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4.10.4 Ensuring the quality of legal aid



The provision of quality legal assistance at an early stage contributes to the effectiveness of the entire asylum procedure. Seeking improvements, the Minister of Justice in Luxembourg proposed a general measure to increase the hourly rate for lawyers who provide legal aid,[869] while the Migration Agency in Sweden underlined that public legal counsels for asylum seekers should have adequate, relevant education, experience and accountability for the services provided.

In contrast, in Ireland, fees for counsellors providing legal aid in asylum cases were reduced, leading to a drop in interest from lawyers to take on asylum cases.[870] At the same time, the Advisory Group on the Provision of Support including Accommodation to Persons in the International Protection Process assessed the asylum system in Ireland and made specific recommendations to the Legal Aid Board for improvements. The proposals included the provision of legal assistance in accommodation centres, the allocation of sufficient financial resources and staffing to the Legal Aid Board, an extended number of hours for lawyers working on asylum cases and the creation of a specialised team of lawyers on international protection matters, with the possibility of career development.[871]

National authorities made rapid adjustments to adhere to health guidelines during the COVID-19 pandemic, and many interviews with legal representatives had to be moved online. While authorities strived to respect legal safeguards during the virtual format, FRA reported that civil society organisations identified some challenges– for example in Sweden – because nuances could be easily lost during online interpretation and legal counsel during remote interviews.[872]

Weakness and limitations of national legal aid systems for asylum applicants were still apparent, for example in accessing competent and qualified lawyers in Finland[873] and Malta[874] and improving procedures by allocating cases to lawyers and increasing the number of legal aid hours in asylum cases in Norway.[875] However, an amendments to the Finnish Aliens Act and legal aid were being processed in parliament, whereby legal aid would cover the presence of a legal representative in all asylum interviews. Legal representatives would also be remunerated according to an hourly rate as opposed to a lump sum. In Croatia, the JRS advocated for a control mechanism for lawyers who provide free legal assistance in administrative procedures, as applicants were dissatisfied with the communication with counsellors during the proceedings and its impact on the outcome of the case.[876] This would complete the existing legal framework and control mechanism defined under the “Ordinance on free legal assistance in the process of international protection”, Article 11.

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