

Principles of provision of legal aid by lawyers of the Human Rights League within the project „Legal Counselling for Asylum Seekers“

Information for the (potential) client about the content of legal aid

In period **from 4th November 2016 to 31th October 2019**, the Human Rights League (hereinafter referred to as „the HRL“) provides **free** legal aid to clients under conditions of the project „Legal Counselling for Asylum Seekers“ set out by the grant agreement between the HRL and the Ministry of Interior of the Slovak Republic, from financial sources of the European Union, from the Asylum, Migration and Integration Fund.

Since when will I have a lawyer?

The lawyer can act on your behalf and communicate with the Migration office and courts in your legal matter only on the basis of the written Power of Attorney. The Power of Attorney can authorize the lawyer **for performing all actions** necessary in the procedure or for performing **solely one individual action** (e.g. inspection of the case file). The representation is established by signing of the Power of Attorney by the lawyer and the client. Lawyer shall notify the state authorities and courts without delay about the establishment and termination of the relationship between the client and HRL lawyer.

Who is my lawyer?

The HRL shall appoint a specific HRL lawyer for your case who will assist you. The HRL can change your appointed lawyer in order to manage public funds efficiently. If necessary, HRL **may authorize another lawyer**, a student of the Asylum Law Clinics or a Human Rights League trainee **for performing individual actions in an individual case** (e.g. inspection of the case file, representation at the court hearing).

How can you contact us?

The HRL lawyers regularly visit camps in Humenné, Rohovce and Opatovská Nová Ves. Clients can visit us in the office of Human Rights League in Bratislava and Košice. Please, arrange the date of your visit with your lawyer in advance. Upon request we will also visit the client in the center for custody pending criminal trial or in the center for execution of criminal punishment of imprisonment.

You can also contact us at our phone numbers including WhatsApp and Viber; you can send us a message directly via Online Counselling on www.hrl.sk or through an email to hrl@hrl.sk. You can communicate with us also in writing in your language, but let us know which language it is and please try to write short and simple sentences. It will be translated by us. Please, do not forget to include your name in order for us to know who is writing to us.

Interpretation

The role of the interpreter is to interpret the communication between the lawyer and you. The interpreter cannot provide you with the legal advice and cannot reply to your questions. If you do not understand the interpreter or if you learn about the conflict of interests between you and the interpreter, please immediately inform us. The interpreters are obliged to act impartially and to observe confidentiality of everything that they learn during the interpretation. If they fail to fulfil these obligations they may be sanctioned.

Obligations of lawyer

- Lawyers provide legal aid to all clients equally, **without discrimination**, in accordance with principles of human rights protection.
- Despite co-funding by the state, we guarantee **the independence** of our legal aid from state authorities.
- We provide legal aid with the aim to achieve **the best possible result for the client** in accordance with his/her interests **within the circumstances of the client's case and in accordance with the law**.
- HRL lawyers are obliged to comply with laws when providing legal assistance and are governed by client orders within the limits of these laws.
- The client has the last word in his/her own legal matter. However, the lawyer will not follow the instruction of the client if it is contrary to the law. If the lawyer and client fail to agree on strategy/legal steps or the client's behavior contradicts the agreed strategy/legal steps, the lawyer can terminate the legal representation.
- The lawyer is obliged to respect all **time limits** applicable to the client's case.
- The lawyer is obliged to keep contact with the client and to **inform** him/her about any legal acts carried out in his/her case. Upon request, the lawyer shall hand over a copy of all submissions and **materials from the file**.
- HRL lawyers **are not attorneys** and therefore cannot represent clients where the law explicitly requires representation by an attorney, for example in procedure before the Constitutional Court of the Slovak Republic.

Obligations of client

- The client is obliged to cooperate with HRL lawyer, to inform the lawyer about his/her interests and goals.
- The client is obliged to timely provide **all complete, true and accurate information, documents and other supporting documents** which may serve as evidence in the procedure.
- The client is responsible for the authenticity and accuracy of the information and evidence submitted by the client. **The client is also responsible** for the accuracy of legal acts or documents prepared on the basis of this evidence by the lawyer.
- **Submitting fake or altered documents or information** can lead to later revocation of your residence or asylum. It can also lead to criminal prosecution.
- If the lawyer becomes aware that the client has provided false, fake or misleading information before he has begun to provide legal aid, the lawyer must refrain from informing about his/her findings without the explicit consent of the client. The lawyer shall inform the client that he/she is in breach of his/her legal duties (or even committing a criminal offense) and if the client will not correct his/her statements, HRL lawyer will not be able to further represent him/her. If this information interferes with the legal representation and the client refuses to correct his/her statements, the lawyer **is obliged to terminate provision of the legal aid**.
- The client is obliged to ensure that a **valid asylum seeker's card** is always with him/her and to request its extension before it expires. Outside of the asylum facility, the client can only stay on the basis of a **valid pass**.
- The client shall maintain contact with the lawyer and inform him/her about the **changes in his/her contact details**.
- If there are changes in client's personal or family situation, he/she shall immediately **inform the HRL**. In particular, the client shall inform about concluding the marriage, the birth of his/her child, if he/she decided to leave the territory of the Slovak Republic or to withdraw the asylum application.

- If client is staying outside the asylum facility, he/she is obliged to inform the HRL **about place of his/her stay.**

Conflict of interests

The lawyer shall not be in any **personal relationship with the client** which could affect the lawyer's **independent judgement** in legal matters of the client. The client is obliged to inform the HRL lawyer or the HRL director if he/she becomes aware of conflict of interests between him/her and relevant HRL lawyer.

The client shall also inform HRL, if he/she becomes aware of the conflict of interests „whom HRL represents.

HRL shall take measures to prevent or minimize the conflict of interests within its possibilities and shall inform the client about it. If there is no way to eliminate the conflict of interests satisfactorily, HRL will terminate the legal representation of the client, whom we have started representing at later date.

Protection of personal data and confidentiality of information

In order to provide you with legal services, we have to process your personal data. Our processing of personal data is guided by the Act on protection of personal data and the EU General Data Protection Regulation (GDPR). Our conditions of protection of privacy in its full version can be found on our website or you can request them from HRL lawyer.

HRL and all lawyers are obliged to protect your personal data and confidentiality of the information which you provided to us. We will share information about your case with other persons, including your family members, only with your explicit consent. The obligation to keep this information confidential shall continue also after the legal representation has been terminated. However, HRL lawyer is not in the position of the attorney, and therefore, in case of queries from the law enforcement authorities, he/she **cannot defend the interests of the client by referral to the obligation of confidentiality about the information entrusted by the client.**

Lawyers can never make the client's case available to media without his/her explicit consent and wish. HRL can inform public about individual cases exclusively in the manner which preserves the privacy of personal data and identity of the client.

In order to ensure our ability to provide legal aid to you for free from resources of the project „Legal Counselling to Asylum Seekers“, we have to collect and share your personal data and information about what kind of legal services and at which date we have provided to you, with the Ministry of Interior of the Slovak Republic for purposes of verification of legality of our expenses in the project. The Ministry of Interior guarantees that function of decision making over your asylum application and verification of the legality of our expenses for legal aid are strictly separated and conducted by different employees of the Ministry.

Rejection of legal aid or termination of legal aid

HRL can reject provision of legal aid or terminate provision of legal aid within the project

- after the period of project expires,
- if the necessary trust between the HRL and the client has been undermined,
- if the lawyer finds out that the client has provided fake, false or misleading information or documents and client refuses to correct his/her statements,
- in case of aggressive or violent behavior of the client, in particular to HRL lawyers, other clients or at the relevant institutions and offices,
- if instruction from the client is contrary to the law,

- if HRL and client are not able to agree on strategy/steps of legal aid or the client fails to behave in accordance with the agreed strategy/legal steps,
- in case of conflict of interests which cannot be eliminated or satisfactorily mitigated,
- if there is a risk of breaching the obligation of confidentiality about the client's case or if the independence of the lawyer or HRL is at stake during the provision of legal aid,
- if the client has not responded to HRL's written formal notice requesting to determine the further steps in his/her legal matter (for example, whether he/she wants or does not to submit lawsuit to the court, etc.) for more than 10 days without serious reasons.

In case of rejection or termination of legal aid by HRL, the lawyer shall inform client about reasons and possibilities of appointing another lawyer.

The client may withdraw power of attorney at any time for any reason. He/she must do so in writing and deliver it to the lawyer or director of HRL, for example at hrl@hrl.sk. The representation is terminated upon delivery of a written notice of this fact to the other party.

What if I am not satisfied with legal aid of HRL?

In the case of dissatisfaction with the HRL lawyer, clients may contact the Human Rights League Director - Zuzana Številová, at stevulova@hrl.sk with the request for remedy. You can also fill in a questionnaire survey of the quality of legal services located on our website at www.hrl.sk or in printed version on the HRL noticeboard in all camps. The completed form shall be sent to us by post, email, or by dropping it into a box in the camp. You can also fill out the questionnaire anonymously.

In case of dissatisfaction with the way how the request for remedy was handled or in case of dissatisfaction with the HRL, you can contact the Ministry of Interior of the Slovak Republic, the Department of the Foreign Assistance. The client may also withdraw a power of attorney at any time for any reason whatsoever. He/she must do so in writing and deliver it to the lawyer or director of HRL, for example at hrl@hrl.sk. The representation is terminated upon delivery of a written notice of this fact to the other party. Any damage caused to the client in connection with the incorrect or improper provision of legal aid is the responsibility of HRL.

What if I am satisfied with the legal aid of HRL?

If you are satisfied with our services, we will be happy if you will further spread our good name and reputation. You can also fill in a satisfaction questionnaire survey of the quality of legal services located on our website at www.hrl.sk or in a printed version on the HRL noticeboard in all camps. The completed form shall be sent to us by post, email, or by dropping it into a box in the camp.

Asylum Law Clinics

For pedagogical purposes, students of the Asylum Law Clinics can also get acquainted with your case while maintaining the confidentiality of information about your case. In the case when the student is involved in solving a particular case of the client, the client must be informed about that and has to give a consent to provide his/her personal data to the student for this purpose.

The client confirms with his/her signature that he/she has received a written copy of these principles of provision of free legal aid by HRL lawyers inlanguage and that he/she fully understands them.

In, on

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name and surname of the client

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signature of the client

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name and surname of the HRL lawyer

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signature of the HRL lawyer

If interpreting is necessary:

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name and surname of the interpreter

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signature of the client