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4.10.1 Organising legal assistance and representation



The French National Court of Asylum (CNDA) has a legal aid service which works autonomously. Cases are allocated to a designated lawyer after an applicant submits a request for legal aid. While requests for legal aid declined due to the COVID-19 pandemic, the number of lawyers at the CNDA increased, up to 669 lawyers registered with the service in 2020.[802]

Similarly, the newly-established Austrian BBU, which started its activities as of 1 January 2021, provides legal advice and representation during the asylum procedure. All legal advisers of the new agency need to meet specific requirements, such as a degree in law from an Austrian University and a completed compulsory internship in a court. No such qualification or training requirements were previously requested for the provision of legal assistance and representation in asylum procedures. According to the AIDA report for Austria, in January 2021 there were 120 counsellors providing legal assistance at all steps of the first instance procedure, except for the Dublin procedure. The agency took over representation in approximately 3,000 cases. However, civil society organisations have expressed their concern[803] about the independence and impartiality of the organisation since 2019 when the new law was adopted. [804], [805]

A Joint Ministerial Decision was adopted in Greece in March 2020,[806] adding additional requirements and conditions to register and certify national and foreign NGOs working in asylum, migration and social inclusion – including those which provide legal assistance to people seeking international protection. The new provision received strong criticism for disproportionate requirements, as noted also by the European Commission.[807]

Similarly, the CJEU ruled that Hungary had introduced discriminatory restrictions by imposing additional obligations for civil society organisations which receive financial support from abroad, including NGOs that provide free legal aid to asylum seekers. Authorities issued penalties to organisations which exceeded a specific threshold[xlvii] (see Section 2.5). In response, civil society organisations and academic institutions – which had criticised the legislative provision since its adoption in 2017 – welcomed the CJEU judgment and called for its immediate implementation for the law to be repealed.[808]

[xlvii] Hungary's 2017 "Law on the Transparency of Organisations Supported from Abroad", called Lex NGO, requires civil society organisations that receive more than HUF 7.2 million annually from foreign sources to register as organisations 'receiving support from abroad' and to indicate this label in all their publications and on their websites. See: Venice Commission. (2017, June 20). *Hungary: Opinion on the Draft Law on the Transparency of Organisations Receiving Support from Abroad*. https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2017)015-

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