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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 Lesvos 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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