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Legal professionals involved in the asylum procedure continued to receive specific training to better support asylum applicants and vulnerable persons, in addition to enhancing the quality of services. In certain countries, the remuneration of state lawyers was scrutinised.

In France, the Office for the Protection of Refugees and Stateless Persons (OFPRA) published specific information dedicated to lawyers working on asylum cases, on their role during the interview, the access to the case file and payment of expenses.[756]

In 2023, some civil society organisations arranged training for lawyers and other professionals providing legal assistance in the international protection procedure. For example, in Sweden the Refugee Centre conducted certified digital training in line with the guidelines of the Bar Association on the best interests of the child, examination of asylum cases with a focus on Afghanistan, and the revocation and termination of protection.[757]The Foundation for Access to Rights in Bulgaria organised a series of events to mark their 10th anniversary, including training and discussions among legal practitioners on current aspects related to refugee law.[758]

With the aim to better support children in the procedure for international protection, people involved in assisting unaccompanied minors, including lawyers, received specific training related to safeguards in Bulgaria[759]and on matters concerning guardianship in Poland.[760]

In Switzerland, UNHCR recommended specialised training for providers of legal assistance and representation to guide them on the identification and referral of applicants with special needs. [761]

The National Romanian Council for Refugees (CNRR) mentioned that asylum seekers have frequently reported on the poor quality of services provided by state legal aid lawyers. Since a lack of training and motivation were identified as root causes for the deficiencies, CNRR provides annual informative sessions for all lawyers working in the field of international protection.[762]

In Switzerland, state-funded lawyers are remunerated based on a lump-sum compensation system. Asylex criticised this system, which has been in place since 2019, as having a demotivating effect for lawyers working on asylum cases because they are paid approximately CHF 2,000, irrespective of whether an appeal is submitted against a negative or an

inadmissibility decision. A reform was suggested by introducing remuneration based on performance and the possibility for the applicant to choose a legal representative.763In addition, the UNCAT expressed concerns about assigned lawyers ending their mandate if they deemed an appeal had no prospects of success.764According to information received by the UNCAT, one-third of appeals submitted without a lawyer's assistance are successful, which raises doubts on the objectivity of the assessment done by a lawyer, also because they are demotivated to submit appeals due to the payment system.765

With regard to the right of civil society organisations to access reception facilities for counselling reasons, the German Federal Administrative Court clarified that the right presupposes an express will of the asylum applicant to receive the assistance and a prior mandate allowing access to the premises. The court stated that neither national nor European legislation provides access rights for NGOs without prior authorisation by an asylum seeker. In addition, the court reiterated that the rules for access to reception premises are justified by a need to ensure safety and security of the asylum seekers.

- 756French Office for the Protection of Refugees and Stateless Persons | Office français de protection des réfugiés et apatrides. (2023, April 11). *Une nouvelle rubrique dédiée aux avocats [A new section dedicated to lawyers]*.
- 757Swedish Refugee Law Center | Asylrättscentrum. (2024). *Utbildningar [Trainings].*
- 758Foundation for Access to Rights | Фондация за достъп до права. (2023, April 11). *Обучителна програма "Актуални въпроси на бежанското право" [Training Programme "Current Issues in Refugee Law"]*.
- 759Foundation for Access to Rights | Фондация за достъп до права. (July 2023). *SUN Project: Safeguarding Unaccompanied and Separated Children's Rights through the EU Charter of Fundamental Rights*.
- 760Association for Legal Intervention I Stowarzyszenia Interwencji Prawnej. (2023, September 14). *Ruszamy z projektem wspierającym dzieci bez opieki w Polsce [We are launching a project to support unaccompanied children in Poland]*.
- 761United Nations High Commissioner for Refugees (UNHCR) | UNHCR Büro für die Schweiz und Liechtenstein. (November 2023). *Empfehlungen zur Unterbringung von Asylsushenden in den Bundesasylzentren (BAZ) [Recommendations for Accomodation of Asylum Seekers in the Federal Asylum Centres BAZ]*. https://www.unhcr.org/dach/wp-content/uploads/sites/27/2023/11/20231106-UNHCR-Empfehlungen-zur-Unterbringung-in-den-BAZ.pdf
- 762Romanian National Council for Refugees (CNRR) | Consiliul Național Român pentru Refugiați. (2023, November 30). Input to the Asylum Report 2024. https://euaa.europa.eu/sites/default/files/2024-02/romanian_national_council_for_refugees_cnrr.pdf
- 763Swiss Economics. (2023, September 12). *Anreizwirkung der pauschalen Abgeltung für die Rechtsvertretung im Asylverfahren [Incentive effect of the flat-rate compensation for*

legal representation in the asylum procedure].

- 764European Union Agency for Asylum. (2023). *Asylum Report 2023, Section 4.10.3*.
- 765United Nations Committee against Torture. (2023, December 11). *Concluding observations on the eighth periodic report of Switzerland*.

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