

4.10.3 Central Mediterranean region

4.10.3 Central Mediterranean region



In 2021, several NGOs offered information sessions to migrants who were rescued at sea in Italy, but reportedly many – including unaccompanied minors – did not have sufficient access to legal and procedural information.^{[929](#)}

When the ASGI was denied access to the Lampedusa hotspot in August 2021, the Administrative Court of Sicily [ruled](#) that civil society organisations must be allowed to enter detention facilities to provide legal counselling (see [Section 4.9](#)).

Facing increased processing times for appeals with state-funded legal assistance in asylum-related cases, the courts in Rome and Bologna proposed to allow law firms to provide pro bono assistance with the backlog of cases after undergoing specialised training.^{[930](#)}

The Supreme Court of Cassation in Italy [rejected](#) an appeal as inadmissible for a lack of certification of the power of attorney. A similar case was [referred](#) by the same court to the Constitutional Court to verify if legislative provisions requiring the certification of the date by a lawyer is compliant with the constitutional provisions related to the right to an effective remedy. The legal requirement of certification may be excessive since it is limited only to international protection proceedings and may hinder applicants from receiving effective legal protection.

IPA in Malta drafted guidelines on the involvement and conduct of legal representatives (NGOs or private lawyers) during an asylum interview, allowing lawyers to intervene at certain parts of the interview and limiting their presence in cases of disruptive behaviour. According to the new rules, a lawyer can submit supplementary statements within 5 days of the interview.

However, civil society organisations in Malta raised concerns about the lack of or insufficient access to legal assistance and representation during the asylum procedure^{[931](#)} and for those placed in detention.^{[932](#)} For example, the ECtHR [ruled](#) against Malta on the lawfulness of detention of a former applicant (see [Section 4.8](#)) and found that adequate legal representation was not given and correspondence with his lawyer was tampered.

Access to legal aid was examined in the context of Dublin procedures, for example for transfers from the Netherlands to Malta (see [here](#), [here](#) and [here](#), and [Section 4.2](#)).

[929](#) Association for Juridical Studies on Immigration | Associazione per gli studi giuridici sull'immigrazione (ASGI). (June 2021). Unaccompanied minors Critical conditions at Italian external and internal borders: https://www.asgi.it/wp-content/uploads/2021/07/ASGI_Unaccompanied-Minors_DEF.pdf; European Union Agency for Fundamental Rights. (2021). Migration: Key fundamental rights concerns: 1.7.2021-30.9.2021. Quarterly Bulletin. https://fra.europa.eu/sites/default/files/2021-12/fra-2021-migration-bulletin-3_en.pdf

[930](#) Avvenire. (2021, August 12). Asilo e tribunali. Protezione internazionale cinque proposte anti-arretrato [Asylum and courts. International protection five anti-backlog proposals]. <https://www.avvenire.it/opinioni/pagine/protezione-internazionale-cinque-proposte-antiarretrato>

[931](#) European Union Agency for Fundamental Rights. (2021). Migration: Key fundamental rights concerns: 1.7.2021-30.9.2021. Quarterly Bulletin. https://fra.europa.eu/sites/default/files/2021-12/fra-2021-migration-bulletin-3_en.pdf

[932](#) European Union Agency for Fundamental Rights. (2021, February 25). Migration: Key fundamental rights concerns: 1.10.2020-31.12.2020 [Quarterly bulletin]. https://fra.europa.eu/sites/default/files/fra_uploads/fra-2021-migration-bulletin_en.pdf