thereafter –OCMA) (responsible for personal interviews and 1st instance’s decision). During the second stage of the asylum procedure (appeals procedure) asylum seekers are entitled to receive free legal advice/counselling, provided by the Legal Aid Administration (more info: http://www.jpa.gov.lv/par-mums-eng).</p> <p>2. Participation in free counselling is voluntary. Usually (approximately in 95% of cases) asylum seekers request and receive free legal advice/support. Remaining 5% choose to pay by themselves for well-known lawyers (in some cases asylum seekers have used both possibilities – free legal advice and paid lawyers).</p> <p>3. The Legal Aid Administration is state/government institution under the Ministry of Justice.</p>

			<p>4. Legal aid for asylum seekers is paid by the State. Interpreters for the communication between asylum seeker and appointed legal advisor is organized and paid by the OCMA (to wit – paid by the State).</p> <p>5. The main purpose of counselling is to ensure legal aid for the out-of-court and in-the-court settlement of matters of legal nature or for the protection of infringed or contested rights or interests of an asylum seeker. (http://jpa.gov.lv/legal-aid-in-the-asylum-area-eng)</p> <p>6. According to the procedure, a request for free legal aid an asylum seeker submits to the Asylum Affairs Division of OCMA which forwards the request to the Legal Aid Administration together with a copy of contested decision as well as information on place of residence of an asylum seeker and languages he/she is able to communicate. When the Legal Aid Administration appoints certain legal adviser, the asylum seeker and the Asylum Affairs Division are informed on place/time of consultation and if interpreter/translator is needed, the Asylum Affairs Division organizes it. So far this procedure works well, but indisputable – all logistical issues with informing/organizing the legal aid and interpreters/translators for asylum seekers create an extra stress on administrative capacity of the Asylum Affairs Division of OCMA.</p>
	Lithuania	Yes	<p>1. Asylum-seekers have the right and access to free legal assistance (that is guaranteed by the state) throughout the administrative asylum procedure. The content of this legal assistance is limited to participation in the interview, preparation of procedural documentation needed in court, as well as, representation in the court hearing. While free procedural/legal advice/counselling is provided by the Migration Department and various NGOs (Lithuanian Red Cross Society, Caritas).</p> <p>2. Participation in free procedural/legal advice/counselling is voluntary. However, a lawyer/representative must be present during the interview of unaccompanied minors.</p> <p>3. Free procedural/legal advice/counseling is provided by the experts of Migration Department, as well as, NGO's representatives. Legal services (representation in the interviews/court hearings) are provided by lawyers, who have signed a contract for providing these service with the Migration Department.</p>

			<p>4. Procedural/legal assistance provided by the Migration department does not require separate funding. Free procedural/legal advice/counselling provided by NGOs is funded by their projects (e.g. the Asylum, Migration and Integration Fund (AMIF)) and other financial sources. Legal services provided by lawyers (under the contract with the Migration Department) are funded by the state national budget, as well as, AMIF.</p> <p>5. There are no content restrictions regarding the procedural/legal advice/counseling services, as long as it is related to the asylum procedure.</p> <p>6. n/i</p>
	Luxembourg	Yes	<p>1. Yes. Article 17 (1) of the law of 18 December 2015 on international protection and temporary protection (Asylum Law) foresees that the applicant for international protection has the right to be assisted free of charge by a lawyer. In Luxembourg legal aid is guaranteed to ensure access to justice for all persons with limited financial resources (article 1 (1), (2), (3) and (4) of the grand-ducal regulation of 18 September 1995 on legal aid modified by grand-ducal regulation of 29 October 2004). The system allows that these persons are entitled to free assistance from a lawyer. Legal aid may be awarded for judicial or extra-judicial costs. Legal aid for foreigners is only awarded for judicial or extra-judicial costs. Legal aid for foreigners are only entitled to legal aid if they fulfill the following conditions: • if they are in possession of a valid residence permit for Luxembourg and they fulfill the legal requirements mentioned above; • if they are involved in a procedure concerning international protection, access to the territory, residency, removal (amended law of 29 August 2008 on free movement of persons and immigration) or extradition (law of 20 June 2001 concerning extradition). Legal aid for foreigners is part of the general system aimed to provide legal aid to low income people.</p> <p>2. As mentioned above the applicant has the right to be assisted by a lawyer free of charge (art. 17 (1) of the Asylum Law) but the applicant has to undertake the steps necessary to get assistance from a lawyer. Legal aid is not compulsory in Luxembourg.</p> <p>3. The Luxembourg State finances the legal aid, which is guaranteed by the Luxembourg Bar Council of Luxembourg and Diekirch.</p>



			<p>4. The Government (Ministry of Justice).</p> <p>5. During the administrative asylum procedure, the applicant has the right to be counselled and assisted by the lawyer during the interviews and to any convocation made by the Directorate of Immigration. Nevertheless, the lawyer can never speak on behalf of the applicant. The lawyer can appeal any negative decision on the applicant's behalf. Legal aid is excluded when the appeal filed is considered as not having any tangible perspective of success (art. 17 (1) of the Asylum Law).</p> <p>6. The provision of free legal aid guarantees the fairness and objectivity of the procedure as well as it guarantees the rights of the applicants. A recurring problem in this way of proceeding is, that certain applicants abuse of the legal aid and introduce multiple applications in order to delay the return to their country of origin.</p>
	Malta	Yes	<p>1. Article 12(1) of Subsidiary Legislation 420.07 stipulates that an applicant shall be allowed to consult, at his/her own expense, in an effective manner, a legal adviser in relation to his/her application for international protection. Provided that in case of an appeal, free legal assistance shall be granted under the same conditions applicable to Maltese nationals. However the relevant authority provides all applicants for international protection with free information on procedural aspects. The Office of the Refugee Commissioner, the Maltese determining authority, provides free information on procedural aspects to all applicants for international protection. This information is provided to the applicant regardless of whether or not he/she has made a specific request for it.</p> <p>2. Kindly refer to the answer provided for question 1.</p> <p>3. Government.</p> <p>4. Costs for the provision of free information on procedural aspects are borne by the State.</p> <p>5. Applicants for international protection are provided with information in relation to the procedure that needs to be followed. The information provided covers all relevant aspects of the procedure, including the obligation to have fingerprints taken in accordance with the Eurodac Regulation, the fact that the application will be subject to a Dublin check to establish the Member State responsible</p>


			<p>for its examination, and the procedure to be followed once it is established that Malta is the Member State responsible for its examination. Once a decision has been taken in relation to an application for international protection, the applicant is also provided with information concerning the outcome of the decision, the reasons for such a decision and, where necessary, on how to challenge it.</p> <p>6. The provision of free procedural information throughout the administrative procedure is seen as an important part of the procedure as it ensures that the applicant is made aware from an early stage of the procedure that needs to be followed. Furthermore, through the provision of free procedural information, the applicant is constantly aware at which stage of the procedure his application is as well as of the upcoming steps that need to be followed.</p>
	Netherlands	Yes	<p>1. Yes. Once the asylum-seeker arrives in the Netherlands, there is a period of 6 days in which the person is allowed to rest and prepare for the asylum procedure (the rest and preparation period). Within this period the asylum-seeker is given information about the asylum procedure (by among others the Dutch Council for Refugees), is assisted by a lawyer (Legal Aid Board) and will be supported in receiving a medical declaration for use during the asylum procedure (by the Utrecht Forensic Medical Service). After the rest and preparation period the general asylum procedure (AA) starts (usually 8 days). Within this period, the asylum-seeker is also assisted by a lawyer (for example before and after his first hearing). Next to this, asylum seekers have access to medical care. Since asylum seekers often have little money, for health care (counselling) the obligatory personal contribution or deductible excess do not apply. Also for legal advice in most cases the own personal contribution does not apply. In the coalition agreement of the newly formed Dutch government of October 2017 it is mentioned that it is planned to only compensate legal assistance to asylum seekers when the Immigration and Naturalisation Service (IND) has the intention to reject the asylum application. This would imply that legal assistance can only be compensated later on in the asylum procedure (after the hearings), and not at all when applications are granted. This measure still has to be worked out and implemented.</p> <p>2. In the Netherlands this is voluntary.</p> <p>3. -The Dutch Council for Refugees (NGO) is responsible for the provision of procedural advice. - The Legal Aid Board (partly funded by the government) assists asylum seekers in legal advice. -The</p>

			<p>Public Health Service (GGD) and GZA (national GP practice) assist in medical care (including counselling) for asylum seekers.</p> <p>4. -The government compensates the costs for an asylum lawyer in most cases. -Menzis Coa Administration (Menzis is a health insurance company) bears the costs for health care for asylum seekers</p> <p>5. -explanation/education about the asylum procedure -medical care and medical examination/advice -preparation for the hearings -when there is the intended decision to reject the asylum application: discussion of the intended decision and drafting a written 'view' -in case of a decision rejecting the application: discussion of the assessment and the possibilities of appeal -when appealing against the rejection of the application: filing the grounds of appeal and representation during the trial No specific topics are explicitly excluded.</p> <p>6. The advantage of free legal assistance is that asylum seekers are thoroughly prepared for the asylum procedure and also know what is relevant and what not. Moreover, the IND can point out all guarantees asylum seekers have in the procedure, in order for the IND to ensure that asylum seekers are able to share their story in a good manner. On the other hand there are disadvantages when offering free legal assistance in every phase of the asylum procedure without differentiating between the type of case (for example, it costs time and money and does not limit starting new procedures after a rejection). This is also a reason for the new plans in the coalition agreement as explained in the reply to question 1.</p>
	Poland	Yes	<p>1. • Free legal information A person who has applied for international protection (for the applicant) and for the foreigner against whom proceedings are pending on depriving him/her a refugee status or subsidiary protection shall be entitled to free legal information in the first instance. Free legal information consists of informing the foreigner of the existing legal provisions relating to the granting of international protection, withdrawing refugee status or subsidiary protection and provisions governing proceedings before public administration bodies regarding cases within their jurisdiction, taking into account the specific situation of those persons. Free legal information is provided by the employees of the Department for Refugee Proceedings in Warsaw and in Biala Podlaska. • Free legal assistance A foreigner and applicant towards whom a decision depriving him/her of refugee status or</p>

			<p>subsidiary protection was issued, and who acts without a lawyer is entitled to free legal assistance. A foreigner towards whom decision depriving him/her refugee status or subsidiary protection was issued is not entitled to free legal assistance, if his/her income is greater than 100 % of income criteria laid down in Art. 8 of the Act of 12 March 2004 on social assistance. A lawyer, or legal adviser who provides free legal assistance, or non-governmental organization conducting charitable activities, authorized to provide free legal assistance shall inform a foreigner towards whom the decision depriving him/her a refugee status or subsidiary protection was issued before submitting his/her statement on the amount of income above which free legal assistance is not available. A foreigner towards whom the decision depriving him/her of refugee status or subsidiary protection was issued, before obtaining free legal assistance shall submit a written statement that he/she does not generate income referred to above. A foreigner who was entitled prior to obtaining free legal aid shall submit a written statement containing a declaration that regarding granting international protection, or depriving him/her of refugee status or subsidiary protection, he/she has not appointed a lawyer or a legal adviser.</p> <p>2. Participation in free procedural/legal advice/counselling during the administrative asylum is voluntary.</p> <p>3. • Free legal information is provided by: representatives of Department for Refugee Proceedings of Office for Foreigners • Free legal assistance is provided in person by: Lawyer, legal adviser or A person who is not a lawyer or a legal adviser employed by the NGO engaged in charitable activities, authorized to provide free legal assistance.</p> <p>4. Office for Foreigners</p> <p>5. 1) preparation of an appeal against the decision on: • Refusal to grant refugee status or subsidiary protection; • Discontinuation of the proceedings on granting international protection; • Transfer of the applicant to the Member State responsible for examining an application for international protection and discontinuation of the proceedings; • Recognition an application for international protection as inadmissible; • Refusal to take into account the applicant's statement about its intention to continue applying for international protection, • Withdrawal of the refugee status or subsidiary protection; 2) Legal representation in the appeal proceedings on: • Granting of international protection; • The</p>
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			<p>transfer of the applicant to the Member State responsible for examining an application for international protection; • Withdrawal of refugee status or subsidiary protection.</p> <p>6. The system of free legal aid undoubtedly benefits only foreigners who are guaranteed free access to a lawyer. Certainly, thanks to this, pleadings are better prepared than in the case of foreigners operating without such assistance. An unfavorable aspect that we see are the financial burden and additional obligations on our side related to the settlement of benefits. The need for detailed and time-consuming verification of invoices and cost documentation is presented to us for payment. Many times we had to deal with the necessity to refuse payment for the service because the documents sent to us for settlement were unreliable or did not meet the statutory requirements. In addition, which turns out to be significant in practice - there is no real mechanism to control the quality of the services provided. The payment of the remuneration in the amount is not determined by the act thus occurs regardless of the lawyer's actual involvement in the case conducted by him, let alone the outcome of the proceedings. At the same time, we note a small percentage of the annulled decisions. The above leads to the conclusion that the system of free legal aid is expensive and does not bring any tangible results. We have not recorded any benefits to the financing authority for unpaid legal aid. The challenge will certainly be to specify the settlement rules.</p>
	Slovak Republic	Yes	<p>1. Yes, asylum applicants have free access to legal counselling during asylum procedure.</p> <p>2. All asylum applicants are informed about the possibility of access to free legal counselling; however, it is not an obligation. They are free to get in touch with free legal advice, as well as participate at a meeting with legal advisors which takes place every week.</p> <p>3. On the contract basis, Migration Office officially cooperates with an NGO, which provides free legal counselling to asylum applicants during the procedure.</p> <p>4. The cooperation with the relevant NGO is supported from AMIF. It means that free legal counselling for asylum applicants is ensured on the project base for the period of 3 years at the moment.</p> <p>5. Free legal counselling during asylum procedure provided by the NGO that Migration Office</p>

			<p>cooperates with is focused primarily on aspects related to asylum procedure, family reunification, or issues such as legalisation of stay of the person in the country.</p> <p>6. From the perspective of Migration Office, by ensuring free legal counselling we are following the EU standards, and we make the asylum procedure more objective.</p>
	Sweden	Yes	<p>1. Yes, as the main rule. According to the Aliens Act a public counsel will be appointed for the asylum seeker if it is not assumed that it will not be needed (for example if it is the assumption that the asylum seeker will get refugee status).</p> <p>2. A public counsel will be appointed as a main rule (see question 1) but then it is up to the asylum seeker how to use this service.</p> <p>3. The public counsel is appointed and paid by the Swedish Migration Agency. The counsel is a lawyer or has similar qualifications and is working for a private firm.</p> <p>4. The Swedish Migration Agency.</p> <p>5. The public counsel is to give legal advice to the asylum seeker all the way through the asylum procedure.</p> <p>6. No information available.</p>
	United Kingdom	Yes	<p>1. Yes, all asylum claimants have the opportunity to be legally represented during the consideration of their claim, and the Legal Aid Agency (LAA), the Scottish Legal Aid Board (SLAB) and the Legal Services Agency Northern Ireland (LSANI) ensures that legal aid funding is provided to those who need it. To qualify for legal aid a claimant's income (or combined income if they have a partner) should not be more than £2,657 a month before tax and additionally, any personal savings (or combined savings if they have a partner) should not be more than £8,000. The vast majority of asylum seekers are not allowed to work whilst their claim is considered so would normally qualify for legal aid.</p>

			<p>2. Participation is voluntary, and can be claimed where needed.</p> <p>3. The Government are responsible for providing this free service. Some NGOs and law firms will also offer their advice for free, which the Home Office makes reference to at https://www.gov.uk/claim-asylum/help-you-can-get.</p> <p>4. The Government bears the cost for these provisions.</p> <p>5. A claimant can apply for legal aid for the following: • Seeking advice on asylum or appealing a decision on a claim • An asylum seeker applying for accommodation • An asylum seeker losing accommodation because UK Visas and Immigration (UKVI) is refusing to support them or is withdrawing its support. • An asylum seeker who is a victim of domestic violence • An asylum seeker who is a victim of human trafficking or modern slavery</p> <p>6. Good quality legal advice from reputable firms can serve to provide useful evidence in support of a person's asylum claim before a decision is taken in the asylum procedure – so that caseworkers all relevant information available to make an informed decision about protection needs. However, there is limited evidence that this reduces the number of appeals lodged against decisions to refuse protection. A significant issue is poor quality legal representation – which has been raised by NGOs as a concern because of the potential impact on individuals' asylum claims. The involvement of legal representatives can also prolong what might otherwise be a relatively straightforward process. You may also wish to note that the UK government is currently undertaking an evidence based review that will include an assessment of the changes to the scope of legal aid for non-asylum immigration cases. The findings of the review will be published later this year.</p>
	Norway	Yes	<p>1. Yes, Norway provides asylum seekers/ applicants seeking international protection with a maximum of 5-8 hours of free legal advice. See details below.</p> <p>2. Free legal aid is voluntary, but it is very common that applicants accept legal aid. Normally legal advice is first provided when an application has been denied. There are some exceptions to this rule however; in the case of unaccompanied minors, cases where there is a question of exclusion, and cases where foreign policy is concerned, free legal aid is provided right from the initial application.</p>

			<p>The Norwegian Organization for Asylum Seekers (NOAS) also provides free legal aid when an application is being made.</p> <p>3. An asylum seeker can choose any lawyer he/she wants. It is most common though that applicants accept a lawyer from a list that the Directorate of Immigration administers. This arrangement is two-part: for those cases that need urgent assistance; such as in Dublin cases, fundamentally unfounded cases, those applications that are handled under the '48 hour procedure', as well as some other types of cases that are of an urgent nature. In addition, each regional office of the Norwegian Directorate of Immigration, has a list of lawyers who have been pre-approved as participants of this arrangement for legal aid to asylum seekers.</p> <p>4. The most common is the cost of covering 5 hours in the case of an appeal to a negative decision. For those cases that qualify for free legal advice from the start of the application, an additional 3 hours of assistance with the initial application is available as well as the usual 5 hours if there is an appeal.</p> <p>5. NOAS gives individual guidance when they provide information about the processing of applications for international protection. For unaccompanied minors, it is important that a lawyer contact the applicant at the earliest possible time after the lawyer has been appointed, in order to provide information about the law and what to expect during the case work. If the applicant gets a negative decision, the lawyer will explain the decision as well as prepare an appeal if the applicant wants one. The lawyers are expected to provide assistance throughout the application process and to answer any questions the applicant might have.</p> <p>6. The asylum application process is usually an unknown entity for most asylum seekers: they do not know what to expect or how the case will be handled. For this reason, some free legal aid is provided so that the applicant's legal rights are secured. This applies to all asylum applicants, but especially for unaccompanied minors and families with children.</p>
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