

**REPUBLIC OF ALBANIA**

**JOINT INSTRUCTION**

**No. 39, dated 16.3.2022**

**ON THE REQUIRED ORGANIZATIONAL AND TECHNICAL MODALITIES FOR THE PROVISION OF STATE GUARANTEED LEGAL AID TO INTERNATIONAL PROTECTION APPLICANTS**

Pursuant to Article 102, paragraph 4 of the Constitution, and Article 58, paragraph 4, of Law No. 10/2021 "On asylum in the Republic of Albania", the minister of Interior and the minister of Justice

**JOINTLY INSTRUCT:**

1. At any stage of the procedure for determining status, international protection applicants unable to cover the relevant expenses shall be provided with state guaranteed legal aid.
2. The applicant shall be provided state guaranteed legal aid regarding:
  - a) information on their rights and obligations;
  - b) compiling appeals regarding the decisions made during the application review procedure;
  - c) compiling acts and representation in administrative procedures before the authority responsible for asylum and refugees, and before the court to appeal the decision made during the application review.
3. The free legal aid pursuant to paragraph 2 of this instruction, may be provided by legal aid service providers, pursuant to the provisions of law No. 111/2017 "On state guaranteed legal aid".
4. The international protection applicant who meets the condition provided in subparagraph "h" of article 11 of law No. 111/2017 "On state guaranteed legal aid" shall be considered a direct beneficiary of free legal aid.
5. International protection applicants shall be provided with primary and secondary legal aid depending on the services requested, pursuant to the conditions and requirements provided for by the applicable legislation on state guaranteed legal aid.
6. The primary legal aid request shall be lodged verbally or in writing by the international protection applicant at centers providing primary legal aid, non-profit organizations authorized by the minister of Justice, or legal clinics at higher education institutions.
7. For the purposes of receiving primary legal aid, the international protection applicant shall sign a self-declaration form pursuant to the relevant template adopted by the Ministry of Justice and file relevant justification documentation.
8. The international protection applicant shall lodge the request for secondary legal aid with the court, in person or through postal services.
9. The request provided for in paragraph 8 of this instruction may also be lodged through a legal

representative or a representative with power of attorney, or through the spouse, live-in partner, or a first degree relative.

10. For the purposes of obtaining secondary legal aid, the international protection applicant shall sign a self-declaration form, according to the self-declaration template adopted by the minister of Justice and include the relevant justification documentation.

11. Upon request of the international protection applicant, the authority responsible for asylum and refugees shall assist him/her in completing the procedural documentation required to obtain free primary or secondary legal aid, until the international protection status determination legal procedures have been concluded, and shall ensure that the international protection applicant has access to free legal aid, as required for the effective implementation of the legal provisions related to the provision of free legal aid.

12. The Free Legal Aid Directorate may cooperate with the authority responsible for asylum and refugees to facilitate international protection applicant access to primary legal aid service centers, with the aim of providing aid at the residential institutions where applicants are sheltered.

13. The records kept in the course of providing free legal aid to international protection applicants at primary legal aid service centers or by authorized non-profit organizations, shall be made available to the authority responsible for asylum and refugees, pursuant to the legislation on personal data protection.

14. The Free Legal Aid Directorate, legal aid service providers, and the authority responsible for asylum and refugees at the Ministry of Interior shall be charged with the implementation of this instruction.

This instruction shall become effective upon publication in the Official Gazette.

**MINISTER OF INTERIOR**

**Bledar Çuçi**

**MINISTER OF JUSTICE**

**Ulsi Manja**