Please cite as: EUAA, '4.10.1 Organising legal assistance and representation' in *EASO Asylum Report 2021*, January 2022.

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-

[802] National Court of Asylum | Cour Nationale du Droit d'Asile. (2020). *Rapport d'activité 2020 [Activity Report 2020]*. http://www.cnda.fr/content/download/179204/1758937/version/2/file/RA2020-book.pdf

[803] Asylum Coordination Austria | Asylkoordination Österreich. (2020). *Intransparent, unter Kontrolle des Innenministeriums: Ab Jänner übernimmt die BBU die Rechtsberatung im Asylbereich [Non-transparent, under the control of the Ministry of Interior: From January onwards, the BBU will provide legal advice in the field of asylum.]*. http://www.asyl.at/de/info/news/verstaatlichtekontrolledesstaates/

[804] European Asylum Support Office. (June 2020). *EASO Asylum Report 2020: The Situation of Asylum in the European Union*. /asylum-report-2020; European Council on Refugees and Exiles. (2019). *Reforming Legal Assisance in Austria: An End to Independent Provision*. https://www.ecre.org/wp-content/uploads/2019/07/Legal-Note-5.pdf

[805] European Union Agency for Fundamental Rights. (2021). *Migration: Key fundamental rights concerns - Quarterly Bulletin: 1 October - 31 December 2020*. https://fra.europa.eu/sites/default/files/fra_uploads/fra-2021-migration-bulletin_en.pdf

[806] Refugee Support Aegean. (May 2020). *Risk of Repression: New Rules on Civil Society Supporting Refugees and Migrants in Greece*. https://rsaegean.org/wp-content/uploads/2020/05/RSA_Comments_NGO_Registry.pdf

[807] European Commission. (2020, September 30). *2020 Rule of Law Report: Country Chapter on the rule of law situation in Greece*. https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020SC0307&from=EN

[808] Hungarian Helsinki Committee. (2020, June 19). *A victory for civil society: EU Court finds foreign-funded NGO law is against EU law*. https://helsinki.hu/en/a-victory-for-civil-society/; BRIDGE Network. (2020, October 7). *Finally: The CJEU defends academic freedom*. https://bridgenetwork.eu/2020/10/07/1714/; RECONNECT – Reconciling Europe with its Citizens through Democracy and Rule of Law. (2020, December 31); *The strategies and mechanisms used by national authorities to systematically undermine the Rule of Law and possible EU responses*. https://reconnect-europe.eu/wp-content/uploads/2021/01/D8.2.pdf, pg. 57-59

© European Union Agency for Asylum 2026 | Email: info@euaa.europa.eu