Legal assistance and representation - Iceland

Overview

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Relevant EU legislation

Iceland is not bound by the Asylum Procedures Directive and the recast Reception Conditions Directive but implements the provisions of the Dublin III regulation. A similar legal framework for legal assistance and representation is regulated under the national legislation.

National legislation

Legal assistance a representation is stipulated under the following legislative acts:

Main legislative acts:

- Foreign Nationals Act n. 80/2016 | Lög um útlendinga n 80/2016 and subsequent amendments until 30 April 2025
- Regulation on Foreigners n. 540/2017 | Reglugerð um útlendinga. n. 540/2017 and subsequent amendments until 30 April 2025

Relevant provisions under implementing acts:

- Lawyers Act n. 77/1998 | Lög um lögmenn n. 77/1998 lastly amended on 30 April 2025
- Code of Civil Procedure nr. 91/1999 (lastly amended by Act nr. 90/2017)
- Article 41 of the Criminal Procedure Act n. 88/2008 | Lög um meðferð sakamála n. 88/2008, lastly amended on 30 April 2025.
- Article 11 of the | Lög um opinber innkaup [IS] (covers other legal services connected with the application of government power)

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Competent authority and stakeholders

Area	National authority/stakeholder
Provision of legal and procedural information on the applicant's rights and obligations	Directorate of Immigration Icelandic Red Cross Directorate of Labour (reception and integration) Multicultural Service of the Directorate of Labour (reception and integration)
Legal assistance at first instance determination	Advocates appointed by the Directorate of Immigration Advocates appointed by the Child Protection Service in cooperation with the Directorate of Immigration (for unaccompanied minor and minor cases)
Legal counselling provided by civil society organisations or other organisations	Legal counselling is provided under the following Civil Society Organisations Icelandic Red Cross Icelandic Human Rights Center Solaris
Legal assistance at second instance determination	Advocates appointed by the Directorate of Immigration Advocates appointed by the Immigration and Asylum Appeals Board Civil society organisations
Legal assistance for other related procedures	Advocates appointed by the Directorate of Immigration

Access to legal assistance and representation

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Provision of information on legal assistance and representation

Article 30 of the Foreign Nationals Act specifies that the Directorate of Immigration shall appoint an advocate (spokesperson) who safeguards the interests of an applicant for international protection and represents the applicant vis-à-vis the Icelandic authorities while the case is being processed. The advocate shall be a lawyer and, in the case of an unaccompanied minor, must also have special expertise in children's affairs.

The Multicultural Department of the Directorate of Labour provides advice to immigrants arriving in Iceland on their rights and responsibilities in reception, orally or with written material available on a dedicated online platform. The Icelandic Red Cross offers counselling for asylum seekers in person at specialised information centres and in reception facilities. Information about the right to legal assistance and representation is provided by the Directorate of Immigration orally during the initial interview, when lodging an application for international protection. The Directorate of Immigration, appoints the advocate, after lodging of the asylum claim, upon request of the applicant. The advocate supports the applicant until a final decision is issued by the Immigration and Asylum Appeals Board. The advocate also provides guidance and support for assisted voluntary return to rejected applicants or applicants in transfer under the Dublin regulation. Pursuant to the provisions of Article 42 of the Regulation on Foreigners, legal assistance and representation is provided free of charge when the representative is appointed by the Directorate of Immigration. If the applicant chooses its own representative shall cover the costs partially or fully.

Access to premises

The national legislation does not include explicit provisions about 'physical access' to premises such as border, transit zones, detention units, reception centres as stipulated under the recast Reception Conditions Directive or the recast Asylum Procedures Directive.

The Regulation on Foreigners and the Foreign Nationals Act specify that applicants for international protection must have access to legal assistance, including the appointment of an advocate by the Directorate of Immigration (Articles 13 and 30). In practice, this means that the appointed legal representative must be able to meet the applicant wherever s/he resides

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including reception or detention facilities (not available in Iceland), to effectively carry out their duties.

In addition, the Act on Criminal Procedure provides general safeguards for detained persons to communicate with their legal counsel in private (Article 41). These procedural rights are also applicable to asylum seekers who may be detained for immigration-related purposes.

Foreign Nationals Act does not include an explicit clause about access by the UNHCR. Whilst Iceland is bound by the 1951 Refugee Convention and its supervisory framework, in practice, UNHCR's presence is limited as there is no dedicated national office. UNHCR is not involved in the processing of asylum applications. Applicants for international protection of their representatives have the right to communicate with UNHCR's Regional Representation for Northern Europe. There are no specific procedural rules publicly available on how the communication is arranged, other than the relevant provisions of the Refugee Convention and Iceland's obligations under ECHR Article 8 (respect for private life and fair procedural guarantees).

Requirements: Means test and merits test

In Iceland, the Foreign Nationals Act provides for free legal representation for applicants for international protection at both the first instance and appeal. A formal means or merits test is not required.

The Directorate of Immigration appoints a qualified legal representative whose fees are covered by the state treasury for a defined scope of work, typically up to seven hours at a fixed hourly rate, depending on type of procedure, family size, or number of children. Application for the request of legal aid is free of charge.

The Regulation on Foreigners also specify that ' a foreigner may be required to reimburse the costs of a spokesperson's work, if it is considered that this will be done without impairing his or her ability to make a normal living.' If an applicant chooses a different lawyer than the one appointed, they must bear the costs themselves.

There are no explicit legal provisions detailing access for legal representatives to border areas, detention, or reception facilities, but such access is implied through the right to effective representation. During court proceedings, the cost of the legal representation is paid by the Treasury. But if the applicant has the means to pay, he/she may be requested to reimburse the Treasury either partially or in full.

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Modalities to submit a request for legal aid

In Iceland, the procedure for requesting legal assistance or representation in the asylum procedure is regulated by the Foreign Nationals Act and relevant administrative acts. At the first instance, when an applicant applies for international protection with the Directorate of Immigration, the Directorate automatically appoints a legal representative upon request of the applicant. There is no dedicated application form that the applicant must complete. The appointment of an advocate (representative) is part of the standard procedure, and the applicant is informed of his/her representative in writing. No supporting documents are required, and there is no specific means or merits test at this stage.

At the second instance, when an applicant appeals a negative decision to the Immigration and Asylum Appeals Board, the same rules apply: the Appeals Board may appoint a legal representative if the applicant does not already have one. There is no separate form or specific application process; the request for legal aid is generally included as part of the appeal submission or is made through the Directorate of Immigration. An authorisation or appointment letter from a representative must accompany the appeal.

Outcome of the request for legal aid

The decision to grant legal aid is made by the Directorate of Immigration or the Appeals Board, depending on the stage of the procedure. There is no specific time limit for applying for legal aid. The applicant and the legal representative are notified of the outcome of the request in writing, as soon as the appointment is made by the competent authority.

There are no separate, special forms or digital portals specifically designated for legal aid in asylum cases The appointment of an advocate (representative) is a right of the applicant to effective representation in the asylum and appeal procedures according to Article 30 of the Foreign Nationals Act. Applicants can communicate with the Directorate of Immigration and Appeals Board electronically (e.g., by email or official secure systems) via their representatives, but there is no public website or online system specifically designed for legal assistance requests.

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Legal assistance and representation at first instance determination

Service provider

According to Article 30 of the Foreign Nationals Act and Article 42 of the Regulation for Foreigners applicants for international protection are entitled to have an advocate appointed by the Directorate of Immigration to represent them throughout the processing of their case by the authorities, including appeals. The advocate must be a lawyer with expertise in issues concerning international protection and refugees. Legal assistance is state funded when the advocate (representative) is appointed by the Directorate of Immigration.

The Directorate of Immigration has a list of advocates selected to perform the tasks of legal representation. In addition, the Directorate of Immigration allows lawyers/legal professional on the list of advocates to carry out tasks on behalf of an appointed advocate, such as attending an interview, receiving the notification of the Directorate of Immigration's decision and/or submitting a report to the Immigration and Asylum Appeals Board, as long as the procedural requirements are met.

Civil society organisations

The Icelandic Red Cross offers legal counselling for asylum cases and support to apply for state legal aid.

The Icelandic Human Rights Centre offers legal counselling for immigrants including for asylum seekers.

The aid organisation Solaris provides support for asylum seekers and refugees in finding a lawyer and assisting with legal fees.

Scope of legal assistance

Legal assistance is provided on the basis of Article 13 and Article 30 of the Foreign Nationals Act and the Article 42 of the Regulation for Foreigners. It is also covered by item h of Article 11 of the Act on Public Procurement No. 120/2016 (Other legal services that are connected with the application of

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government power).

According to paragraph 1 Article 30 of the Foreign Nationals Act, the applicant for international protection has the right to have the Immigration Service appoint a representative for him/her when the case is handled by the government. Applicants have the right to legal aid through the entire process with the directorate of Immigration and immigration appeals board.

Article 30 of the Foreign Nationals Act provides that the advocate shall provide legal assistance and advocacy services at both the lower and higher administrative levels, in accordance with the applicant's needs and requests. The advocate's role begins after upon appointment (lodging stage) and concludes with a final administrative decision.

The role and procedural aspects of the appointment and work of an advocate are defined under Article 42 of the Regulation for Foreigners. According to the national legislation and information available by the Directorate of Immigration, the role of an advocate is to represent and assist the applicant during the asylum procedure and includes inter alia:

- To attend interviews with the applicant when called.
- Submit documents and statements on behalf of the applicant, as necessary.
- To assist the applicant in gathering health information, if this is considered necessary in the processing of the case.
- To receive decisions from the authorities on behalf of the applicant and to guide him/her on the possible continuation of the case, such as appeals or the possibility of a voluntary return with IOM or other comparable organisations.

The following procedural aspects for repeated applications are also applied by the Directorate of Immigration. *‘When the Immigration and Asylum Appeals Board agrees to reopen the case and sends the applicant's case for a new procedure at the Directorate of Immigration, the Directorate will endeavour to appoint the same advocate as was appointed in the previous procedure. This policy is implemented to ensure the confidential relationship that has been established between the applicant and the advocate at the previous stages. It is also considered that the advocate who was originally appointed is familiar with the applicant's case and can thus ensure that the applicant receives high-quality and good service’.*

Procedural aspects

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According to Article 30 of the Foreign Nationals Act, an applicant for international protection are entitled to free legal aid during the first instance determination. During the initial interview, the Directorate of Immigration informs the applicant about the right to free legal aid and appoints an advocate. According to the Directorate of Immigration, the advocate, is person who speaks on behalf of a foreign national or person applying for international protection in Iceland and safeguards his/her interests vis-à-vis the Icelandic authorities while the case is being processed. The advocate shall be a lawyer and, in the case of an unaccompanied minor, must also have special expertise in children's affairs.

The advocate's role begins after upon appointment (lodging stage) and concludes with a final administrative decision. According to the Directorate of Immigration, the role of an advocate is to represent and assist the applicant. This includes inter alia:

- To attend interviews with the applicant when called.
- Submit documents and statements on behalf of the applicant, as necessary.
- To assist the applicant in gathering health information, if this is considered necessary in the processing of the case.
- To receive decisions from the authorities on behalf of the applicant and to guide him/her on the possible continuation of the case, such as appeals or the possibility of a voluntary return with IOM or other comparable organisations.

Legal aid at first instance is state funded.

When an applicant receives a negative decision, the Directorate of Immigration notifies the applicant in person about the reasons for the negative decision in fact and in law in a language s/he understands. The appointed advocate has also the duty to explain and advice the rejected applicant. The Directorate of Immigration also informs the applicant about his/her right to appeal the decision at the Immigration and Asylum Appeals Board.

Representation

Representation overlaps with legal assistance as provided by Article 30 of the Foreign Nationals Act and with legal aid as provided by Article 42 of the Regulation on Foreigners.

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Asylum applicants can be represented during the first instance procedure. Representation is typically provided by qualified legal advisers or lawyers who meet specific professional standards and are appointed by the Directorate of Immigration. Information about the right to legal assistance and representation is provided by the Directorate of Immigration orally during the initial interview, when lodging an application for international protection.

The Multicultural Department of the Directorate of Labour provides advice to immigrants arriving in Iceland on their rights and responsibilities in reception, orally or with written material available on a dedicated online platform. The Icelandic Red Cross offers counselling for asylum seekers in person at specialised information centres and in reception facilities.

Aspects related to special procedures

Legal aid is provided under the regular and special procedures as right for applicant to effective representation. According to the EUAA Dublin Factsheet Iceland, legal aid is not provided for subsequent applications, even if the applicant presents new elements of facts.

When the Immigration and Asylum Appeals Board decides to reopen a case and refers it back to the Directorate of Immigration for a new examination, the Directorate of Immigration is trying to reappoint the same advocate who previously assisted the applicant. This approach helps maintain the established trust and confidentiality between the applicant and their advocate.

In special procedures the deadlines for preparing submissions of appeals statements are shorter, and the advocate must be able to access the applicant case within due course.

Aspects related to applicants with special needs

In Iceland, special procedural safeguards and tailored legal assistance provisions are in place for vulnerable groups of applicants (Article 25 of the Foreign Nationals Act). Vulnerable groups include unaccompanied minors, minors, persons with disabilities, victims of human trafficking, torture, gender-based violence, elderly applicants, single parents, and pregnant women. These safeguards aim to ensure access to effective legal assistance and protection throughout the asylum procedure. Specifically:

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According to the work procedures of the Directorate of Immigration and the National Agency for Children and Families in cases of unaccompanied children, unaccompanied minors are provided with a legal guardian appointed by the Child Protection Agency (Barnavernd) responsible for the children overall care and welfare. Additionally, unaccompanied minors are entitled to a legal adviser to ensure effective representation during the asylum procedure. The legal adviser focuses on legal and procedural matters, while a guardian assists and provides counselling on personal matters and protection issues. In some cases, the legal adviser may also be appointed as the legal guardian, but this is not automatic and depends on the individual' personal situation and needs. When appointed as both, the legal guardian provides comprehensive legal information, assistance, and representation alongside their guardianship duties. The interplay between legal aid and guardianship ensures that unaccompanied minors have both personal protection and professional legal support, with clear role distinctions and duties.

Legal advisers working with vulnerable applicants receive specialised training to identify vulnerabilities and adapt the approach, accordingly, safeguarding protection rights and ensuring effective communication in a clear and understandable manner. Specific education programmes have been designed by the Icelandic Human Rights Centre (ICEHR) to enhance understanding of concepts such as gender-based violence and violence against women and girls (VAWG), as well as trafficking in human beings, equal treatment and non-discrimination.

Legal assistance and representation in appeals

Service provider

Legal representation is provided to all applicants by law as right to effective representation including procedures at first instance and appeals. Legal representation is carried out by an advocated who is appointed from an approved list of the Directorate of Immigration. The role of the advocate starts with the appointment upon lodging of an application for international protection and ends with the final decision at the highest administrative authority.

Civil society organisations or international organisations cannot provide legal aid at second instance determination.

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Scope of legal assistance

The general legal aid framework in civil proceedings and the Foreign Nationals Act, ensures that applicants who lack financial means receive legal aid for asylum proceedings, including drafting appeals, collecting evidence, communicating with the Directorate of Immigration, and appearing before the Immigration and Asylum Appeals Board if summoned or by submitting written statement. The Foreign Nationals Act (Article 30) provide for the following guarantees for asylum seekers including:

Mandatory appointment of an advocate or legal representative for all applicants for international protection including family members.

Special procedural guarantees for legal representation of unaccompanied minors, who are supported by the child protection services. (Article 103)

Clear and understandable communication (provision of information and interpretation).

Obligations for the authorities to keep applicants and advocates informed about their rights and the progress of their cases.

According to the EUAA Dublin Factsheet Iceland, legal aid is not provided for subsequent applications, even if the applicant presents new elements of facts.

Procedural aspects

Procedural aspects of appeal available by the Immigration and Asylum Appeals Board, specify that the Directorate of Immigration and the police provide guidance in their decisions on how to appeal a decision. The appeal period is generally 15 days from the date the decision is issued. If the appeal concerns an application for international protection and the appellant comes from a safe country of origin, the appeal period is five days.

Appeals can be submitted by email or Signet transfer (secure application) and must include the appellant’s full name, date of birth, nationality, contact details, and details of the decision being contested; if appealing for a family, all names and roles should be listed. No other specific form or format of appeal is required.

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Although legal representation is not mandatory, the Appeals Board recommends appellants to seek advice from a legal professional, at least in the initial stages of their case, due to the case complexity.

The Appeals Board retrieves relevant case documentation, directly from the Directorate of Immigration, but appellants may submit additional evidence separately.

Once an appeal is received, a deadline is usually set for a written statement. The statement shall include the main arguments and/or additional supporting documents, where necessary.

If an individual appeals to suspend the enforcement of a removal decision to pursue the matter in court, s/he must request a suspension of legal effects within seven days from the date the decision is issued, with all relevant supporting evidence.

Requests for reopening a case can be made anytime and do not have suspensive effect but shall be fully substantiated when submitted.

For repeated applications for international protection, special rules under Article 35a of the Foreign Nationals Act apply instead of general administrative reopening rules, and such applications must be made to the authority that issued the original decision.

Pursuant to the provisions of Article 44 of the Regulation on Foreigners, the Directorate of Immigration and the Immigration Appeals Board are allowed to issue decisions electronically. According to the Appeals Board , all decisions regarding international protection are sent to representatives via Signet transfer. Other decisions are sent via Signet transfer to representatives or by email to the appellant as applicable.

Previous decisions of the Appeals Board can be accessed on government's decision www.urskurdir.is.

Type of appeal

Free legal aid is provided for appeals before the Immigration and Asylum Appeals Board, pursuant to Article 30 of the Foreign Nationals Act.

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According to the Immigration and Asylum Appeals Board, the following types of decisions could be appealed:

- Rejection of processing an application for international protection under paragraph 1, article 36 of the Foreign Nationals Act (status, Dublin, or safe third country) and which receiving country it is,
- Rejection of an application for international protection,
- Rejection of a residence permit application,
- Rejection of a visa endorsement application,
- Decision on expulsion, or
- Decision on deportation.

Usually, appeals cases processed by the Immigration and Asylum Appeals board in writing. In this case the advocate/representative of the applicant prepares submitting statements on behalf of the applicant, within a dedicated deadline set by the Appeals Board. According to the rules of procedure of the Immigration and Asylum Appeals Board regarding statement deadlines, if a statement is not submitted within the deadline, the case will generally be decided according to already available evidence. The applicant and representative will be notified about the decision online.

The Immigration and Asylum Appeals Board's Procedural Rules for Interviews (December 2024) clarify when and how appellants for international protection may be invited to appear in person. While proceedings are generally in writing under Article 8, Paragraph 7 of the Foreign Nationals Act, the Board may summon applicants for an oral statement it is deemed necessary to clarify aspects of the case, particularly where credibility is decisive or individual circumstances may have changed since the decision at first instance. If an interview is arranged, the appellant is summoned through his/her legal representative and must comply with security and attendance rules, including restrictions related to the court proceedings. Failure to attend cancels the interview, but a new date may be offered if a valid excuse is provided.

Representation

Applicants for international protection in Iceland can be represented at the second instance determination. When an applicant receives a negative decision from the Directorate of Immigration (first instance), can appeal to the Immigration and Asylum Appeals Board under the Foreign Nationals Act (Articles

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13, 32–34). The law provides that applicants have the right to legal assistance when preparing and presenting the context of the appeal. In practice, applicants can be represented by a lawyer (or in some cases an accredited legal adviser) during the second instance procedure. Power of attorney is also applicable at first and second instance determination. In appeals procedure, an authorization or appointment letter from a representative accompanying an appeal is mandatory.

The Directorate of Immigration or the Immigration and Asylum Appeals Board can appoint a legal representative (advocate) at the state's expense, if the applicant does not have sufficient means and is not already appointed by the Directorate of Immigration.

Pursuant to the provisions of Article 42 of the Regulation of Foreigners the appointed lawyer must meet specific qualification requirements: must hold a law degree and/or should have passed a civil service examination. Additionally, could be licensed to practice law in Iceland.

If an applicant chooses to hire a different lawyer than the one appointed by the Directorate of Immigration, must pay for the lawyer's cost partially or fully. The cost rules specified under Article 42 of the Regulation of Foreigners, are the same as at first instance: the normal scope of paid assistance is limited in hours (e.g., 7 hours at ISK 16,500 per hour for the appointed representative). Additional hours may be approved, if the work is properly justified.

Pursuant to the rules of procedure of the Immigration and Asylum Appeals Board, the applicant and the lawyer can submit written statements and additional evidence to the Board within specific deadlines depending on the case. Usually, the Immigration and Appeals Board issues decisions based on written submissions, but the representative can also be invited to an oral hearing by the Board, if is deemed necessary.

Aspects related to applicants with special needs

In Iceland, special procedural safeguards and tailored legal aid provisions are in place for vulnerable groups of applicants (Article 25 of the Foreign Nationals Act). Vulnerable groups include unaccompanied minors, minors, persons with disabilities, victims of human trafficking, torture, gender-based violence, elderly applicants, single parents, and pregnant women. These safeguards aim to ensure access to effective legal assistance and protection throughout the asylum process. Specifically:

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According to the Work procedures of the Directorate of Immigration and the National Agency for Children and Families in cases of unaccompanied children, unaccompanied minors are provided with a legal guardian appointed by the Child Protection Agency (Barnavernd) responsible for the children overall care and welfare. Additionally, unaccompanied minors are entitled to a legal adviser to ensure effective representation during the asylum procedure. The legal adviser focuses on legal and procedural matters, while a guardian who is appointed by the Child Protection Services assists with personal care and protection issues. In some cases, the legal adviser may also be appointed as the legal guardian, but this is not automatic and depends on the individual circumstances and qualifications. When appointed as both, the legal guardian provides comprehensive legal information, assistance, and representation alongside their guardianship duties. The interplay between legal aid and guardianship ensures that unaccompanied minors have both personal protection and professional legal support, with clear role distinctions and duties.

Victims of trafficking in human beings (THB) are entitled to legal assistance primarily within the framework of criminal proceedings. Under Article 41 of the Act on Criminal Procedure (CCP), the police must appoint a legal rights protector for THB victims upon request, and children under 18 are automatically appointed one at the start of an investigation. The law allows police to appoint a protector even if the victim does not request it, provided certain conditions are met. This ensures that victims, especially minors, receive legal support early in the process.

Lawyers representing victims must meet strict professional standards under the Act on Professional Lawyers No. 77/1999, including passing a qualifying examination and fulfilling duties conscientiously to protect their clients' interests. Remuneration for appointed legal rights protectors is determined by court decision or, where relevant, by police or prosecutors, and is paid by the state as part of legal costs, according to Article 48 of the Act on Criminal Procedure. The Courts Administration provides guidelines on hourly rates to ensure fair and consistent payments. Importantly, there are no fees or financial constraints for victims of Trafficking in Human Beings to access this legal assistance, reinforcing their right to effective protection and representation throughout criminal proceedings.

Right to counselling in the Dublin procedure

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Applicants for international protection, are entitled to free legal aid to appeal against a decision on Dublin transfer before the Immigration and Asylum Appeals Board. According to the rules of procedure of the Appeals Board, Dublin cases, interviews are generally not held unless the applicant's situation could change the decision. If an interview is granted, the summons is sent promptly via the applicant's legal representative and includes the time and date. Strict security measures apply at the interview, with restrictions related to logistics of court and courts proceedings.

Access to legal aid while in detention

The Foreign Nationals Act provides under Article 13 the right to legal aid while in detention and specifies that a foreign national has such right as provided under the Act on Criminal Procedure (CCP). Legal assistance is obligatory, and the judge must appoint an attorney as advocate in appeals proceedings.

Article 13 (4,5,6) of the Foreign Nationals Act and Article 42 of the Regulation on Foreigners provide for the remuneration of advocates and costs in the court proceedings.

Quality assurance

Selection, qualifications and training

According to information available by the Directorate of Immigration an advocate (spokesperson) must have the following qualifications:

- be a lawyer with knowledge of matters pertaining to international protection and refugees.
- hold a professional qualification or an undergraduate and postgraduate degree in law.
- have good command of Icelandic in speech and writing.
- have experience and possess solid knowledge of administrative law.
- In the case of an unaccompanied child, have expertise in the affairs of children.

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Selection process: Interested candidates may apply to register as advocates by submitting an application demonstrating they meet the required qualifications to act as advocate. Qualified lawyers will be listed on the official list of registered advocates.

The Directorate of Immigration contacts selected advocates for an interview, and upon successful completion, a letter of appointment is signed, officially assigning their role. The advocate's appointment concludes with the final decision of the administrative authority, either a decision by the Directorate of Immigration or a ruling of the Immigration and Asylum Appeals Board.

Specialisation of lawyer: According to the Act on Professional Lawyers no. 77/1999 all lawyers must conduct and stand a test to be able to obtain a license to practice law as a district court lawyer. Further requirements are put forward in Art. 6 of the same Act to be granted such a license. According to Art. 18 lawyers shall conscientiously perform any tasks committed to them and shall employ all lawful means to protect the lawful interests of their clients.

Mechanisms for quality assurance

To ensure high-quality advocacy services, the Directorate of Immigration announced a performance evaluation of appointed advocates. This evaluation will focus on whether the advocate's conduct promotes an effective and fair procedure, demonstrates professionalism and diligence during interviews and information handling, and appropriately addresses any identified shortcomings. There are no additional details on the performance evaluation process on the Directorate's website but as stated is expected to be published soon.

Inter-institutional cooperation

Information is currently not available.

Legal assistance and representation for related procedures

Reception conditions

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In Iceland, information for asylum seekers is provided in reception and accommodation centres primarily under the obligations set out in the Foreign Nationals Act Articles 30 and 35. The legal provisions cover the right to information and access to legal assistance during the asylum procedure. The Directorate of Labour – Information Centre of Immigrants (Multicultural Information Centre) is responsible for providing advocacy services within the content of basic services for applicants for international protection. Information is also provided on the rights and applicants obligations by the Icelandic Red Cross.

Delivery formats include printed brochures, written guides, oral briefings, and sometimes videos or vis-a -vis information sessions. The information must be accessible in languages that applicants understand, in line with Article 35 of the Foreign Nationals Act, which requires that applicants be informed about procedures in a language they comprehend.

The content of the information covers the asylum procedure, applicants' rights and duties, available reception conditions (including accommodation, financial support, health care, and education), and the right to free legal aid under Article 13 of the Foreign Nationals Act and Article 42 of the Regulation on Foreigners.

Legal advisers, licensed lawyers, and NGOs have access to reception facilities to provide legal counselling and assistance regarding the first instance asylum procedure. This is supported by Article 30 of the Foreign Nationals Act, which stipulates the applicant's right to an advocate in line with Article 11 of the Public Procurement Act No. 120/2016, which governs the contracting of such services by the state.

Legal assistance is also available to support complaints or appeals about reception conditions or the withdrawal/reduction of material support. While there is no separate statutory provision solely for complaints about reception conditions, general administrative procedure rules under the Administrative Procedures Act No. 37/1993 apply, which provides for the right to appeal administrative decisions. If an applicant wishes to contest a decision on reception conditions (such as withdrawal or sanctions under Article 35), has the right to free legal aid under the same conditions as for an asylum appeal.

Family reunification

Family members applying for international protection in Iceland are entitled to legal aid and guidance throughout the asylum procedure. Pursuant to Article 24

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of the Foreign Nationals Act, the Directorate of Immigration must ensure that every family member's application, including that of spouses, common-law partners, and children, is documented, examined, and decided individually. Applicants must be clearly informed of their rights and obligations, including the right to have a spokesperson appointed to assist them. Instructions must be provided in a language they understand, and special measures apply to protect the best interests of children (Article 37). In the case of unaccompanied children, child protection services and the National Centre for Children and Family must be involved to safeguard the child's welfare and legal representation or guardianship throughout the asylum procedure.

Temporary protection procedure

Applicants for collective protection (Article 44 of the Foreign Nationals Act) are entitled free legal assistance under the same provisions as asylum seekers. Displaced persons from Ukraine are entitled to state funded legal representation by a qualified lawyer appointed by the Directorate of Immigration, upon request, and free of charge.

Beneficiaries of international protection

According to Article 13 of the Foreign Nationals Act, when a decision concerning refusal of entry, expulsion or the revocation of a residence permit is appealed, the authority shall appoint an attorney as advocate for the foreign national to safeguard his/her interests. This obligation does not apply, however, to appeals related to international protection under Section III or to expulsions under Articles 95(2) and (3), 98(1)(c) and (d), 99(1)(b) and (c), and 100(1)(a).

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