



legal dialogue

TOPICS FROM CIVIL SOCIETY

Interview with Prof. Dr. Ellen Desmet, coordinator at the Human Rights and Migration law clinic at Ghent University (Belgium)



Tell us about your law clinic. How did everything start?

The clinic is called the Human Rights and Migration law clinic and it's part of the Human Rights Centre at the Faculty of Law and Criminology at Ghent University in Belgium. The Human Rights Law Clinic was established in the 2014-2015 academic year by Prof. Eva Brems, with the migration component being added to it in the 2016-2017 academic year. So since last year students can choose to focus either on human rights or migration within the law clinic.

It is important to mention that this is an optional yearly academic course, which students can choose in their MA program, and that they receive credits for it. It gives them an opportunity to experience legal work in real life, so they can better understand the practice, particularly in the field of migration law.

How do you work?

In the migration law clinic, our set up, which might be different from law clinics in other countries, is that we identify one theme each year. Last year we worked on statelessness and detention; this year we chose statelessness and asylum. Within these themes, students work in small groups of 2-3 students, under the supervision of attorneys who deal with similar cases whilst also being associated with Ghent University as part-time teachers. They work 15% as teaching assistants, and during this time they supervise the students.

We also work in collaboration with partners, such as the UNHCR on the topic of statelessness, who provided a training course for our students and passed some cases on to us. Other cases are provided directly by the lawyers themselves. At the beginning of this academic year, we also organized an event together with the UNHCR where we presented the clinic and a presentation was given regarding new legal aspects of statelessness. Another partner is NANSEN, a newly established NGO in Belgium, which is an official partner of the UNHCR, providing legal aid to immigrants. NANSEN also endeavors to strengthen the links between academia and practice. The name NANSEN is a reference to Fridtjof Nansen, the first High Commissioner for Refugees of the League of Nations; he established the Nansen passport for those who did not have a passport from their country of origin.

Do the students work directly with the clients?

While working on the cases, we encourage students to have direct contacts with the clients, because in the feedback we received last year the students particularly appreciated this element. For instance, last year's students dealt with a case where the client was a girl their age, but with a very different life story. On one hand, she was very similar to them, but on the other hand, very different because of her life experience and her statelessness. Direct contact with the clients was also the reason why we decided to focus on asylum this year and not detention, because, of course, it is almost impossible for those in detention to be seen in person by students.

Do you offer a preparation course before the practical work can begin?

The work that students do during the academic year constitutes the course; there is no additional preparatory course. They do have some training courses at the beginning of the academic year on statelessness and asylum, but there is no additional preparatory course.

How would you rate your students' knowledge of refugee and immigration legislation? You said that there is no need for a particular preparatory course, so would you say that they are well-prepared?

We do provide them with basic training on the themes of the year before the course begins, but there is no need for a long preparatory process. Ideally, we would like them to take a separate course on migration law as well, but it is not always possible due to the structure of their studies, so some may have more extensive knowledge on migration than others. However, thanks to the courses and their work with teaching assistants and practicing lawyers on real cases, we can guarantee a quality product at the end of the course.

Is there any selection process for the students or can any law student take part in the clinic?

At the moment, we don't have to select the students, mainly because we haven't reached our full capacity; this is due to competition with other more attractive courses and undervalued credits. Perhaps in the future we will have to select the students if we receive interest from more students than the amount of places we can offer. We can accommodate about 8-10 students in our migration law clinic, and this year we have 7 students.

This is an optional course, but we could accommodate more students than we have now. Most of the more talented students are attracted to other courses, partly because Ghent University does not award enough credits for those student who participate in the legal clinics. This is a particular problem for our university. We are trying to increase the number of academic credits given for participation in the clinics in the coming years, so that they truly reflect the amount of effort and work invested by the students.

And the students usually stay only for one year, right?

At this moment, yes, because the clinic is conceptualized as a yearly academic course. We do not have any students who continue their work in the clinic beyond one year, but maybe this would be something to consider for the future.

You said that the migration component was added to the clinic only last year. What was the reason for this?

Prof. Brems was always keen to add this component to the Human Rights Centre. I was appointed as Assistant Professor of Migration Law, which is a new position at Ghent University; up to that point, there had been nobody working exclusively on migration and asylum law at the university. That and my previous collaborative work with Prof. Brems were the main motivations behind establishing the migration component within the Human Rights Clinic. The fact that it is not a separate clinic allows our students to present their cases to other students who are working on human rights issues at the end of the year.

How would you rate your relationship to the university? Does it support you? Or do you need more support, financial support, for example?

I think we shouldn't complain about the support the university provides, especially in comparison with other clinics. The university recognized the clinic as a separate course and provided us with two teaching assistants who they pay for their work as part-time supervisors. I know from other clinics that this is not always the case. We might need to look for additional funding in the future, but at this point, the clinic does not depend on and does not need any external funding besides what it gets from the university.

So you have your own room, you can use computers and print documents when needed?

The teams in our clinic manage their time independently, so they might meet within the university building or even somewhere outside. We could have had a separate room, but we preferred not to block a particular time for our teamwork. The students and their supervisor are free to choose when and where to meet in order to discuss their progress. We don't receive the clients at the university; they meet with their lawyers and students attend these meetings in the lawyers' offices.

You said that you select a particular theme in the beginning of the academic year. Does this mean that not all refugees and migrants can get your help, but rather you work with those cases brought to you by the lawyers and which fit the selected theme?

We form the teams and then we invite the lawyers to submit their cases to us. We do not provide legal advice directly to a client, but rather give a legal note and analysis, which can later be used by the lawyer who is leading the case. We do not represent the clients directly in court, but we provide legal advice, draft, applications which can be used by the lawyers.

How many cases per year do you take, more or less?

It's difficult to say. For instance, this year the students worked hard on legal issues concerning Palestine, because there was a development in Belgium where certain judges recognized Palestine as an independent state, which, of course, has certain implications concerning the statelessness of a person who comes from there; he or she basically cannot be considered stateless anymore. Both groups worked together on this one case, which is unusual for the clinic. In total, there are maybe 5 to 10 cases per year. Last year we handled a few more, because detention cases are much more straightforward, in that they require less research on, for instance, the country of origin. This year we expect to deal with fewer cases, since the Palestinian situation has required so much research on the part of the students.

How many student work on one case? Or it is always just one group of students?

In principle, they are divided into two small groups: this year we have one group of three students and one of four. Each group has its supervising lawyer. The Palestinian case, as I've mentioned, was unusual and all the students worked on this case during the first semester. But usually they work together in a group, since one of the goals is for them to manage their team work. They should engage in peer assessment and exchange ideas with other students in the group; this is part of the learning process. They learn to work effectively within a group and also to communicate with their supervising lawyer.

How do you continue with the cases after this year? Do you just drop them? Or are the students somehow kept in the loop?

So far, we haven't followed the cases beyond the academic year, mostly because the actual person responsible for the case is the lawyer. It is also difficult for the students themselves to stay involved, because many of them go to study abroad or graduate and start working. Maybe in the future we could consider extending their involvement beyond the one academic year.

Do you cooperate with other LCs in your country? Is your clinic a member of any international network of legal clinics?

We are part of ENCLE, the European Network of Legal Clinics Education, which you are probably familiar with. I attended their conference in Spain, in Valencia, a few years ago. In Belgium, we established a contact with Université libre de Bruxelles (ULB), where they have a refugee law clinic, which was also established last year. They work on asylum case studies, so we met with them once or twice to establish contact. As of now, the collaboration is not concrete, but we do communicate with them. We are also in touch with the EU Rights Clinic of the University of Kent in Brussels, who mostly work on problems concerning freedom of movement for EU residents and citizens; they don't work with third country nationals, but we have been exchanging some ideas with them. We are also in contact with Ulrich Stege from Turin, with whom we have exchanged some best practices via e-mail and during the Valencia conference.

Would you say that you are satisfied with the level of international exchange, which already exists?

Of course, there could always be more, but we do feel we have partners we can reach out to if we have questions or concerns. It is always interesting to have an exchange on certain issues. For instance, we've recently elaborated our memorandum of understanding for the lawyers with whom we work, so they know what to expect from our collaboration. They shouldn't charge their clients for the work we do as a clinic, for example. This document was written using good practices from other clinics in the network.

What are the main difficulties in your work at the clinic?

One of the difficulties, as I've said already, is that we could in fact accommodate a few more students. It is actually not that easy to attract more students to the clinic and it was quite surprising to realise that. But during the conference in Valencia we learned from other clinics that this is a common problem.

Is there anything that you are especially proud of in your work so far?

The evaluations we received last year were very good, with the students appreciating the opportunity to experience the relevance of their work and work with "real" clients. We are still a baby in the world of legal clinics, but we are becoming more well-known from year to year in Belgium, which means we receive more cases. We even had to decline offers by some lawyers, because the general workload has to be properly managed. So the clinic has become more well-known since last year and this is an important step.

You have already mentioned some issues concerning the future. What is your vision of your LC in five years' time?

I would like to find a balance between on the one hand what students appreciate in the clinic and what cases they would prefer to work on, and on the other hand bringing some strategic cases that not only make a difference for this particular individual client, but also have an impact on a broad scale – such as this case on Palestine we worked on during the first semester. Our recommendation regarding the reasons why Palestine cannot be considered a full state can be used by other lawyers in their work. In five years' time it would be nice to have a flourishing clinic, because now we are very small and still learning how to engage with lawyers and work on various cases. We should try to be relevant and teach students the practical skills needed in their future work as practicing lawyers. We spend a lot of time evaluating the course and improving it based on the feedback we get. For example, at the end of January we will have an individual evaluation session with every student and his/her supervisor. We are constantly trying to optimize the students' learning experience.

What is your personal motivation for staying in the clinic?

I think the clinic is important in a country like Belgium, where legal education is considered too theoretical and formal. We hear this from our students all the time. Our students really appreciated the possibility of working with real clients. I try to expand these networks between academia and legal practice within other frameworks, too. I am very excited about continuing to work with the clinic, because I am convinced of the clinic's positive influence on both students and practicing attorneys.



Legal Dialogue Journal is part of the EU-Russia Legal Dialogue programme of the EU-Russia Civil Society Forum. Learn more: www.eu-russia-csf.org.

[IMPRESSUM](#) | [PRIVACY POLICY](#)

© 2018 Online journal "Legal Dialogue". All Rights Reserved

In order to be able to optimize and continuously improve our website, we use cookies. By continuing to use the website, you agree with the use of cookies. Further information on cookies can be found in our [privacy policy](#).

With friendly support:



www.legal-dialogue.org