

4.10.2. Eastern Mediterranean region

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In 2021, the Greek Asylum Service provided free legal aid to all applicants contesting a negative decision. To cope with the demand, a roster of 130 lawyers, who were paid per case and represented before the Appeals Authority, were selected to provide free legal aid at second instance.

In a 2020 decision, the Council of Europe had requested Greece to report back by 1 March 2021 on measures taken to address deficiencies in the asylum procedure, including on the provision of legal aid to applicants. [914](#) Civil society organisations criticised the Greek government's reply for providing figures on legal aid for a short period, without contextualising and offering the full overview. [915](#) The organisations assessed that the time allocated to an appointed lawyer to communicate with a client, a maximum of 2 hours, risked not being sufficient to prepare the appeal case. [916](#) In the same submission, Refugee Support Aegean and ProAsyl described an alleged practice of the Appeals Committee to consider that failure to provide legal aid does not amount to procedural harm when an applicant has received information on rights and obligations in the initial phase of the procedure. [917](#)

ECRE commented on the limited availability of legal aid, since there was no state-funded legal aid for a first-time asylum application and an insufficient number of lawyers to provide legal assistance in an appeal procedure. [918](#)

Similarly in 2020, the Council of Europe's Commissioner for Human Rights denounced new requirements in Greece which blocked many NGOs from working with applicants, [919](#) particularly those which worked on legal rights in the asylum procedure. [920](#) The Greek Minister for Citizens Protection formally replied in May 2021, stating that the changes were intended to improve the quality of services. [921](#)

Nevertheless, civil society organisations raised concern over the lack of legal and procedural information provided to third-country nationals who were detained at the land border in Evros, [922](#) and UNHCR added that the absence of legal aid could result in asylum applicants being detained without properly assessing their case individually or exploring alternatives to detention. [923](#)

According to METAdrasi, there were significant challenges in accessing and receiving legal assistance at first instance as a result of the rapid processing of applications under the accelerated procedure. Applicants seemed to rarely have access to a lawyer before the interview at first instance. [924](#) The NGO also observed that delays and improper organisation within the Asylum Service meant that lawyers were often not able to meet the appellant before the submission of the appeal. [925](#) For example, no lawyer was appointed by the

Registry on Kos, leaving all applicants whose applications were rejected at first instance without legal aid for an appeal.⁹²⁶ Similarly, the Border Violence Monitoring Network noted that asylum applicants living in RICs on the island of Lesbos encountered challenges to access legal aid.⁹²⁷

The UNHCR Assistant High Commissioner for Protection reiterated the organisation's support to the authorities in Cyprus to ensure a fair and efficient asylum system that includes access to legal aid.⁹²⁸

The Administrative Court of International Protection in Cyprus clarified that illegally-staying third-country nationals who no longer qualify as asylum applicants under the Refugee Law do not receive free legal aid for procedures which are unrelated to international protection (see [here](#) and [here](#)). In another [case](#), the court emphasised that the burden of proof for an appeal lies with the applicant and free legal aid is not to be granted when there is no prospect of success in an appeal when the applicant comes from a safe country of origin. In contrast, legal aid was granted for an [appeal](#) when the applicant provided extensive statements that would require a judicial examination.

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⁹¹⁴ Council of Europe, Ministers' Deputies. (2021, October 1). 1383 meeting, 29 September – 1 October 2020 (DH) H46-7 M.S.S. and Rahimi groups v. Greece (Application No. 30696/09): Supervision of the execution of the European Court's judgments [CM/Del/Dec(2020)1383/H46-7]. https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016809fa8bc

⁹¹⁵ Council of Europe, Committee of Ministers. (2021, May 25). 1406th meeting (June 2021) (DH) - Rule 9.2 - Communication from NGOs (Refugee Support Aegean (RSA) and Stiftung PRO ASYL) (30/04/2021) in the cases of M.S.S. v. Belgium and Greece and Rahimi v. Greece (Applications No. 30696/09, 8687/08) [DH-DD(2021)521]. https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=0900001680a29a3e

⁹¹⁶ Council of Europe, Committee of Ministers. (2021, May 25). 1406th meeting (June 2021) (DH) - Rule 9.2 - Communication from NGOs (Refugee Support Aegean (RSA) and Stiftung PRO ASYL) (30/04/2021) in the cases of M.S.S. v. Belgium and Greece and Rahimi v. Greece (Applications No. 30696/09, 8687/08) [DH-DD(2021)521]. https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=0900001680a29a3e

⁹¹⁷ Council of Europe, Committee of Ministers. (2021, May 25). 1406th meeting (June 2021) (DH) - Rule 9.2 - Communication from NGOs (Refugee Support Aegean (RSA) and Stiftung PRO ASYL) (30/04/2021) in the cases of M.S.S. v. Belgium and Greece and Rahimi v. Greece (Applications No. 30696/09, 8687/08) [DH-DD(2021)521]. https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=0900001680a29a3e

⁹¹⁸ European Council on Refugees and Exiles. (June 2021). Asylum in Greece: A Situation Beyond Judicial Control? ECRE's assessment of opportunities for and obstacles to the use of legal challenges to support compliance with EU asylum law in Greece. <https://ecre.org/wp-content/uploads/2021/06/ECRE-Legal-Note-9-on-Asylum-in-Greece-A-Situation-Beyond-Judicial-Control-June-2021.pdf>

⁹¹⁹ European Union Agency for Asylum. (2021). EASO Asylum Report 2021: Annual Report on the Situation of Asylum in the European Union. <https://euaa.europa.eu/easo-asylum-report-2021>; Danish Refugee Council et al. (2021). Joint statement by 19 organisations active on refugee issues in Greece. https://drc.ngo/media/1naiuxnm/greece_jst_ngo-registry_en.pdf

⁹²⁰ Campaign for the access to asylum | ???????? ??? ??? ???????? ??? ??????. (2021, March 16). Illegal pushbacks, Lives at risk, NGOs under prosecution: Investigations on pushbacks at the EU level, targeting of those highlighting them in Greece. <https://asylum-campaign.blogspot.com/2021/03/campaign-for-access-to-asylum.html>

⁹²¹ Council of Europe, Commissioner for Human Rights. (2021, May 11). Reply to the Commissioner for Human Rights by the Ministers of Citizen's Protection, of Migration and Asylum, and of Shipping and Island Policy of Greece. <https://rm.coe.int/commdh-govrep-2021-7-reply-of-the-greek-authorities-en/1680a27094>

[922](#) European Council on Refugees and Exiles. (June 2021). Asylum in Greece: A situation beyond judicial control? Legal Note 9. <https://ecre.org/wp-content/uploads/2021/06/ECRE-Legal-Note-9-on-Asylum-in-Greece-A-Situation-Beyond-Judicial-Control-June-2021.pdf>; European Union Agency for Fundamental Rights. (2021, September 24). Migration: Key fundamental rights concerns: Bulletin 2 [Quarterly Bulletin]. <https://fra.europa.eu/en/publication/2021/migration-key-fundamental-rights-concerns-bulletin-2-2021>

[923](#) European Union Agency for Fundamental Rights. (2021). Migration: Key fundamental rights concerns: 1.7.2021-30.9.2021. Quarterly Bulletin. https://fra.europa.eu/sites/default/files/2021-12/fra-2021-migration-bulletin-3_en.pdf

[924](#) METAdrasi - Action for Migration and Development | ????????? – ????? ??? ?? ?????????????? ??? ??? ??????????. (2022). Input to the Asylum Report 2022. <https://euaa.europa.eu/sites/default/files/2022-03/metadrasi.pdf>

[925](#) METAdrasi - Action for Migration and Development | ????????? – ????? ??? ?? ?????????????? ??? ??? ??????????. (2022). Input to the Asylum Report 2022. <https://euaa.europa.eu/sites/default/files/2022-03/metadrasi.pdf>

[926](#) METAdrasi - Action for Migration and Development | ????????? – ????? ??? ?? ?????????????? ??? ??? ??????????. (2022). Input to the Asylum Report 2022. <https://euaa.europa.eu/sites/default/files/2022-03/metadrasi.pdf>

[927](#) Border Violence Monitoring Network. (2022). Input to the Asylum Report 2022. https://euaa.europa.eu/sites/default/files/2022-03/border_violence_monitoring_network_bvmn.pdf

[928](#) United Nations High Commissioner for Refugees. (2021, April 22). UNHCR's Protection Chief visits Cyprus, addresses challenges in access to asylum. <https://www.unhcr.org/news/press/2021/4/60814c714/unhcrs-protection-chief-visits-cyprus-addresses-challenges-access-asylum.html>