

## JRS-Europe working paper

### *Public free legal assistance in the Dublin Regulation*

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#### Amending the Dublin Regulation

The European Commission's proposal<sup>1</sup> to recast the Dublin Regulation<sup>2</sup> contains several provisions that may raise protection standards for applicants for international protection in the procedures for the determination of the Member State responsible for the examination of their protection claim (hereafter labelled as 'Dublin procedures'). These procedures are preliminary to and distinct from the status determination procedure – those of which are laid down in the Asylum Procedures Directive<sup>3</sup>.

Under the Dublin procedures national authorities may, in certain cases, transfer or retransfer an applicant for international protection to another Member State considered as responsible for the examination of his or her claim. Moreover, applicants may be held in administrative detention while they await a decision on their transfer.

The recast proposal offered by the Commission, *inter alia*,

- Provides limited and specific grounds for the detention of applicants in order to ensure that it is not used arbitrarily during the determination of the responsible Member State;
- Clarifies the principle that applicants shall have the right to an effective judicial remedy before a court or tribunal, in the form of an appeal or a review against transfer decisions and detention orders<sup>4</sup>.

To guarantee effectiveness to the right of appeal or review, the proposal,

- Improves the current Regulation by ensuring that Member States provide appealing applicants with access to legal assistance and/or representation;
- Adds that such legal assistance and/or representation shall be free of charge where the person concerned cannot afford the costs involved;
- Specifies that procedures for access to legal assistance and/or representation shall be laid down in national law<sup>5</sup>.

Yet the proposal does not say that applicants can be assisted in an effective manner by legal advisers or other counsellors in the administrative first instance phase, which precedes transfer decisions or detention orders.

The European Parliament, in its first reading of the Commission's proposal, aligned its rules on public free legal assistance to the rules laid down in the current Asylum Procedures Directive, which is now outdated by a subsequent Commission proposal to recast this directive too<sup>6</sup>.

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<sup>1</sup> Proposal for a Regulation of the European Parliament and the Council establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (Recast), COM (2008) 820 final. General comments on the proposal have been written by a coalition of faith-based NGOs in Brussels: [www.caritas-europa.org/module/FileLib/ChrGrp\\_CommonpaperonECproposalsforDublinII\\_FINALd.pdf](http://www.caritas-europa.org/module/FileLib/ChrGrp_CommonpaperonECproposalsforDublinII_FINALd.pdf).

<sup>2</sup> Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national, OJ L 50, 25.2.2003, p. 1.

<sup>3</sup> Council Directive 2005/85/CE on minimum standards on procedures in Member States for granting and withdrawing refugee status, OJ L 326, 13.12.2005, p. 13. Directive 2005/85 does not apply in the UK, Ireland and Denmark.

<sup>4</sup> Recital 16 of the Commission proposal: "In accordance in particular with Article 47 of the Charter of Fundamental Rights of the European Union, legal safeguards and the right to an effective remedy in respect of decisions regarding transfers to the Member State responsible should be established to guarantee effective protection of the rights of the individuals concerned. 17. In accordance with the case-law of the European Court of Human Rights, the effective remedy should cover both the examination of the application of this Regulation and of the legal and factual situation in the Member State to which the applicant is transferred in order to ensure that international law is respected".

<sup>5</sup> It must be noted, even if the issue lies outside the object of this note, that the Commission's proposal provides for another important guarantee to ensure effectiveness to the right of appeal or review: it suspends the implementation of a transfer decision for seven working days from the moment an appeal or judicial review is lodged; during the same period the court or the tribunal may decide that the person concerned may remain in the territory of the Member State pending the outcome of the appeal or review.

In the Council, Member States oppose rules on public free legal assistance in the Dublin Regulation on reasons of cost. Recently, the Belgian Presidency of the EU tabled a compromise proposal that adds support to Member States' reluctance to provide for free legal assistance<sup>7</sup>.

It is indeed expected that the whole matter of the recast proposals will be debated and agreed upon between the European Parliament and the Council, assisted by the Commission, before end of December 2010 under the aegis of the Belgian Presidency.

### **A controversial debate**

The provision of free legal assistance in Dublin procedures is vital for applicants for international protection, as well as for a serious fulfilment of international obligations by the Member States and the EU. Indeed,

A) As noted by the European Parliament<sup>8</sup>, the consequences of Dublin decisions are deeply marked by uncontrollable negative external factors:

- Asylum legislation and practice still vary widely from country to country. As a result, applicants for international protection receive different treatment from one Member State to another, and recognition rates of candidates for refugee status vary for certain third-country nationals from approximately 0 % to 90 % within the EU<sup>9</sup>;
- There is evidence that some Member States do not guarantee effective access to a fair procedure for determining refugee status;
- Dublin procedures are often characterised, in their application, by an extended and legally dubious use of detention – some Member States systematically detain asylum seekers who are in the Dublin system;
- Some Member States do not apply the Reception Conditions Directive<sup>10</sup> effectively, either to asylum applicants awaiting transfer to another Member State under the Dublin Regulation, or at the point of return to the responsible Member State.

B) The principles, rules and procedures within the Dublin Regulation, even in the recast proposals, are complex, subtle and beyond the understanding for a large majority of applicants for international protection. Decisional processes on transfers concern facts and situations, such as the legal and humanitarian environment in the Member State to which the applicant could be transferred to, that the applicant simply cannot know. In order to protect his or her rights, the applicant should be able to consider whether a Member State can fairly apply the Regulation's discretionary (humanitarian and sovereignty) clauses to his or her actual situation.

C) Dublin procedures are often unclear even for Member States, creating interpretational disparities between them and even within national institutions and administrative structures. As a further consequence, these disparities negatively impact the training and qualification of national staff that are tasked with implementing Dublin procedures<sup>11</sup>; frequent revisions of decisions at the judicial level are unavoidable.

D) Many applicants for international protection find that they do not have sufficient financial means to obtain legal assistance and/or representation in the face of such a complex legal and administrative framework.

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<sup>6</sup> Proposal of the Commission for a Directive of the European Parliament and of the Council on minimum standards on procedures in Member States for granting and withdrawing international protection (Recast), 21.10.2009, COM (2009) 554 final.

<sup>7</sup> Note 12573/10 of 28 July 2010, from the Belgian Presidency of the EU to the Asylum Working Party. This proposal was discussed among Member State interior ministers at an informal Justice and Home Affairs Council meeting held on 15-16 July 2010. The status of this proposal is unknown at the time of this writing.

<sup>8</sup> European Parliament resolution of 2 September 2008 on the evaluation of the Dublin System (2007/2262(INI))

<sup>9</sup> According to the Council of Europe, Resolution 1695 of 2009, "in 2007 acceptance rates varied considerably, between 1% and 39% in countries receiving significant numbers of asylum seekers. The situation was even more dramatic when looking at certain specific groups of asylum seekers. For example, again in 2007, the acceptance rates for Iraqis seeking protection in Europe varied between 0% and 81%".

<sup>10</sup> Council Directive 2003/9/CE on minimum standards for the reception of asylum seekers in Member States, OJ L 31, 6.2.2003, p. 18.

<sup>11</sup> Ibid, European Parliament resolution on the evaluation of the Dublin System

In such a legal system, a decision on the transfer of an asylum applicant to another Member State has substantial implications on how international and European rules are interpreted and applied in the examination of his or her application, and on the treatment – not excluding detention – that will be granted to the applicant before and during the examination, both in the receiving and in the sending Member State.<sup>12</sup>

The provision of legal assistance to applicants, free for those that cannot afford the costs, is the only way to ensure them the effective respect of the rule of law, and of the principle of equal protection, not to mention the procedural rights recognised by international, national and European law.

On the same token, timely assistance by a legal advisor or counsellor may clarify at the outset all the determinant legal and factual elements of the asylum application, thereby reducing risks of oversights or shortcomings that would delay the conclusion of the procedure. On the other hand, any successful appeal against a transfer decision or a detention order – and practice shows that they are frequent – offers the Member State and its administration useful legal indications to better align their practices and legislation with their obligations to provide international protection. Improving rules and practices in a manner that optimises Dublin procedures at its beginning stages can, in the end, help to reduce administrative costs that come as a result from unjustified detentions, appeals and reviews.

### Public free legal assistance in other legal contexts

Public free legal assistance is already made available in different legal contexts as a fundamental legal right in all Member States. It is provided for nationals and EU citizens that cannot afford the costs in penal procedures, and in administrative and civil judicial cases – at least when such procedures may adversely affect personal freedom or legal status.

Rules for public free legal assistance is provided for in Directive 2002/8/EC<sup>13</sup> to guarantee “the proper functioning of the internal market”,<sup>14</sup> in favour of all Union citizens and third-country nationals who habitually and lawfully reside in a Member State and, being involved in cross-border civil or commercial disputes, cannot afford the legal costs. “Natural persons involved in a dispute covered by this Directive shall be entitled to receive appropriate legal aid *in order to ensure their effective access to justice*” (emphasis added).<sup>15</sup> Such free legal assistance is given by the Member State where the court is sitting for the case.<sup>16</sup>

Applications for this public free legal aid may be rejected in respect of “manifestly unfounded actions”, or “on grounds related to the merits of the case insofar as pre-litigation advice is offered and access to justice is guaranteed”. If the action is not manifestly unfounded, when taking a decision on public free legal assistance, “Member States shall consider the importance of the individual case to the applicant”.<sup>17</sup>

Within the context of asylum, the current Asylum Procedures Directive provides for public free legal assistance and/or representation for asylum seekers in the appeals phase of their status determination procedure, albeit under somewhat restrictive conditions<sup>18</sup>. The Commission's proposal to recast the Asylum Procedures Directive, still under discussion in the Council and the European Parliament,<sup>19</sup> provides that<sup>20</sup>

<sup>12</sup> Council of Europe, Resolution 1695 (2009).

<sup>13</sup> Council Directive 2002/8/EC of 27 January 2003 to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes.

<sup>14</sup> Ibid, recital 1

<sup>15</sup> Ibid, article 3 (1)

<sup>16</sup> The costs for legal counselling are paid by the State in which the applicant is domiciled, and the costs of enforcement by the State where enforcement is sought.

<sup>17</sup> Ibid, article 6

<sup>18</sup> Article 15, n. 3, 4, 5 of the Asylum Procedures Directive.

<sup>19</sup> See footnote 6

<sup>20</sup> Article 18 in the recast proposal for the Asylum Procedures Directive:

“1. Applicants for international protection shall be given the opportunity to consult in an effective manner a legal adviser or other counsellor, admitted or permitted as such under national law, on matters relating to their applications for international protection, at all stages of the procedure, including following a negative decision.

2. Member States shall ensure that free legal assistance and/or representation be granted on request, subject to the provisions of paragraph 3. To that end, Member States shall:

- Public free legal assistance covers “those who lack sufficient resources”; and that
- It shall be provided both for the administrative procedures (“Chapter III procedures” – *Procedures of first instance, preceding the decisions*) and for the judicial procedures (“Chapter V procedures” – *Appeals or reviews of decisions*).

Moreover the recast proposal on asylum procedures imposes the principle that judicial procedures must be effective, providing for “a full examination of both facts and points of law”.<sup>21</sup>

Nevertheless an important restriction is expressed about free legal assistance in the Commission’s recast proposal on asylum procedures<sup>22</sup>: “With respect to the procedures provided for in Chapter V, Member States may choose to only make free legal assistance and/or representation available to applicants insofar as such assistance is necessary to ensure their effective access to justice. Member States shall ensure that legal assistance and/or representation granted pursuant to this paragraph is not arbitrarily restricted”.

Public free legal assistance is thus considered as a fundamental right both in national and in EU legal contexts, in order to guarantee personal freedom and as well as effective access to legal procedures to people who are unable to afford legal costs. It would be inadmissible to exclude indigent applicants for international protection from such a guarantee.

Under Directive 2002/8/EC<sup>23</sup> this guarantee is recognised in order to protect the proper functioning of the internal market. The EU and its Member States should extend the same concern towards the protection of the human rights of asylum applicants involved in Dublin procedures.

### **Arguments opposing legal assistance in Dublin procedures**

Many Member States have argued against the Commission’s proposal for public free legal assistance on the basis of the unsustainable costs that it would entail. It seems that there is also a concern that the duration of Dublin procedures would be unnecessarily extended if free legal assistance were granted to applicants who are unable to meet the costs.

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(a) Provide for free legal assistance in procedures in accordance with Chapter III. This shall include, at least, the provision of information on the procedure to the applicant in the light of his/her particular circumstances and explanations of reasons in fact and in law in the case of a negative decision;

(b) Provide for free legal assistance or representation in procedures in accordance with Chapter V. This shall include, at least, the preparation of the required procedural documents and participation in the hearing before a court or tribunal of first instance on behalf of the applicant.

3. Member States may provide in their national legislation that free legal assistance and/or representation is granted:

(a) Only to those who lack sufficient resources; and/or

(b) Only to legal advisers or other counsellors specifically designated by national law to assist and/or represent applicants for asylum for international protection.

With respect to the procedures provided for in Chapter V, Member States may choose to only make free legal assistance and/or representation available to applicants insofar as such assistance is necessary to ensure their effective access to justice. Member States shall ensure that legal assistance and/or representation granted pursuant to this paragraph is not arbitrarily restricted.

4. Rules concerning the modalities for filing and processing requests for legal assistance and/or representation may be provided by Member States.

5. Member States may allow non-governmental organisations to provide free legal assistance and/or representation to applicants for international protection in procedures provided for in Chapter III and/or Chapter V.

6. Member States may also:

(a) Impose monetary and/or time-limits on the provision of free legal assistance and/or representation, provided that such limits do not arbitrarily restrict access to legal assistance and/or representation;

(b) Provide that, as regards fees and other costs, the treatment of applicants shall not be more favourable than the treatment generally accorded to their nationals in matters pertaining to legal assistance.

7. Member States may demand to be reimbursed wholly or partially for any expenses granted if and when the applicant’s financial situation has improved considerably or if the decision to grant such benefits was taken on the basis of false information supplied by the applicant.

<sup>21</sup> Article 41 (3) of the Commission’s recast Asylum Procedures Directive proposal

<sup>22</sup> *Ibid*, article 18 (3)

<sup>23</sup> Council Directive 2002/8/EC of 27 January 2003 to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes. The directive refers to the European Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950 (recital 4) and to the Charter of Fundamental Rights of the European Union (recital 5).

The latter concern does not take into account that Dublin procedures are typically fast, in and of themselves, and marked by clear terms that are under the exclusive control of Member States' administrations and courts. There is no way for the asylum applicant to influence such factors. Importantly, this concern does not account for the possibility that oversights and shortcomings within Dublin procedures can be reduced by affording applicants – from the beginning – all pertinent assistance, facts and elements of the Dublin procedure, all of which may reduce the need for appeals or reviews. Legal assistance can strengthen the efficacy and fairness of Dublin procedures. Experience proves that well invested lawyers are useful towards avoiding any abuses of procedure or of appeals.

In any case, no haste should ever justify that a legal system evade the protection of personal rights or principles of due process.

As far as financial costs are concerned, up to now neither the Member States nor the EU institutions have provided data, or data projections, concerning the number of appeals and reviews that occur in Dublin procedures, and the costs of free legal assistance. It should be considered as unacceptable that such a fundamental right be denied to applicants without any strongly motivated and data-supported justification.

NGOs in many Member States offer free legal assistance to indigent asylum seekers during the entire asylum procedure, including those who are in the Dublin system. Their experiences about costs greatly differ from the unsupported claims of Member States. Some NGOs indicate that the costs they incur for providing legal assistance to applicants in Dublin procedures, overhead administrative expenses included, come to approximately €500 per applicant.<sup>24</sup>

Another cost consideration should be taken into account: in Dublin procedures Member States frequently resort to detention, and the costs of detention often exceed € 100 per day per detainee.<sup>25</sup> Based on these numerical indications, public free legal assistance could be granted to the asylum applicant at the approximate cost of five days of detention. Timely free legal assistance can serve as an important factor in avoiding the costs of detention. Any appeal won by asylum applicants – and the percentage of won appeals is significant<sup>26</sup> – may spare Member States the costs of prolonged detention and unnecessary transfers to other Member States.

### Other points of the discussion in progress in the EU institutions

Contrary to its recast proposal on the Asylum Procedures Directive, which foresees free legal assistance for both the first instance (Chapter III) and judicial (Chapter V) procedures, the Commission proposes that Dublin procedures provide for legal assistance only in the judicial procedures (Article 26, Remedies, of the recast proposal). This would mean, in practice, that applicants would be left without

<sup>24</sup> This amount seems to be in line with data, albeit incomplete, published in a Council of Europe report, *European judicial systems – Edition 2008 (Data 2006)*. The report gives evidence that, in the EU Member States as a whole, the average global cost per case of public free legal assistance (criminal and non-criminal cases) is 498 €. This amount varies greatly from one state to another but it must be underlined that, in the large majority of the usual national cases, civil, administrative and criminal procedures are lengthy, requiring a number of hearings and several stages of proceeding. On the contrary, appeals and reviews in the Dublin system are marked by expedient procedures. According to NGO lawyers JRS has spoken to, their cost per case are at the very bottom of the scale of total national legal assistance costs.

<sup>25</sup> In France, the debate at the *Assemblée Nationale* on "Evolution des coûts budgétaires des demandes d'asile" on 6 July 2005 considered that the cost of legal aid is 169,20 € for an asylum seeker, the cost of administrative detention 355 € per person per day, and more than 2.600 € (at certain points the amount of 10.000 € was mentioned) the cost of a Dublin transfer. In June 2006 the Ministry of Interior forecast the cost of deportation between 5.000 € and 10.000 € per person. The Sénat, on 3 July 2009, in a *rapport d'information* considered different figures: "Le coût total par an de la rétention en CRA en métropole, en incluant les dépenses d'investissement mais hors dépenses d'interpellation, d'éloignement et de justice, s'élève en 2008 à environ 190,5 millions d'euros, soit 5.500 € par retenu. Ramené au nombre d'éloignements forcés, il se monte à 13.220 € par retenu effectivement reconduit (9.180 € hors dépenses d'investissement)". Nevertheless, in 2008 France spent 533 M € for detention and the expulsion of 20.000 people, with costs coming to 26.500 € per expelled person (see CIMADE, *Le coût de la politique d'enfermement et d'expulsion*, 27 January 2010). In the UK, in a response to a request made under the Freedom of Information Act, the Home Office revealed that in 2005/6 the weekly cost per detainee ranged from £511 (Lindholme) to £1,344 (Colnbrook). The cost of detaining an immigrant in the fast-track process at Oakington was £1,620 per week. According to Liam Byrne, Immigration Minister, replying to a question in the House of Commons, 16th June 2006, [1423], the average direct cost (not including overheads) of holding an individual in an immigration removal centre for one week was £ 812 . See also JRS, *Detention in Europe*, 1 October 2004, for more details on the costs of detention in Europe.

<sup>26</sup> JRS-Germany's "Legal Aid Fund", which provides free legal assistance to indigent asylum seekers, experienced a success rate of over 80% in 2009; that is, vulnerable individuals who were not transferred to another Member State, and persons who were released from detention.

legal assistance in the first phase, where important decisions are made. The consequence of this option is that the administrative authorities, in taking their decisions, would not be in a position to hear all the pertinent facts and arguments that a well-assisted applicant could submit. Shortcomings, forgetfulness, misunderstandings, and careless mistakes are inevitable both for the applicants and for the administration. All of this may increase the number of appeal and review proceedings and, at the same time, constitutes one more argument for granting public free legal assistance in these latter procedures.

The European Parliament has adopted in its first reading of the Dublin proposal an amendment that submits public free legal assistance to the restrictive conditions of article 15 of the current Asylum Procedures Directive. This amendment is now outdated by the recast proposal on the latter directive; the Dublin recast proposal now aligns with the correspondent rules of the recast Asylum Procedures proposal, except for the fact that in the Dublin proposal legal assistance would be provided for free only in the appeal or review phase.

In this perspective of alignment a strong remark is unavoidable: the last paragraph of article 18.3 of the recast Asylum Procedures proposal, concerning appeals or reviews of decisions, provides that "Member States may choose to only make free legal assistance and/or representation available to applicants insofar as such assistance is necessary to ensure their effective access to justice".

It must be firmly stated that such a clause is either superfluous or deliberately misleading. A previous clause in the same article already limits the provision of public free legal assistance only to applicants that "lack sufficient resources". Thus there is no longer room for debating whether free legal assistance is necessary for the applicants to ensure their "effective access to justice". In the case of indigent persons, public free legal assistance is *per se* necessary to ensure their "effective access" to the justice, as recognised in other national and European legal contexts. Moreover, as laid down in Directive 2002/8/EC on cross-border disputes, if in taking decisions on such a matter "Member States shall consider the importance of the individual case to the applicant" in civil or commercial disputes, there is no doubt that Dublin procedures to determine the Member State responsible for the examination of the asylum application are always, *per se*, of vital importance for any applicant; indeed, asylum seekers must receive at least the same consideration as received by people involved in cross-border civil or administrative disputes.

The clause proposed by the Commission may have the only result of opening the way to further ambiguities and abuses. The experience under the article 15 of the current Asylum Procedures Directive proves that when discretionary power is given to the Member States in this matter, then applicants' access to procedural guarantees are significantly reduced.<sup>27</sup>

The clause limiting public free legal assistance only to applicants that cannot afford the costs involved may be a reasonable compromise. Nevertheless, ambiguous Member State practices and widespread reports of discrimination and abuses necessitate the addition of one more clause delineating that asylum seekers should be subject to the same income criteria as applied to nationals, when deciding whether or not an applicant can receive legal assistance.<sup>28</sup>

The Belgian Presidency's compromise proposal of 28 July 2010 includes a new restriction of legal assistance in Dublin procedures: be it free or paid by the applicant, "legal assistance may be restricted to legal advisors or counsellors specifically designated by national law to assist and represent asylum seekers" (article 26.5). An identical restriction is provided for in article 18, 3 (b) of the recast proposal of the Asylum Procedures Directive. Such a restriction could be justified only if the national designation is exclusively afforded to legal advisors with recognised legal qualifications and experience in Dublin procedures, and excludes any discretionary power of public authorities in such designations. Otherwise it undermines the independence of the designated advisors or counsellors, restricts the

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<sup>27</sup> According to the Commission, "on the issues of procedural safeguards for applicants under the Dublin procedure and on the issue of detention, the relevant Impact Assessment demonstrated that the Dublin system contains several loopholes in this respect. In particular, it has been highlighted that the effectiveness of the right to remedy against a Dublin transfer decision is not fully guaranteed to the applicants, that the principle of effective access to the asylum procedure is not always ensured and that applicants subject to the Dublin procedure are detained on a systematic basis", *Comments of the European Commission on a resolution from the Czech Senate*, September 2009.

<sup>28</sup> The Belgian Presidency's position on the recast Dublin proposal, published on 28 July 2010, only foreshadows an avoidance of the opposite eventuality: "the treatment of applicants shall not be more favorable than the treatment generally accorded to their nationals in matters pertaining to legal assistance" (article 25.5).

rights of the applicants for international protection and discriminates them against other people needing legal assistance for “effective access to justice”.

### Conclusion

- Public free legal assistance in Dublin and status determination procedures is vitally necessary for applicants for international protection who cannot afford the costs involved. The provision of such legal assistance constitutes a fundamental human right. The European Union and its Member States can no longer avoid this obligation.
- Legal assistance can be offered without unduly prolonged the length of Dublin procedures, and it can serve towards improving the efficiency of Dublin system right from the beginning, ensuring the best chances for the making of appropriate decision. It would give the Member States and their administrations useful indications to clarify Dublin rules and to better align practices and law with their obligations to provide international protection.
- Member State arguments against the provision of legal assistance on the basis of cost are not supported with any data or data projections. The fundamental rights of any applicant cannot be denied on such an unproven basis. Moreover evidence shows that the costs of free legal assistance are not exorbitant and can reduce the need for more costly detention and the carrying out of Dublin transfers.
- Limiting public free legal assistance to the judicial phase in the Dublin procedure has negative effects on the process of the administrative first instance procedure, and may increase the need for appeals and reviews.
- Giving Member States discretionary powers on granting public free legal assistance in the judicial phase, as provided for in the Commission’s and in the Belgian Presidency’s proposal, ignores the substantial importance of Dublin decisions for the applicants as well as their inability to provide for legal assistance themselves. It opens the door to ambiguities and is detrimental to the correct examination of the merit of the application.
- Restricting legal assistance in Dublin procedures to advisors or counsellors specifically designated by national law is only justified if such a designation is strictly and exclusively based on lawyers with relevant legal qualifications and experience in Dublin procedures, and excludes any exercise of discretionary powers by public authorities.

The mission of the Jesuit Refugee Service is to accompany, serve and advocate on behalf of refugees and other forcibly displaced persons.

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