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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 procedure931 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).

929-932

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