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COMPARATIVE STUDY ON THE PROVISION OF PUBLICLY FUNDED
LEGAL SERVICES TO ASYLUM SEEKERS IN THE 12 MEMBER STATES
OF THE EUROPEAN COMMUNITY

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COMPARATIVE STUDY ON THE PROVISION OF PUBLICLY FUNDED LEGAL SERVICES TO ASYLUM SEEKERS IN THE 12 MEMBER STATES OF THE EUROPEAN COMMUNITY

The present report intends to illustrate the availability of publicly funded legal assistance to persons seeking asylum in one of the member states of the European Community. Such a study has never been carried out to date. Yet, in a large number of the countries of the European Community, the procedures involved in considering an application for asylum can be extremely complex. At the same time, the quality of argument which an individual asylum seeker may need to present the merits of the case can easily surpass the abilities of the average asylum seeker. Therefore, legal advice and assistance, including legal representation before a judicial body, can be essential to the correct determination of the application.

At the same time, the provision of free, or low cost, legal assistance can be essential where asylum seekers are concerned. If the person seeking asylum had any financial means at his disposal before leaving his home country, the cost of leaving may have depleted it. Alternatively, funds may have been blocked by a hostile home regime, or bribes and/or extortionate fees may have been paid to secure of exit from the country. As a result, asylum seekers often prove to have very little financial resources at their disposal, and the cost of legal assistance in Western Europe is significant.

Now that the European Community is attempting to form a common external border, coupled with a trend towards harmonisation of immigration requirements, it may be expected that EC states will bring their procedures for dealing with non-EC individuals who arrive at an EC-frontier seeking asylum into line with one another. At the same time, the past 10 to 15 years has seen an explosion in the number of people who seek asylum in Western Europe. This has lead most EC countries to elaborate procedures for dealing with the inflow. The need for legal assistance to the asylum seeker has grown commensurately. In seeking to align their procedures, the member states of the EC cannot afford to overlook the issue of legal aid to asylum seekers. For this reason a comparative study such as this one may provide assistance in considering the ways in which others have tackled a shared problem.

This report explicitly does not purport to give a complete account of the procedures involved in presenting a request for asylum or in making a case for an appeal against a refusal of asylum. There are other studies in existence which detail the various national and international procedures with which an asylum seeker might have to contend. In this report, procedures are referred to if, and when, they are useful to give insight into the type of legal assistance which may be provided.

Each country will be dealt with individually in alphabetical order. As the situation in the various countries varies considerably, there is no set structure to the way in which their provisions for legal assistance and funding are presented here. However, for quick reference, the individual country reports will be preceded by a simple indication of the type and availability of legal assistance and public funding. Where the information may be considered useful and has been made available, the legal provisions concerning public funding will be cited.

In conclusion an attempt will be made to compare the situations in the various countries. Where possible this may include a categorisation of countries where similar provisions or procedures are followed. It should be noted that the United Nations High Commissioner for Refugees (UNHCR) currently has offices in most of these countries which to a greater or lesser degree as provide legal advice to asylum seekers. The role of the UNHCR offices in the domestic procedure varies considerably, but they form a common denominator of internationally publicly funded legal assistance to asylum seekers. It is understood however that many, if not all, the offices may be closed in accordance with the reallocation of resources currently under consideration by UNHCR.

BELGIUM

Legal assistance available? YES

Public funding available? YES

Asylum seekers may be accorded legal aid for the financing of a lawyer to represent their case in the same way as all Belgians and other legal residents of Belgium. It is common that asylum seekers are accorded a so-called "pro-deo" lawyer to present their case and also to help them through the relatively complex procedures open to them. The Bar Association in Brussels has a special section of pro-deo lawyers devoted to foreigners' cases. However, pro-deo lawyers are almost invariably young and inexperienced lawyers at the beginning of their career, and the quality of the service which they provide has been questioned.

A lawyer is available at all stages of the procedure. There are two legal questions concerning asylum which are dealt with separately in Belgian law. The first question is that of the admissibility of the asylum request. The initial asylum request is made to the Foreigners Office of the Ministry of Justice, which decides if the request is admissible. If their decision is negative, an urgent request for a re-examination can be made to the Commissioner of Refugees and Stateless persons. The Commissioner gives an opinion to the Minister of Justice, which he is not required to follow. If the Minister maintains the inadmissibility of the request, a summary procedure to prevent expulsion can be started, and/or an appeal can be made to the Council of State, although it does not have any authority to require the Minister to change his decision.

Assuming that the asylum request is declared admissible, the Commissioner of Refugees and Stateless persons takes a decision on the well-foundedness of the request. If his decision is negative, an appeal is possible to the Permanent Refugee Appeals Board (Commission permanente de recours des refugies). The appeal does not by itself have suspensive effect to prevent the appellant's expulsion so that it must be accompanied by a separate request for suspensive effect.

Given all these procedures, there is plenty of scope for the advice and assistance of a lawyer, for anyone making an asylum request in Belgium. Advice of a more general nature can also be offered by the State-funded Bureaux for advice and defence, which are staffed by young lawyers. In addition there are other both publicly and privately funded organisations, councils and committees which provide legal advice to asylum seekers.

DENMARK

Legal assistance available? YES

Public funding available? YES

Denmark has a two stage procedure for determining the granting of asylum. Initially a request is made to the Directorate of Aliens of the Ministry of Justice. If this request has not been declared manifestly unfounded, an appeal can be made to the Refugee Appeals Board. This is an independent body, with its own secretariat. If the request has been declared manifestly unfounded, no form of recourse is available.

Before making the first request for asylum to the Directorate for Aliens, an asylum seeker can receive legal counselling from the Danish Refugee Council, which is UNHCR funded. In principle, a foreigner is entitled to benefit from the normal Danish legal aid scheme, and an asylum seeker could find an independant lawyer and try to have that paid for by the legal aid service (Retshjaelpen). However, this does not appear ever to have been tried.

When an asylum seeker, whose initial request has been refused, appeals to the Refugee Appeals Board, he is automatically appointed a lawyer to represent him before the board. He may also choose a lawyer for himself if he so desires. The rule is that every appellant in this procedure has a right to be represented by a lawyer before this Board, and that the lawyer's costs and fees are paid for by the State. The lawyers concerned are independently practising lawyers, with no ties to the Danish Government.

FRANCE

Legal assistance available? YES

Public funding available? YES

As of 1 January 1992, the French system of legal aid has been completely revised. The Law of 10 July 1991, no. 91-647, contains specific provisions in relation to publicly funded legal aid to asylum seekers. The general rules which apply to all requests for legal aid also apply to asylum seekers. However, in addition, article 3 paragraph 5 of this law stipulates that only those asylum seekers are eligible for free legal assistance in their appeal to the Refugee Appeals Board (Commission de Recours des Refugies) who satisfy certain conditions, namely:

...those foreigners who usually reside in France and have entered the country in accordance with the rules, or those who hold a residence permit valid for at least one year.

Article 34 paragraph 4 of the Ministerial Decree of 19 December 1991, no. 91-1266, requires that any request for legal aid by an asylum seeker be supported by documentary proof of compliance with the rule outlined above.

An asylum seeker who has entered France regularly requests the local Prefecture de Police for a residence permit pending a request for asylum. Asylum can be granted by the Minister of the Interior, but his decision is based on a determination of admissibility for refugee status which is made by the French Office for the Protection of Refugees and Stateless Persons (OFPRA). If the request is refused, an appeal is possible to the Appeals Board (Commission des recours des refugies), which is presided over by a member of the Conseil d'Etat (Council of State), the Cour des Comptes, Court of Public Administration, Administrative appeal court or the Administrative tribunals, and is composed of a member of the OFPRA Board and a representative of UNHCR. The asylum seeker can be represented before this Board by a lawyer, nominated by the Bar Association (Barreau) and appointed by the legal aid bureau, provided he falls within the categories laid down in the afore-mentioned law. Other asylum seekers are not eligible for publicly funded legal assistance. An appeal on points of law is available after a negative decision by the Appeals Board to the Council of State. However, such appeal does not have suspensive effect. The law on legal aid does not specifically state whether or not legal aid can be provided for such an appeal, but it would seem logical that, if legal aid has been provided before the Appeals Board, it would also be available for an appeal to the Council of State. Such an appeal is, after all, not specific to asylum procedures, but a general right in administrative matters.

Aside from the specific restrictions applicable to asylum seekers, any request for legal aid can only be granted if the appeal is not manifestly inadmissible or unfounded. Furthermore, the person requesting legal aid must prove indigence. Legal aid is first granted provisionally and is only confirmed after the Refugee Appeals Board has taken its decision. This is of particular importance where, either the legal aid board has refused aid on grounds of manifest unfoundedness but the Appeals Board has determined the admissibility of the application for refugee status, or vice-versa, legal aid was granted but the Appeals Board ruled that the asylum request was manifestly inadmissible or unfounded.

There are a number of privately funded organisations which seek to provide asylum seekers with legal advice. There is also currently a UNHCR office.

GERMANY

Legal assistance available? YES

Public funding available? YES

Publicly funded legal assistance for asylum seekers follows the same rules as the ordinary procedures for requesting legal aid. However, legal work undertaken between the date of application and the date of initial decision is remunerated at a fixed (minimal rate).

A request for asylum is initially made to the local foreigner's police which transmits the request to the Federal Asylum Office (Bundesamt für Asyl). If this office takes a negative decision the asylum seeker may appeal to a local administrative court (Verwaltungsgericht). He may request the judge of this court to accord him legal aid, which the judge will rule upon before fully hearing the case. The judge's decision is based on his opinion of the appellant's chances of success (and is means tested). A negative decision on legal aid is common particularly where there is an allegation that the application is manifestly unfounded. In certain cases, to do with legal certainty and precedent, a subsequent appeal can be made to the Higher Administrative Court (Oberverwaltungsgericht). There again, a request for legal aid can be made.

There are a number of both publicly and privately funded organisations in Germany which can provide legal advice to asylum seekers. The public legal aid offices provide legal advice of all sorts (Juristenbeistand) but exist in few states and rarely have detailed knowledge of asylum law. The Refugee Council (Flüchtlingsrat) also provides some legal advice. Finally, a network of specialist lawyers exists with the co-operation of UNHCR participants on which network provide legal advice to asylum seekers during the initial stages of an application for which they receive nominal payment.

GREECE

Legal assistance available? YES

Public funding available? NO

An asylum request is made via the local police to the Foreigners section of the Department of National Security of the Ministry of Public Order. If this department rejects the request, an appeal can be made within 30 days to an inter-ministerial committee comprised of one representative each from the Ministry of Public Order, the Ministry of Foreign Affairs and the Ministry of National Security, complimented by an observer from UNHCR. There is no provision in Greek law for an asylum seeker to be represented by a lawyer. It has been known to happen that an appeal to the inter-ministerial committee is presented by a lawyer (apparently to good effect), but these lawyers have always been funded by private "interested" individuals or groups.

There is a UNHCR-funded Refugee Council which can provide legal advice.

IRELAND

Legal assistance available? YES

Public funding available? NO

Ireland generally receives very few individual asylum seekers. It has accepted groups of refugees in collaboration with the UNHCR, but that procedure does not present any particular legal problems. As a result, there are no formalised procedures for dealing with individual asylum seekers. Asylum requests are dealt with by the Immigration Authorities or the Department of Justice through the local police. The UNHCR office in London is also responsible for Ireland.

In general, legal aid in Ireland is only available for court cases/ In asylum cases there is no formal appeal, which would appear to rule out the option of obtaining the services of a lawyer on legal aid. There is the possibility of judicial review by the High Court in the event of a negative decision by the Minister of Justice. This judicial review does not examine the merits of the case. In those cases which are known of an individual asylum seeker pursuing a judicial review or otherwise having the assistance of a lawyer, the lawyer in question has usually been an interested solicitor who has taken the case on without pay.

There are publicly funded Government law centres staffed by salaried lawyers who can give legal advice. There is a private organisation of solicitors and barristers who are interested in refugee and asylum cases, and a UNHCR funded Refugee Council.

ITALY

Legal assistance available? MAYBE

Public funding available? NO

In principle, the laws relating to legal aid (no. 3282 of 30-12-1923 and no. 217 of 30-7-1990) allow for foreigners engaged in legal proceedings in Italy to be granted legal aid under the same conditions as Italians. In practice the situation appears to be unclear, and varies from city to city and from jurisdiction to jurisdiction. Part of the problem seems to stem from the slowness with which decisions on legal aid are taken.

The initial procedure of requesting asylum is considered to be simple and the assistance of a lawyer superfluous. It consists of an interview with the local police, who fill out a standard questionnaire. This is sent to an inter-departmental committee which takes a decision on the applicant's eligibility for asylum. If asylum is refused, or a decision is taken to expel the asylum seeker, he may lodge an appeal before the Regional Administrative Court to have the decision reviewed. The appeal must be lodged within 30 days of notification of decision. The court may, upon request, order that expulsion be deferred pending a final decision. However recent legislation may have the effect of diminishing dramatically the court's power to suspend expulsion. If the asylum seeker requests the assistance of a publicly funded lawyer, the examination of his eligibility for legal aid and the investigation into his financial situation can be expected to take a minimum of two months, by which time his appeal will have been dealt with. However, it is not inconceivable that an asylum seeker is granted a legal aid lawyer in time, and a few instances of legal aid actually being granted have been known in certain jurisdictions.

In practice, if an asylum seeker gains the assistance of a lawyer, it is either an interested lawyer acting pro bono, or a legal representative financed by a charitable organisation. There are a number of privately funded organisations which provide assistance to asylum seekers, as well as a UNHCR funded Refugee Council.

LUXEMBOURG

Legal assistance available? YES

Public funding available? NO

Luxembourg does not have a publicly funded legal aid system. The Bar Association runs a scheme whereby individuals who do not pay income tax because of insufficient income can be provided with a young, rather inexperienced lawyer to represent them. The lawyers in question are not paid; taking on such cases is considered a training exercise.

Individual asylum seekers are rare in Luxembourg. The initial procedure, after a first application to the foreigners police, involves an opinion by the UNHCR, followed by an interview between the asylum seeker and a representative of the Ministry of Foreign Affairs. The asylum seeker may be assisted by counsel at this interview. It is the Ministry of Foreign Affairs which takes the decision. Because this is an administrative decision, an appeal may be brought to the Council of State. In respect of such an appeal the appellant must be represented by a lawyer. The Council of State only reviews the lawfulness of the decision and is not concerned with the facts of the case.

There are a number of charitable organisations which assist in asylum cases and sometimes finance a lawyer. Some of these, such as CARITAS, receive a certain amount of general public funding, but it is impossible to separate their public from their private resources.

THE NETHERLANDS

Legal assistance available? YES

Public funding available? YES

The Netherlands has recently introduced a new "model-arrangement" for dealing with legal assistance to asylum seekers. Every asylum seeker has a right to legal assistance. It is arranged in two stages. Stage one deals with the initial request for asylum and the interview by officials of the Ministry of Justice. In consultation with the Ministry, lawyers are provided by either the refugee organisation "Vluchtelingenwerk", or by the publicly funded Legal Assistance Offices (Bureau's voor Rechtshulp), which organise a permanent stock of lawyers ready to help asylum seekers (piketdienst). If a request for asylum has been refused, there are a number of procedures which may follow which all require the assistance of a lawyer. Once an individual asylum seeker has decided to request a review, a lawyer can be appointed to represent him (toevoeging).

The procedure after a refusal of asylum comprises, firstly, a review by the Minister of Justice after having gained an advisory opinion from the Advisory Committee on Affairs relating to Foreigners (Adviescommissie Vreemdelingenzaken). This review procedure has automatic suspensive effect. If the Minister again takes a negative decision an appeal is possible to the Council of State. Only if the Minister's decision contravened the advisory opinion of the Committee does this appeal to the Council of State suspend the asylum seeker's expulsion. It is often necessary to take action against the Minister of Justice before the President of the Regional Court to obtain suspensive effect for the appeal. All these procedures require the use of a lawyer. A publicly funded lawyer is always available. It is apparently assumed that an asylum seeker is without financial means, and needs help in getting through the Dutch asylum procedures.

There are a number of organisations which provide aid, advice and assistance to asylum seekers, which are funded either by the central Government or by local Government. There is also a number of charitable organisations which operate in this field, some of which also receive some public funding. There is a UNHCR funded Refugee Council.

PORTUGAL

Legal assistance available? YES

Public funding available? YES

The indigent asylum seeker is entitled to a legal aid lawyer in the same way as a Portuguese resident would be. It appears that most individual asylum seekers who arrive in Portugal seek assistance from the local UNHCR office. This office has a number of specialised Portuguese lawyers on staff who can give advice and also represent an asylum seeker in an appeal. A private lawyer can equally be sought by the asylum seeker to represent him in an appeal, and this would be funded in the normal way for a legal aid lawyer by public money.

The procedure is two stage. After an initial interview by officials of the Foreigners Service, an interdepartmental Committee of Consultation on Refugees (Comissao Consultativa para os Refugiados) gives an opinion on the applicant's eligibility for asylum. The local representative of UNHCR is invited to add his opinion to the file, which is then transmitted to the Ministries of Internal Administration and of Justice, which are jointly responsible for taking a decision. If the decision is negative, the asylum seeker may lodge an appeal to the Supreme Administrative Court, where he would require the use of a lawyer. The appeal has suspensive effect as regards expulsion.

As stated the UNHCR office provides a substantial amount of legal assistance. There is a private organisation of interested lawyers, and a number of charitable organisations also provide assistance and advice. The Portuguese Refugee Council is funded by the UNHCR.

SPAIN

Legal assistance available? YES

Public funding available? YES

The situation in Spain appears to be in a state of flux. The vast majority of asylum cases are dealt with by the Spanish Commission for Aid to Refugees (Comision Espanola de Ayuda al Refugiado "CEAR"), which is funded by the Ministry of Social Affairs. The CEAR has lawyers on staff, both at their central office in Madrid and in the provinces. These lawyers undertake to assist, advise and represent asylum seekers in the various procedures in Spain. They are brought into contact with individual asylum seekers either directly or through the office of the UNHCR, which also communicates directly with the Spanish Ministry of the Interior. The service which CEAR provides is free of charge to the asylum seeker.

A request for asylum is sent to the police authorities, which have a special department to examine asylum requests (Comisaria General de Documentacion). They examine the case and give an opinion to the Minister of the Interior. If the opinion is that the request is manifestly unfounded, an appeal against the subsequent decision by the Minister can be brought before an administrative court on an issue pertaining to human rights.

If the Comisaria de Documentacion does not consider the case manifestly unfounded, they conduct an investigation. As part of the procedure, the asylum seeker is invited to appear before it, and he may be represented by a lawyer. The file is then sent to an interministerial commission composed of representatives of the Ministries of the Interior, Justice, Foreign Affairs, Labour, and Social Security. A representative of UNHCR is allowed to be present, and in practice it appears that he does in fact have an influence on the decisions taken. This commission then sends a recommendation to the Minister of the Interior, who takes the decision. In case of a negative decision, the asylum seeker may request a review by the Minister of the Interior himself, or appeal to the higher authority of the Council of Ministers. There is no administrative court procedure available to asylum seekers, although persons wishing to be recognised as refugees can introduce an appeal on points of human rights to a special administrative court, the Audiencia Nacional.

Aside from the CEAR, there are a number of charitable organisations which assist refugees. The UNHCR office maintains close links with the CEAR. A number of regional aid organisations also exist.

UNITED KINGDOM

Legal assistance available? YES

Public funding available? YES

The system of legal aid to asylum seekers is the same as that for other persons seeking legal assistance and representation, the so-called "green form" scheme. The scheme pays for a solicitor to provide legal advice and assistance to the asylum seeker at a fixed hourly wage, but the solicitor must justify in advance to the legal aid authority the amount of time anticipated. The solicitor will not be paid to represent the asylum seeker before the immigration appeal authority in the event of an appeal against a negative decision. The scheme is means tested and depending on the asylum seeker's capital and income, he may be asked to finance a portion of his solicitor's time himself.

An asylum seeker who applies for asylum at a port of entry does not have a right of appeal before expulsion. He applies for asylum to an immigration official who must inform the Home Office - Immigration and Nationality Department which department takes the decision. The asylum applicant will be allowed to remain in the UK while the application is pending and may seek assistance from a solicitor or an immigrants advisory service (usually the UKIAS). If a negative decision by the Home Office displays breaches of certain legal principles, the asylum seeker may seek a judicial review, for which legal aid can be granted. An asylum seeker who is regularly in the country and who receives a negative decision on his asylum request from the Home Office has a right to appeal to an Adjudicator on the merits of his asylum application. If a decision to deport is issued against him, he can appeal to an Adjudicator and again raise the asylum claim. Again legal aid is not available for representation by a lawyer. Subsequent to these appeals judicial review as outlined above is again possible. An asylum seeker may be represented before the Adjudicator by a legal professional. This may be an independent solicitor or a specialist connected with a refugee organisation.

The UK Immigrants Advisory Service (UKIAS) is a publicly funded organisation which provides assistance and advice to refugees and asylum seekers. It can also provide a legal representative before an appeal body. There are, particularly in London, other both publicly and privately funded organisations which provide legal advice and assistance. Throughout the country law centres provide legal services financed by local government. A UNHCR office also currently exists.

CONCLUSION

The preceding country reports demonstrate that almost all of the member states of the European Community recognise the need to provide some form of free legal assistance to asylum seekers financed by public authority. Of those countries which do not provide publicly funded legal aid, namely Greece, Ireland, Luxembourg, and possibly Italy, all but Italy only rarely have to deal with individual requests for asylum. As a result it is understandable that they do not provide for asylum seekers in the same way that countries which receive large numbers of asylum requests do.

In the countries which do provide publicly funded legal assistance, there are two schools of thought as to how best to provide it. On the one hand is the approach that asylum requests are no different from other forms of legal procedure. Therefore, legal aid should be granted for the same reasons, and in the same conditions as it is provided for any indigent person to pursue a legal remedy. Into this category come Belgium, France, Germany, the Netherlands, Portugal, the United Kingdom, and possibly Italy. This category can be sub-divided into those countries which consider legal assistance essential for asylum seekers (Belgium, the Netherlands, and Portugal), and those which have more or less strict limitations on the availability of subsidised legal aid (France, Germany, Italy, and the United Kingdom). The new rules on legal aid in France might be thought to indicate a trend among the larger member states in the EC to limit the availability of legal aid to asylum seekers. It may be noted that the strictness of the procedures on granting legal aid in Italy appear to thwart its availability to asylum seekers almost completely. In Portugal, the heavy involvement of UNHCR funded lawyers suggests that public legal aid resources are not too taxed by asylum seekers wanting subsidised legal assistance.

The other school of thought on the provision of publicly funded legal assistance is to have a specialised pool of lawyers or legal professionals which are exclusively called upon to deal with asylum cases before specialised bodies. Such lawyers are on a public pay-roll. Into this category fall Denmark and Spain, although a case might be made for including Portugal in this group as well. The situation in Spain reflects this theory directly. The CEAR has a staff of lawyers and they seem to deal exclusively with asylum cases. I would hazard the guess that if the CEAR has not dealt with a case, then there has been no legal assistance given. Denmark varies the theme slightly by stipulating that a lawyer is automatically provided by the Refugee Appeals Board from among the general population of lawyers. Inevitably, certain lawyers become specialists at asylum cases, and although they are not paid a government salary, a large portion of their income could be publicly funded directly from a dedicated fund for representing asylum seekers. The Portuguese situation, with most cases apparently being handled by UNHCR-funded lawyers, resembles the Spanish solution but the Portuguese Government does not pay for it directly, and there is

nothing to prevent the normal legal aid system from functioning. Italy provides an exceptional case. The strong independence of the Italian judiciary, coupled with the recognised slowness of public procedures in Italy combine to create a situation where the provision of legal aid to asylum seekers could function very well, but does not appear to. An individual asylum seeker is dependent on the attitude of the individual judge to his case, and on the attitude of the local legal aid authority. According to the rules there is no obstruction to legal aid being provided as easily as it is in Germany or the United Kingdom. In practice it appears to be almost unheard of. The Italian consensus of opinion on the part of immigration and asylum specialists is that legal aid is worth fighting for. There is not the attitude that prevails in countries like Greece, that the normal legal aid channels are useless in providing for asylum cases, even though one might be able to argue that asylum seekers are equally entitled to legal aid under the law.

The example of the new French legal aid rules indicate that the movements in the EC to coordinate immigration policy, coupled with the influx of asylum seekers in the last 10 to 15 years, has caused thinking about legal aid to diverge. On the one hand are those countries which feel that asylum seekers need to be provided with legal assistance, and which recognise that the average asylum seeker cannot afford to pay for it. In their various ways Belgium, Denmark, the Netherlands, Portugal and Spain have provided legal assistance to asylum seekers which is not only free, but is also relatively easily accessible. In contrast are the larger countries, France, Germany, Italy, and the United Kingdom which do not deny the need for legal assistance, but refuse to recognise the specific situation of the individual asylum seeker in attempting to get advice and assistance. The existence of large numbers of private, charitable or voluntary organisations dedicated to providing assistance to asylum seekers indicates that the need is there. In all fairness to the United Kingdom, it is true that the UK Immigrant's Advisory Service represents a subtle compromise between the approach of the smaller EC member states and that of the larger ones. The recent bill before Parliament on these issues appeared to take an approach more like that of Denmark and Spain, but it has been withdrawn for the moment. The issue which that bill raised for legal practitioners in this field was that of the quality of legal assistance which is provided. The relationship between the quality of legal assistance and the way in which it is funded, goes beyond the scope of this report.

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SOURCES

Asile en Europe, published by the Consultation Europeenne pour les Refugies et les Exiles (ECRE), 1990.

Belgium	Association du Droit des Etrangers; Mr. J.-Y.Carlier, specialised lawyer
Denmark	Danish Refugee Council; European Lawyer's Institute
France	France Terre d'Asile
Germany	Mr. R.M.Hofmann, specialised lawyer
Greece	Greek Council for Refugees; European Lawyer's Institute, Denmark
Ireland	Free Legal Advice Centres Ltd.; Refugee Advisory Service
Italy	Italian Refugee Council
Luxembourg	Mr. M.Elvinger, specialised lawyer
the Netherlands	Vluchtelingenwerk Amsterdam; Europees Steunpunt Migranten en Vluchtelingen
Portugal	CARP - Portuguese Committee of Jurists for Aid to Refugees
Spain	CEAR - Comision Espagnola de Ayuda al Refugiado
United Kingdom	Immigration Law Practitioners' Association