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Section 4.10. Legal assistance and representation

icon presenting legal assistance and representation

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Legal assistance is fundamental to inform asylum applicants of their rights and allow them to comprehend the process. The provision of legal aid in the early stages of the asylum procedure increases the efficiency of the entire process by allowing case officers to assess a complete and accurate file, reducing the burden on decision-makers, reducing the rate of appeals and safeguarding the right to *non-refoulement*. Furthermore, EU legislation requires Member States to make free legal assistance and representation available on request and under certain conditions during an appeal procedure. 898

Lockdowns due to the COVID-19 pandemic continued to affect the provision of legal assistance in asylum and other related procedures in 2021, for example for the return of former applicants, family reunification and issuing residence permits after recognition. When personal contact between a legal aid provider and client was not possible, consultations were organised by email or phone, risking to affect the quality of services, confidentiality, submission of documents and building trust.899, 900

Some EU+ countries extended the provision of legal assistance or adopted guidelines to ensure an effective legal assistance at first instance, with a focus on the role of lawyers during the personal interview. Some legislative amendments clarified the scope of legal assistance, while other changes aimed to align state payments to legal representatives.

Along with difficulties in accessing the asylum procedure, some applicants lacked or had insufficient legal information and assistance at the European borders. Similarly, civil society organisations raised concern on legal aid for asylum applicants placed in detention *(see Section 4.8)*.

icon presenting eastern borders

4.10.1. Eastern borders

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4.10.2. Eastern Mediterranean region

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4.10.3 Central Mediterranean region

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4.10.4. Western Mediterranean region

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4.10.5. Western Europe

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4.10.6. Central and Eastern Europe

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4.10.7. Northern Europe

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898-900

- 898Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection. https://eurlex.europa.eu/eli/dir/2013/32/oj/eng
- 899European Union Agency for Fundamental Rights. (November 2021). Legal aid for returnees deprived of liberty. https://fra.europa.eu/sites/default/files/fra_uploads/fra-2021-legal-aid-in-return_en.pdf
- 900Organization for Aid to Refugees | Organizace pro pomoc uprchlíkům. (2022). Input by civil society to the 2022 Asylum Report. https://euaa.europa.eu/sites/default/files/2022-03/organization_for_aid_to_refugees.pdf; Helsinki Foundation for Human Rights | Helsińska Fundacja Praw Człowieka. (2022). Input to the Asylum Report 2022. https://euaa.europa.eu/sites/default/files/2022-03/helsinki_foundation_for_human_rights.docx; Commissioner for Human Rights | Rzecznik Praw Obywatelskich. (2022, February 18). Wizytacja przedstawicieli KMPT i BRPO w strzeżonym ośrodku dla cudzoziemców w Lesznowoli [Visit of representatives of the National Mechanism for the Prevention fo torture and Commissioner for Human Rights in a guarded centre for foreigners in Lesznowola]. https://bip.brpo.gov.pl/pl/content/kmpt-wizytacja-lesznowola-02-22

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