Evidence over legal argument: The advantages of the pro bono refugee law clinic model

(NOT INCLUDED IN VIDEO)

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It is increasingly clear to practitioners that many refugee law cases are won on the quality of the evidence presented rather than on legal argument. This is even truer in ‘fresh claims’ appeals, given how new evidence, like evidence of changed circumstances, are central at this stage of appeal. We pose the question of whether pro bono legal clinics are particularly well-placed to retrieve and present evidence for further submissions given the collaborative style of work they cultivate, which in turn can improve access to justice for refugee clients. To explore this question, we draw on our work at the University of London’s Refugee Law Clinic, which focuses on advising and preparing ‘fresh claims’ for asylum, an area identified as currently underserviced. The Clinical Legal Education (CLE) model of the clinic allows student volunteers to learn the law through engaging and reflecting on real supervised casework. Since the clinic only advises, rather than represents clients who remain ‘litigants in person’, the client remains deeply involved throughout the process and builds a collaborative relationship with the volunteers and lawyer. The wide network of individuals involved in cases ensures there is more dedicated time and people working to find evidence, in a way often not available to solicitors working independently. This discussion will show how models of legal practice can evolve in ways to most benefit refugee clients, whilst also training future legal practitioners.

Keywords: Evidence, fresh claims, Clinical Legal Education, UK
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The University of London’s Refugee Law Clinic was established in 2020 and is an innovative project providing pro bono legal advice for refugee clients. It is based on a model of Clinical Legal Education for the University’s diverse student body. Delivered in partnership with two law firms, the Refugee Law Clinic also provides the opportunity for lawyers to undertake pro bono work within the clinic. This paper is a collaborative project between the clinic’s staff and student volunteers, reflecting on the work of the clinic thus far. Ms. Susan Reardon-Smith (she/her/hers) is the Refugee Law Clinic Coordinator.

**Legal representation in 2nd instance asylum cases before the Greek Appeals Committees [REC]**

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Legal aid providers and international protection applicants are presented with serious challenges in the stage of asylum appeals. Normally, in Greece, free legal assistance and representation is provided either by lawyers who are appointed from a list, drafted by the Ministry of Migration and Asylum in collaboration with the Athens Bar Association, or by a range of NGOs. However, the number of legal aid providers is insufficient to cover the huge demand. At the same time, the State is slow in taking positive actions to increase their capacity, while no action is taken in ensuring the quality of the free legal aid service. Asylum seekers are not always informed in a language they understand about the procedures in place to access legal aid and no assistance is available for illiterate asylum seekers. The time limits to file an appeal are short and service of decisions is currently conducted by post, thus in most cases in addresses invalid since long ago. In this reality, this paper examines, whether high-quality legal advice has become a luxury to asylum seekers in Greece, whereas it should be their right. By answering a series of critical questions, it draws a distinctive line between legal information provided by all kinds of actors involved in the asylum procedure and the expert legal consultation, which is the professional responsibility of an asylum lawyer. The issues that fall under examination are:

- What are the key elements of high-quality legal representation?
- Is high-quality legal representation met by the state actors or NGOs? To which extent and at which cost/to whose detriment?
- What are the obstacles that legal representatives encounter throughout the preparation of the case file and the support of the appeal?

By assessing all relevant topics, the paper wishes to inform about the current state of things and make useful propositions.

**Keywords:** Legal aid, appeals, high-quality representation, Greece
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Dr. Martha Chatziantoniou (she/her/hers) was born in Athens, Greece. She studied law in Greece (Bachelor Diploma) and the UK (LLM, PhD) and have been practicing law since 2000. She has been working as a humanitarian lawyer since 2016, in the legal team of NGO Solidarity Now (Athens), providing with legal consultation and/or court representation asylum seekers/refugees/immigrants. Her field of interest and expertise is LGBTQI asylum cases and their quality legal support both in the 1st degree and before the Appeals Authority. She has a young daughter and they live in Athens.

Are asylum outcomes really luck of the draw? Reconsidering the relationship between access to legal advice and structural injustice

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Luck is a recurring theme in asylum literature and a powerful metaphor, often used to explain the relationship between sites of decision-making and discrepant outcomes for individuals. Using the commonly referred to idea of ‘refugee roulette’ as a starting point, I examine the relationship between control, luck and responsibility in terms of how the immigration system in the UK is configured and the role of legal representatives. I consider the implications for individuals who are unable to access to legal advice in the UK due to restrictions on legal aid and whether the consequences can accurately be depicted as a matter of chance.

Keywords:  
Luck, legal aid, austerity, UK

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her doctoral research, Emma assisted to set up and run an Exceptional Case Funding clinic at the University of Exeter and is currently working on a project to establish a Policy Clinic within the Law School.