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# 4.10.6. Central and Eastern Europe

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The newly-established Austrian BBU, which started activities on 1 January 2021, provides legal advice and representation, return counselling and return assistance, human rights monitoring, translation and interpretation services.942 The agency adopted organisational and institutional measures to ensure independence and freedom of instructions, also by setting up an advisory group on quality. Throughout 2021, all legal advisors received specialised training on quality assurance, and strict qualification requirements will apply to future employees. The agency met with civil society organisations throughout the year and agreed to be more transparent about the working arrangements on legal counselling between the agency and the Ministry of Justice. 943

The Federal Minister for Justice assessed that the first 6 months of operations of the agency were successful and improved standards,944 for example legal aid was offered automatically to all rejected asylum applicants, 3,600 counselling sessions were carried out and over 1,000 appeals were submitted. The annual report of the Quality Advisory Board expressed concern that the confidentiality of the interpreters used for legal counselling for the Ministry of the Interior was not legally guaranteed.945

In 2021, UNHCR Bulgaria and other national NGOs offered traineeships to students to engage them in legal, social and integration assistance for asylum applicants and beneficiaries of international protection.946 Students were involved in communicating with asylum applicants, drafting legal analysis and preparing studies on countries of origin of applicants. An AMIF-funded project on the provision of legal assistance to asylum applicants with vulnerabilities, both in the administrative phase and in appeal proceedings, continued to be implemented by the National Legal Aid Bureau until 31 July 2021. In the Dublin procedure, legal aid was provided mainly to unaccompanied minors to ensure they are reunited with their parents. UNICEF provided support, training and interpretation under a project funded until 31 December 2022 for lawyers who provided assistance to unaccompanied minors *(see Section 5)*.947

Amendments to the International Protection Act in Slovenia entered into force on 9 May 2021 and now legal counsellors must undergo a security check and be granted access to classified information to perform activities during an asylum procedure.948 The requirements received

strong comments from civil society organisations, prior to its adoption, as being unnecessary and disproportional toward other legal professionals.949The Amending Act also introduced stricter payment procedures for legal counsellor in appeal and excluded extraordinary appeals from the scope of free legal aid (International Protection Act, Article 11).

The Slovenian Ombudsperson highlighted to the Constitutional Court that third-country nationals who are returned under the readmission agreement with Croatia are not provided with a return decision, do not have access to legal assistance and cannot appeal.950 Civil society organisations suggested that amendments to the Foreigners Act should also address the issue of free legal aid in return procedures.951

In 2022, a new UNHCR project is expected to be launched in Slovenia on the provision of legal assistance in first instance procedures. Initially, legal assistance will be provided only to vulnerable persons when lodging an application and to applicants under restrictions of movement.  In Czechia, an AMIF-funded project continued to run in 2021 to provide legal assistance to third-country nationals in the return process. The legal professionals regularly visit detention facilities to encourage voluntary returns. 952 In Slovakia, a draft act was launched for public consultation, to enter into force on 1 June 2022. Article 22(8) lists the services available to asylum applicants, without expressly mentioning access to legal aid. UNHCR recommended to include an entitlement to ‘meaningful, timely and effective access to legal counselling services’ in Article 22(8). 953 The organisation also suggested to include a more active role of the legal representative during the interview by allowing additional questions.

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