



Practical Guide on Free Legal Counselling

Organisation of the provision of
free legal counselling

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October 2025

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About the guide

Why was this guide created? The mission of the European Union Agency for Asylum (EUAA) is to facilitate and support the activities of the EU Member States and the Schengen associated countries ⁽¹⁾ in the implementation of the Common European Asylum System (CEAS). In accordance with its overall aim of promoting the correct and effective implementation of the CEAS and of enabling convergence, the EUAA develops common operational standards and indicators, guidelines and practical tools.

How was this guide developed? This guide was created by experts from across the EU, with valuable input from the European Commission, the United Nations High Commissioner for Refugees (UNHCR), the European Union Agency for Fundamental Rights (FRA), and the European Council on Refugees and Exiles ⁽²⁾. We would like to extend our thanks to the members of the working group who contributed to the drafting of this guide: Mr Nikolaus Nöhrer, Ms Alice Pagano, Ms Charis Panagiotidou, Ms Eva Rimsten and experts from the Belgian Immigration Office.

The development was facilitated and coordinated by the EUAA. Before its finalisation, a consultation on the guide was carried out with all EU Member States and the Schengen associated countries through the EUAA Asylum Processes Network.

Who should use this guide? This guide is primarily intended for process managers of national authorities competent for the determination of the Member State responsible for the examination, and national authorities competent for the registration, lodging, and examination of applications for international protection in the asylum administrative procedure, and the set-up and management of the organisation of the provision of legal counselling. It also addresses officers in charge of procurement procedures and contract managers and is useful for policymakers, legal officers, those involved in quality assurance activities or in the development of national guidance, as well as any other person working or involved in the field of international protection in the EU context. The guidance is also relevant to organisations or individuals who provide legal counselling. However, the guidance does not aim to provide guidance on the process of providing legal counselling itself.

How to use this guide. This guide provides guidance on the way the concept of free legal counselling may be approached based on the requirements set in the asylum procedure regulation (APR) as well as in the asylum and migration management regulation (AMMR).

It is structured on the basis of central questions that help to define the organisation of the provision of free legal counselling, namely: the general principles governing the provision of free legal counselling and its objectives, what legal counselling covers, when it should be

⁽¹⁾ The 27 Member States of the European Union and Iceland, Liechtenstein, Norway and Switzerland.

⁽²⁾ Note that the finalised guide does not necessarily reflect the positions of the United Nations High Commissioner for Refugees, the European Council on Refugees and Exiles and the European Union Agency for Fundamental Rights.

provided and by whom, and how it should be provided. It also includes guidance on how legal counselling may be organised in the context of the asylum border procedure.

How does this guide relate to national legislation and practice? This is a soft convergence tool. It is not legally binding and reflects commonly agreed standards, as adopted by the Management Board in September 2025.

How does this guide relate to other EUAA tools? The EUAA *Practical Guide on Free Legal Counselling – Organisation of the provision of free legal counselling* should be used in conjunction with other available practical guides and tools, in particular with the *Practical Guide on Information Provision in the Asylum Procedure* ⁽³⁾ and the *Practical Guide on Information Provision in the Dublin Procedure* ⁽⁴⁾. All EUAA practical tools are publicly available online on the EUAA website: <https://euaa.europa.eu/practical-tools-and-guides>. Some of the EUAA practical guides and tools to which this practical guide refers will be published and/or progressively updated between 2025 and 2027. The updates will align the publications with the legislative instruments of the Pact on Migration and Asylum. Once published, the publications will also be available online at the EUAA webpage listed directly above.

Disclaimer

This guide was prepared without prejudice to the principle that only the Court of Justice of the European Union can give an authoritative interpretation of EU law.

⁽³⁾ EUAA, *Practical Guide on Information Provision in the Asylum Procedure*, December 2024, accessed 20 May 2025, <https://euaa.europa.eu/publications/practical-guide-information-provision-asylum-procedure>.

⁽⁴⁾ EASO, *Practical Guide on Information Provision in the Dublin Procedure*, December 2021, accessed 20 May 2025, <https://euaa.europa.eu/publications/practical-guide-information-provision-dublin-procedure>.



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List of abbreviations

Abbreviation	Definition
AMMR	asylum and migration management regulation — Regulation (EU) 2024/1351 of the European Parliament and of the Council of 14 May 2024 on asylum and migration management, amending Regulations (EU) 2021/1147 and (EU) 2021/1060 and repealing Regulation (EU) No 604/2013
APR	asylum procedure regulation — Regulation (EU) 2024/1348 of the European Parliament and of the Council of 14 May 2024 establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU
CJEU	Court of Justice of the European Union
CSO	civil society organisation
EASO	European Asylum Support Office
ECtHR	European Court of Human Rights
EUAA	European Union Agency for Asylum
FRA	European Union Agency for Fundamental Rights
Member States	Member States of the European Union
RCD (2024)	reception conditions directive — Directive (EU) 2024/1346 of the European Parliament and of the Council of 14 May 2024 laying down standards for the reception of applicants for international protection.
SOGIESC	sexual orientations, gender identities, gender expressions and sex characteristics



1. General principles and objectives of free legal counselling

Free legal counselling is an important component in strengthening the access to the asylum procedures and promotes the overall efficiency and fairness of the asylum system. Legal counselling helps to ensure that applicants understand their rights and obligations and are able to act in a timely manner in accordance with them. It includes tailored advice and support based on the applicant's profile and contributes to ensure the principles of fairness, efficiency and accessibility.

This guide underscores the importance of legal counselling as an integral part of the asylum administrative procedure as well as of the procedure for determining the Member State responsible for examining an application for international protection. It offers practical guidance to support and enhance its delivery to applicants of international protection in line with relevant legal standards, including the standards set up by the EU Charter of Fundamental Rights ⁽⁵⁾. It also aims to support legal counsellors in reaching this goal.

This chapter covers the legal basis for legal counselling. It details how legal counselling may support the access to the asylum procedure from the perspective of the applicant, and enhance the efficiency of the asylum procedure from the perspective of asylum authorities ⁽⁶⁾. It also outlines some key features of legal counselling.



Terms used in this guide

In this guide, the term:

- 'administrative procedure' refers to the asylum administrative procedure, as provided for in Chapter III asylum procedure regulation (APR)
- 'responsibility determination procedure' refers to the procedure for determining the Member State responsible as provided for in Part III of the asylum and migration management regulation (AMMR);
- 'legal counselling' refers to the free legal counselling, as defined in Article 16 APR and Article 21 AMMR;
- 'legal counsellor' refers, to the person entrusted with the provision of free legal counselling, pursuant to Article 19(1) APR and Article 21(3) AMMR ⁽⁷⁾.

⁽⁵⁾ European Union, [Charter of Fundamental Rights of the European Union](#), 26 October 2012, 2012/C 326/02.

⁽⁶⁾ Recital 16 of [Regulation \(EU\) 2024/1348](#) of the European Parliament and of the Council of 14 May 2024 establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU (OJ L, 2024/1348, 22.5.2024) (APR); recital 39 of [Regulation \(EU\) 2024/1351](#) of the European Parliament and of the Council of 14 May 2024 on asylum and migration management, amending Regulations (EU) 2021/1147 and (EU) 2021/1060 and repealing Regulation (EU) No 604/2013 (OJ L, 2024/1351, 22.5.2024) (AMMR).

⁽⁷⁾ The term 'legal counsellor' does not appear in the APR or in the AMMR and is used in this guide for the sole purpose of making reading easier.



1.1. Legal basis and general principles

The right to free legal counselling during the administrative procedure and during the responsibility determination procedure was introduced in the CEAS through the APR and the AMMR. It forms part of the safeguards for the applicant to exercise their rights and comply with their obligations. Access to free legal counselling is deemed to be an integral part of the common procedure for international protection as ‘it is essential to ensure the correct recognition of international protection needs already at the stage of the administrative procedure’ ⁽⁸⁾.

The APR requires that Member States organise the provision of free legal counselling in the administrative procedure to applicants for international protection upon their request ⁽⁹⁾. Member States may also opt to provide free legal assistance and representation in the administrative procedure, in accordance with national law ⁽¹⁰⁾. Moreover, applicants retain the right to choose their legal adviser or representative at their own cost ⁽¹¹⁾.



Articles 15 and 16 APR

Article 15

1. Applicants shall have the right to consult, in an effective manner, a legal adviser or other counsellor on matters relating to their applications at all stages of the procedure.

2. Without prejudice to the applicant’s right to choose his or her own legal adviser or other counsellor at his or her own cost, an applicant may request free legal counselling in the administrative procedure provided for in Chapter III, in accordance with Article 16, and free legal assistance and representation in the appeal procedure provided for in Chapter V, in accordance with Article 17.

The applicant shall be informed as soon as possible and at the latest when registering the application in accordance with Article 27 of his or her right to request free legal counselling or free legal assistance and representation.

[...]

Article 16

1. Member States shall, at the request of the applicant, provide free legal counselling in the administrative procedure provided for in Chapter III.

For the purposes of the first subparagraph, effective access to free legal counselling may be assured by entrusting a person with the provision of legal counselling in the administrative stage of the procedure to several applicants at the same time.

[...]

⁽⁸⁾ Recital 16 APR.

⁽⁹⁾ Article 16 APR.

⁽¹⁰⁾ Article 15(3) APR.

⁽¹¹⁾ Article 15(2) APR.



Similarly, the AMMR includes the obligation for Member States to provide legal counselling free of charge to applicants for international protection, upon request, in the context of the responsibility determination procedure ⁽¹²⁾.



Article 21 AMMR

1. Applicants shall have the right to consult, in an effective manner, a legal adviser or other counsellor, admitted or permitted as such under national law, on matters relating to the application of the criteria set out in Chapter II or the clauses set out in Chapter III of this Part at all stages of the procedure for determining the Member State responsible provided for in this Regulation.

2. Without prejudice to the applicant's right to choose his or her own legal adviser or other counsellor at his or her own cost, an applicant may request free legal counselling in the procedure for determining the Member State responsible.

[...]

The obligation to provide legal counselling ensures that applicants may properly access the administrative procedure or the responsibility determination procedure and have the knowledge and capacity to support their claim.



Recital 16 APR

It is in the interests of both Member States and applicants that applicants receive at a very early stage comprehensive information on the procedure to be followed and on their rights and obligations. In addition, it is essential to ensure a correct recognition of international protection needs already at the stage of the administrative procedure by providing good quality information and legal support which leads to more efficient and better quality decision-making. For that purpose, access to legal counselling, assistance and representation should be an integral part of the common procedure for international protection ...



Recital 39 AMMR

Providing good quality information and legal support on the procedure to be followed to determine the Member State responsible as well as the rights and obligations of the applicants in that procedure is in the interests of both Member States and applicants. To increase the effectiveness of the procedure for determining the Member State responsible and ensure correct application of the responsibility criteria as set out in this Regulation, legal counselling should be introduced as an integral part of the system for determining the Member State responsible ...

⁽¹²⁾ Article 21 AMMR.





Legal counselling should be made available in the regular, admissibility, accelerated and border procedures with the same guarantees.

Legal counselling should be provided in the context of the admissibility, accelerated and border procedures with the same guarantees as in the regular administrative procedure and responsibility determination procedure. Therefore, the constraints of those procedures should be specifically addressed to ensure that these guarantees are upheld also in the context of those procedures.

Specific considerations related to those procedures are included in boxes such as this one throughout the guide ⁽¹³⁾.

1.2. Objectives of legal counselling

The objectives of legal counselling are twofold. Firstly, legal counselling supports the applicant's access to the asylum procedure. It helps them to navigate the administrative and responsibility determination procedures. Secondly, legal counselling contributes to a more efficient and better quality decision-making process in the administrative and responsibility determination procedures. The provision of legal counselling is thus in the interests of both the applicants and the asylum authorities ⁽¹⁴⁾.

1.2.1. Access of the applicant to the asylum procedure

Navigating the asylum procedure can be challenging for many applicants. They may struggle to understand the procedural stages involved, to overcome language and cultural barriers and to assimilate all the information provided to them on different aspects of the administrative and responsibility determination procedures. At the same time, they are expected to act swiftly to comply with their obligations. The challenge is even greater for applicants in need of special procedural guarantees.

The primary aim of providing free legal counselling to applicants is to ensure that they are informed about and fully understand

- the applied legal framework,
- the procedural steps that come next,
- what is expected from them.

This enables them to make informed decisions, with a complete understanding of the possible consequences of non-compliance.

⁽¹³⁾ For further information on the asylum border procedure and on the accelerated examination procedure, refer to the forthcoming EUAA practical guides on the asylum border procedure and on the accelerated examination procedure.

⁽¹⁴⁾ Recital 16 APR and recital 19 AMMR.



This is particularly important regarding their duty to cooperate and substantiate their claim or request, as well as when any legal issues arise in the course of the procedure. This ensures the fair and effective access of applicants to the asylum procedure and their full participation in the administrative and responsibility determination procedures.

Legal counselling can also contribute to putting essential safeguards in place, especially when it comes to highlighting the importance to present any special procedural needs that should be considered by the relevant authorities.

Applicants who have a better understanding of the procedures and of the content and meaning of the decisions issued by the authorities, are better equipped to make informed decisions on whether to lodge an appeal against a decision they do not agree with. This supports the applicant's access to the appeal procedure. It enhances their comprehension of, for example, the steps to take, the chances of success should they lodge an appeal, the conditions of and exceptions to free legal assistance and representation at appeal level, and the possibility to resort to legal assistance and representation at their own cost.

1.2.2. More efficient and better quality decision-making processes

The full participation of the applicant in the procedures is also of direct benefit to the asylum authorities. The increased efficiency of the administrative and responsibility determination procedures depends to a certain extent on the applicant's proper understanding of the implications of and expectations in those procedures.

Through good quality information and legal counselling, applicants will be encouraged to actively cooperate and present all elements available to them which can substantiate the application or may be otherwise relevant to the procedures, in a timely manner ⁽¹⁵⁾. This leads to an increased likelihood that the asylum authorities have at their disposal, possibly already before the personal interview, all the elements, information and evidence that will support a more efficient personal interview and a better quality decision-making ⁽¹⁶⁾.

Additionally, the applicant may be in a better position to understand the consequences of non-compliance with their obligations. This may prevent unnecessary procedural burdens both for administrations and the applicants, in particular regarding the consequences of absconding and secondary movements. Applicants may better comprehend the reasons for the authorities' requests and decision(s) and will be more likely to act in accordance with them. Furthermore, legal counselling can contribute to avoiding misinformation and misunderstandings that are detrimental to the efficient conduct of the administrative and responsibility determination procedures.

Legal counselling may help to:

- streamline the process;
- minimise procedural errors;

⁽¹⁵⁾ Recital 14 APR.

⁽¹⁶⁾ Recital 16 APR.



- have all necessary information to both process the file efficiently and issue well-reasoned decisions;
- reduce the risk of delays in examining applications;
- reduce the risk of appeals linked to the lack of understanding of the procedure or lack of trust in the procedure by the applicant, to gaps in documentation or to procedural errors, as these problems could be resolved during the administrative procedure.

**Efficiency considerations in relation to the specificity of the legal counselling**

The more specific and tailored to the applicant's profile the legal counselling is, the more likely it is that the applicant will understand what is relevant in their particular situation. This will guide them to take the appropriate steps to provide pertinent information and evidence in a timely manner to the competent authority.

1.3. Outlining legal counselling

Articles 15, 16, 18 and 19 APR and Article 21 AMMR outline the main characteristics of legal counselling, the actors involved and the tasks that fall under legal counselling. In the administrative procedure, the tasks include the provision of information, guidance and explanations, including guidance on [legal issues](#) related to any of the stages of the administrative procedure, and assistance on the lodging. In the responsibility determination procedure, the tasks include the provision of information, guidance, assistance and/or explanations on procedures. This also includes information on the relevant criteria to determine the Member State responsible for the examination of the application. For more details, see Chapter [2. Content of legal counselling](#).

This section outlines legal counselling mainly by comparing the role of persons entrusted with the provision of legal counselling with information providers and persons providing legal assistance and representation.



The table below highlights some key differences between what a person entrusted with the provision of free legal counselling in the administrative procedure may or may not do as compared to a legal adviser who represents or assists the applicant and to an information provider.----

Task	Provide information on the asylum procedure	Provide explanations, guidance and assistance on procedural aspects	Recommend a certain path of action to the applicant	Be granted access to the information in the applicant's file	Act on behalf of the applicant
Role					
Legal adviser who represents the applicant	✓	✓	✓	✓	✓
Legal adviser who assists the applicant	✓	✓	✓	✗	✗
Person entrusted with the provision of free legal counselling	✓	✓	✗	✗	✗
Information provider	✓	✗	✗	✗	✗



A more detailed comparative table on key aspects relating to information provision, legal counselling, legal assistance and legal representation is available in [Annex 1. The differences between legal counselling, information provision, legal assistance and representation.](#)

- **Legal counselling includes information provision, complementary to the information that has to be provided by the authorities.** Information provision within legal counselling goes beyond one-way communication. It entails further understanding and analysis of the issues raised by the applicant throughout the process. Legal counselling is an interactive process that covers, in addition to the general information, aspects that are connected to the applicant's profile, focusing on the questions that are of direct concern to them. The initiator of the interaction is the applicant, who requests a consultation with a legal counsellor on matters related to their application ⁽¹⁷⁾. The provision of 'information on rights and obligations' that falls within the scope of legal counselling ⁽¹⁸⁾ goes beyond the information national authorities should provide and does not release the authorities from their duty to provide the information mentioned in Article 8(2) APR and Article 19 AMMR.



Related EUAA publications

The content of information provision in the administrative procedure and in the responsibility determination procedure is further detailed in: EUAA, [Practical Guide on Information Provision in the Asylum Procedure](#), December 2024 and EASO, [Practical Guide on Information Provision in the Dublin Procedure](#), December 2021.

- Legal counselling includes explanations, guidance and/or assistance that will allow the applicant to make informed decisions on the steps that they may take. This could be, for example, to substantiate the relevant elements of their claim (e.g. support in identifying relevant elements, guidance on steps they may take to gather relevant information or specific evidence) or to avoid the negative consequences of non-compliance. The aim of legal counselling is not to suggest the steps to take nor is it to decide or to take any steps on behalf of the applicant. Therefore, unless specified otherwise in national rules, legal counselling does not include the possibility for the legal counsellor to take procedural steps on behalf of the applicant, to draft legal documents (e.g. a written argumentation addressed to the authorities), nor the possibility to assist the applicant during the personal interview ⁽¹⁹⁾ or to act as intermediary between the applicant and the authorities. These actions are generally considered to be part of legal assistance and representation. Access to country of origin information and to the input from the experts used in the decision-making process in the asylum administrative procedure is allowed to legal advisers only ⁽²⁰⁾.
- **Legal counselling covers certain aspects of assistance** and therefore goes further than guidance. In particular, it includes [Assistance on lodging the application](#), the provision of information that could help determine the Member State responsible, and

⁽¹⁷⁾ Article 15(1) and 16(1) APR.

⁽¹⁸⁾ Article 16(2)(a) APR and 21(6)(a) AMMR.

⁽¹⁹⁾ Article 13(4) APR. Only a person entrusted with the provision of legal assistance has the right to be present during the personal interview.

⁽²⁰⁾ Article 8(5) APR.



assistance in filling out the templates referred to in Article 22(1) [AMMR](#) ⁽²¹⁾ (see [Guidance and assistance](#)) as laid down in both the APR and the AMMR ⁽²²⁾.

- **Legal counselling is adapted to the profile of the applicant.** The content of the legal counselling can rely on information and evidence mentioned or shown by the applicant to the legal counsellor. However, it need not include elements that would require the consultation of the personal file of the applicant, as access to it may be limited to legal representatives only ⁽²³⁾. It is not the role of the legal counsellor to analyse the personal file of the applicant or any evidence that they may provide.
- **Legal counselling does not entail formulating an opinion on the merit of the claim** presented by the applicant, unless otherwise provided for in the national rules.
- **Legal counselling is complementary to the assistance provided by representatives appointed for unaccompanied children.** These representatives, often referred as guardians, are appointed to safeguard the child's best interests and general well-being ⁽²⁴⁾. Legal counselling should be made available to the child together with their representative, as well as to the child themselves. As not all representatives are fully familiar with all the procedures, having access to legal counselling could be essential to ensure the child's full enjoyment of the rights and safeguards contained in the APR and AMMR.



Related publications

Guardians can find further information on the asylum procedure in the following EU publications:

- EUAA and FRA, [Transnational Procedures in the Framework of International Protection: Practical tool for guardians](#), April 2024.
- EUAA and FRA, [The Asylum Procedure: Practical tool for guardians](#), October 2023.
- EUAA and FRA, [Introduction to International Protection: Practical tool for guardians](#), October 2023.
- FRA and European Commission, Guardianship for children deprived of parental care, 2015 (An updated version of this publication will be available in mid-2026).

- **The provision of free legal counselling can be organised by Member States in accordance with their national systems** ⁽²⁵⁾. This means that the minimum standards required by the APR and the AMMR can be further strengthened by national legislation and practice. This can affect, for example, the qualifications legal counsellors need to fulfil, the extent of the support that legal counsellors may provide to applicants or the information to which legal counsellors may have access.

⁽²¹⁾ EUAA, [Family Tracing Form – Adult](#), 2025 and EUAA, [Family Tracing Form – Child](#), 2025.

⁽²²⁾ Article 16(2)(b) APR and Article 21(6)(b) and (c) AMMR.

⁽²³⁾ Article 18(1) APR.

⁽²⁴⁾ Article 23 APR and Article 23 AMMR.

⁽²⁵⁾ Article 15(4) APR and 21(4) AMMR.



2. Content of legal counselling

The scope of legal counselling under the administrative procedure and the responsibility determination procedure is different, as the tasks relate specifically to the procedural step in question. Their respective content is therefore described separately in the sections below.

The points presented in this chapter cover what should be considered as the minimum content of legal counselling. It is without prejudice to the discretion of each Member State to provide for a more extensive understanding of the scope of legal counselling.

There is no obligation to provide legal counselling on reception conditions as this is not formally laid out in Directive (EU) 2024/1346 (RCD (2024)) ⁽²⁶⁾. However, legal counselling on the rights established in that directive is indirectly and partially included in the legal counselling provided for in the APR and AMMR to the extent that the non-compliance with obligations under the APR and AMMR have an impact on the applicant's rights under the RCD (2024). Indeed, legal counselling under the APR and the AMMR includes guidance and explanations on the applicant's rights and obligations, including the consequences of non-compliance which would largely affect the applicant's rights under the RCD (2024). Legal counselling should therefore cover the impact of non-compliance on the part of the applicant regarding their obligations under the APR and AMMR with respect to their rights under the RCD (2024). This is particularly important considering the seriousness of the consequences for the applicant and the fact that a clear understanding of those consequences also aims to limit the risk of absconding.

2.1. In the administrative procedure

Article 16(2) APR defines what the provision of legal counselling in the administrative procedure, provided for in Chapter III of the APR, should include as a minimum.



Article 16(2) APR

2. For the purposes of the administrative procedure, free legal counselling shall include the provision of:

(a) guidance on and an explanation of the administrative procedure including information on rights and obligations during that procedure;

(b) assistance on the lodging of the application and guidance on:

(i) the different procedures under which the application may be examined and the reasons for the application of those procedures;

(ii) the rules related to the admissibility of an application;

⁽²⁶⁾ [Directive \(EU\) 2024/1346](#) of the European Parliament and of the Council of 14 May 2024 laying down standards for the reception of applicants for international protection (OJ L, 2024/1346, 22.5.2024).



(iii) legal issues arising in the course of the procedure, including information on how to challenge a decision rejecting an application in accordance with Articles 67, 68 and 69.

Article 16(2) APR, if read as a whole, makes a distinction between the provision of ‘guidance’ or ‘guidance and explanations’ on procedures, and the provision of ‘assistance’ on the lodging.

2.1.1. Guidance on procedures

(a) General and specific guidance on procedures

Legal counselling includes the provision of ‘guidance on and an explanation of the administrative procedure, including information on rights and obligations’ of the applicant as laid out in Chapter II, Section I of the APR ⁽²⁷⁾. It should therefore include, among others, guidance and explanations on the applicant’s right to be heard and any exceptions to it, on their right to have any special procedural guarantees addressed, on their duty to cooperate with the determining authority ⁽²⁸⁾ as well as on the consequences of a lack of cooperation ⁽²⁹⁾.

On the difference between information provision provided by the authorities and information on the rights and obligations as part of the content of legal counselling, see Section [1.3. Outlining legal counselling](#) and [Annex 1. The differences between legal counselling, information provision, legal assistance and representation](#).

In addition to guidance on the administrative procedure in general, legal counselling also includes guidance on the regular procedure and the special procedures. In particular, it includes counselling on the procedural aspects applicable to the applicant, including the reasons for applying a certain procedure in their case (e.g. regular, border, accelerated procedure) and the consequences (e.g. shorter time limits to submit evidence or to consult a legal adviser, possibility of not having the right to remain during the appeal procedure). Applicants should also be informed about the rules related to the admissibility of their application ⁽³⁰⁾.

In particular, legal counselling should allow each applicant to have, as soon as possible, a clear understanding of:

- their rights;
- the procedural steps that (potentially) await them;
- the specific deadlines of the different procedures and those that apply to them;
- how they should act to cooperate and the steps they may need to take to collect the relevant information and evidence and present it on time to the determining authority;
- the consequences of the different procedures.

⁽²⁷⁾ Article 16(2)(a) APR.

⁽²⁸⁾ Recital 13 and Articles 8 and 9 APR.

⁽²⁹⁾ Recital 31 and Article 8(2)(c) APR and, for example, Article 41, Article 66(1)(c) and 66(5) APR.

⁽³⁰⁾ Article 16(2)(b) APR.



Examples of the content of legal counselling regarding general and specific guidance on procedures

- Guidance on the process and the scope of the personal interview. For example, where and how it may be carried out, its purpose, the topics that may/will be covered (e.g. the merits of the claim and/or aspects related to the admissibility of the application ⁽³¹⁾), what is expected from the applicant, who may (not) be present, the role of each person that is present, the need to mention any problem they may have during the interview (e.g. with the interpretation), how the interview is organised when other family members are also interviewed.
- Guidance on the evidence, for example the type of evidence that the applicant should make diligent efforts to collect and submit because it will be requested or would be relevant for their identification and the substantiation of their application.
- Explanations on the type of information that the authorities have or should collect, such as country of origin information.
- Guidance on how to submit (new) information and (new) evidence to the determining authority and the timeframe for doing so.
- Guidance on the special measures that may be taken where the applicant may need special procedural guarantees and on how the applicant may inform the national authorities of their special needs, such as in the case of unaccompanied children, victims of torture and victims of trafficking in human beings.
- Guidance on other procedures that the applicant may be subject to, for example the age assessment procedures in the case of unaccompanied children.
- Guidance on the admissibility examination and the fact that the application is then not examined in substance ⁽³²⁾.

The guidance may take into account the reasons for applying for international protection to the extent they are important for the applicant to prepare for the relevant procedural step and to access their rights and fulfil their obligations, as these have procedural consequences. For example, guidance on the fact that disclosing vulnerabilities before the national authorities is important for the assessment of potential special procedural guarantees and may also be important for the assessment of the claim. Though legal counselling need not go into the details of the substance and should not aim to assess the merits of the claim, the guidance provided has to consider basic aspects of the applicant's profile to fulfil its objective.

The importance of information provision has been highlighted by the Court of Justice of the European Union (CJEU) and the European Court of Human Rights (ECtHR) ⁽³³⁾.

⁽³¹⁾ Article 12(1) APR.

⁽³²⁾ For further information on the examination of the admissibility of an application for international protection, please read the EUAA's *Practical Guide on Safe Country Concepts* (publication forthcoming) and EASO, *Practical Guide on Subsequent Applications*, December 2021, accessed 27 August 2025, <https://euaa.europa.eu/publications/practical-guide-subsequent-applications>.

⁽³³⁾ See: CJEU, judgment of 30 November 2023, *DG, XXX.XX, PP, GE v CZA, Ministero dell'Interno, Dipartimento per le libertà civili e l'immigrazione – Unita' Dublino*, joined cases C-228/21, C-254/21, C-297/21, C-315/21 and C-328/21, paragraph 107 onwards. Summary available in the [EUAA Case Law Database](#); ECtHR, judgment of 21 January 2011, *M.S.S. v Belgium and Greece*, No 30696/09, ECLI:CE:ECHR:2011:0121JUD003069609,



ECtHR, 2011, *M.S.S. v. Belgium and Greece* ⁽³⁴⁾

In the Court's opinion, the lack of access to information concerning the procedures to be followed is clearly a major obstacle in accessing those procedures.

(b) Guidance on legal issues arising in the course of the procedure

Legal counselling also includes guidance on legal issues that arise in the course of the procedure ⁽³⁵⁾, based on the information shared by the applicant.

It should include guidance on the legal concept (potentially) at issue in the applicant's case, covering why the topics that the authorities are exploring are important, what the determining authority may be looking for and, therefore, what kind of evidence or information the applicant may provide to allow the determining authority to make a correct assessment of the conditions to apply the legal concept at hand.

If the profile of the applicant could influence that assessment (e.g. due to their age, gender or vulnerabilities), the legal counselling should include guidance on the importance of informing the determining authority on those aspects and providing evidence, where relevant. Additionally, the legal counselling can cover aspects related to the procedural consequences of the application of a specific concept or procedure, such as information on the deadline to lodge an appeal, the right to remain and the right to legal assistance and representation in the appeal procedure.

Ultimately, based on this guidance, the applicant should be able to make an informed decision on the actions they may take.

Examples of the content of legal counselling on legal issues arising in the course of the procedure

- The substantive conditions to apply an inadmissibility ground to an applicant (in addition to the guidance on the procedural aspects related to it). This may include, for example, guidance on the core elements of the assessment, particularly those that need to be substantiated by the applicant (e.g. where relevant, the living conditions of the applicant in an envisaged safe third country).
- The concept of internal protection alternative, the conditions for its application and therefore the scope of the evidence that may be needed to substantiate the situation of the applicant in the envisaged region of internal protection.

paragraphs 304 and 319. Summary available in the [EUAA Case Law Database](#); ECtHR, judgment of 23 February 2012, *Hirsi Jamaa and others v Italy*, No 27765/09, paragraph 204. Summary available in the [EUAA Case Law Database](#); ECtHR, judgment of 21 June 2022, *Akkad v Türkiye*, No 1557/19, ECLI:CE:ECHR:2022:0621JUD000155719, paragraph 80 (in French). Summary available in the [EUAA Case Law Database](#).

⁽³⁴⁾ ECtHR, judgment of 21 January 2011, *M.S.S. v. Belgium and Greece*, case 30696/09, paragraph 304. [Summary available in the EUAA Case Law Database.](#)

⁽³⁵⁾ Article 16(2)(b)(iii) APR.

Where an age assessment is conducted to dispel doubts about the age of an applicant who presents themselves as a child, this is a legal issue that may arise during the procedure. The legal counselling could therefore also cover aspects such as information on the different steps, the way the age assessment is carried out, the possible outcomes and consequences, as well as the possibility to challenge the result of the assessment and how to do so ⁽³⁶⁾.

Legal counselling should include **information on how to challenge a decision rejecting an application**. It should give the applicant an understanding of the procedural aspects of the appeal procedure and information on:

- how to appeal a decision rejecting an application as either inadmissible, unfounded or manifestly unfounded or implicitly withdrawn, and how to appeal a decision withdrawing international protection or a return decision issued as part of a rejection decision ⁽³⁷⁾;
- the deadlines for lodging an appeal in their particular circumstances;
- whether the appeal has a suspensive effect ⁽³⁸⁾ and the legal implications of a (non-) suspensive effect of the appeal on the right to remain;
- the expected duration of the appeal procedure, which must be conducted within a reasonable time period ⁽³⁹⁾;
- their right to request free legal assistance and representation in the appeal phase.

Depending on the organisation of the Member State's legal assistance and representation system, the legal counsellor could inform the applicant on the respective national procedure, for example on how to reach out to a legal representative, if there is a list of lawyers that they could consult, if there is an appeals board, etc.

2.1.2. Assistance on lodging the application

Legal counselling includes the provision of assistance on the lodging of the application ⁽⁴⁰⁾.

In the context of the lodging, legal counselling should be understood as having a wider scope than guidance. The organisation of the provision of legal counselling should consider the purpose of the lodging, which is to collect as much information and evidence as possible at the very early stages of the procedure. It should allow the applicant to receive assistance taking their profile and specific needs into account. The consideration of these circumstances is particularly important where they could create an obstacle to the applicant's ability to adequately fulfil the task of lodging an application and submit relevant information and evidence at that stage.

⁽³⁶⁾ For further information on the topic of age assessment, please refer to EASO, [Practical Guide on Age Assessment – Second edition](https://euaa.europa.eu/publications/practical-guide-age-assessment), September 2018, accessed 27 August 2025, <https://euaa.europa.eu/publications/practical-guide-age-assessment>.

⁽³⁷⁾ Article 16(2)(b)(iii) and Article 67 APR.

⁽³⁸⁾ Article 16(2)(b)(iii) and Article 68 APR.

⁽³⁹⁾ Article 16(2)(b)(iii) and Article 69 APR.

⁽⁴⁰⁾ Article 16(2)(b) APR.



Legal counselling complements the information on where to register and how to lodge the application, already provided by the authority tasked with receiving applications. It may include clarifications in case the applicant has further questions regarding the lodging, its purpose and how to prepare for the next steps of the procedure. It includes guidance on how and when to submit all the elements and documents at the applicant's disposal to substantiate their application ⁽⁴¹⁾. This will contribute substantially to having a file that is as complete as possible and allow the applicant to better understand how this step is linked to the examination of their application.

When the act of lodging is done through a specific process in the national system, legal counselling should include guidance on the steps of the lodging procedure and support to applicants in completing them.

Examples of assistance on lodging the application

Legal counselling can include assistance in filling in the lodging form where the Member State requires applicants to fill in the form themselves. In the case of illiterate applicants or applicants in need of special procedural guarantees, legal counselling may include support in making sure that the competent authority is made aware of the applicant's procedural needs and ensuring the authority takes the appropriate measures to provide adequate support to fill in the lodging form.

Legal counselling may ensure the completeness of the applicant's file by providing guidance on the type of evidence that may be relevant and on submitting all the reasons for applying for international protection.

When national practice has it that the applicant is heard by the authorities at the time of the lodging of their application, the legal counselling should include assistance in the preparation of that exchange of information, including providing information on its purpose, its scope and the type of questions that will be asked.

Where national rules allow for this, legal counsellors may be present, with the applicant, during the lodging of the application.

Note that the legal counselling provided should not be considered in silos. Assistance that is provided for the lodging may include aspects that are also relevant for other procedural steps or procedures. For example, the assistance provided to the applicant should allow them to understand that the information they provide during the lodging of the application, for example on family members, may also be relevant information for the responsibility determination procedure.

Irrespective of whether a Member State carries out the registration and lodging simultaneously or separately, legal counselling aims to ensure that the applicant is assisted in completing this procedural step and is aware of what lodging means in procedural terms (the actions it implies, the documentation the applicant will receive, its purpose, the implications of the lodging and of the information collected at this stage in the longer term, etc.) . Legal counselling should allow the applicant to understand the expectations of the national

⁽⁴¹⁾ Article 28(6) APR.



authorities in terms of cooperation, even before the personal interview takes place. The vulnerabilities of the applicant should be considered.



Related EU publication

Further information on the registration of applications is available in the EUAA's *Practical Guide on Registration* ⁽⁴²⁾.

2.2. In the responsibility determination procedure

The obligation to provide free legal counselling under the AMMR is limited to the procedure for determining the Member State responsible and applies only to that procedure. It does not extend to the take back notification or the relocation procedure ⁽⁴³⁾.

Article 21(6) AMMR defines what the provision of legal counselling in the responsibility determination procedure should at the minimum include.



Article 21(6) AMMR

6. For the purposes of the procedure for determining the Member State responsible, the free legal counselling shall include the provision of:

(a) guidance on and explanations of the criteria and procedures for determining the Member State responsible, including information on rights and obligations during all stages of that procedure;

(b) guidance on and assistance in providing information that could help determine the Member State responsible in accordance with the criteria set out in Chapter II of this Part;

(c) guidance and assistance on the template referred to in Article 22(1).

Article 21(6) AMMR, if read as a whole, makes a distinction between the provision of 'guidance and explanations' and the provision of 'guidance and assistance'.

2.2.1. Guidance and explanations

Under the terms of the AMMR, legal counselling includes 'guidance on and explanations of the criteria and procedures for determining the Member State responsible, including information on rights and obligations during all stages of that procedure' ⁽⁴⁴⁾.

⁽⁴²⁾ EASO, *Practical Guide on Registration: Lodging of applications for international protection*, December 2021, accessed 27 August 2025, <https://euaa.europa.eu/publications/practical-guide-registration>.

⁽⁴³⁾ Article 21(1), (2), (6) and (7) AMMR.

⁽⁴⁴⁾ Article 21(6) AMMR. On the applicant's rights and obligations and the related information provision see EASO, *Practical Guide on Information Provision in the Dublin Procedure*, December 2021, accessed 27 August 2025, <https://euaa.europa.eu/publications/practical-guide-information-provision-dublin-procedure>.



The explanation of the criteria and their hierarchy should be accompanied by an explanation of and guidance on the procedural steps leading to the determination of the responsible Member State, such as time limits, the personal interview and remedies. The procedure to determine the responsible state and the possible implications for the applicant, including family tracing, should be explained. Particular attention should be paid to the specific counselling needs of unaccompanied children and persons in need of special procedural guarantees.

On the difference between information provision by authorities and the information on the rights and obligations as part of the content of legal counselling, see Section [1.3. Outlining legal counselling](#) and [Annex 1. The differences between legal counselling, information provision, legal assistance and representation](#).

Through the legal counselling provided, the applicant should be able to understand the procedure their application is in, its purpose and their own role in supporting a correct assessment and smooth process. It should include all the relevant information on the consequences that the applicant might face if they do not comply with their obligations. In particular, legal counselling should cover the right of the applicant to be reunited with their family members (with an explanation on who those family members may be), the right to be heard (and the exceptions to that right), as well as the consequences if the applicant absconds, including that it may affect their right to reception conditions ⁽⁴⁵⁾. It should also cover the fact that in the case of absconding, their application will be withdrawn and a return decision will be issued ⁽⁴⁶⁾.

Examples of the content of legal counselling regarding guidance and explanations on the criteria and procedures in the responsibility determination procedure:

- purpose of the process and possible outcomes;
- hierarchical application order of the different criteria and how they may relate to the applicant;
- information on how biometric features/databases work, for example how and why fingerprints are taken, and who has access to these data;
- information on the data that is collected and the right to correct inaccurate data;
- guidance on the preparation to the personal interview;
- guidance on the elements that need to be provided before and at the latest during the responsibility interview;
- guidance on how those elements may be submitted prior to the responsibility interview;
- explanations on the deadlines;
- guidance on the importance of the location of family members;
- guidance on the definition of ‘family members’ and, for unaccompanied children, of ‘relatives’.
- guidance on evidence/documentation that may support their case;
- guidance on the possibility of appeal or review ⁽⁴⁷⁾.

⁽⁴⁵⁾ Article 18 AMMR.

⁽⁴⁶⁾ For example, through the combination of Article 41(1)(f) and Article 37 APR.

⁽⁴⁷⁾ Article 43(1) AMMR.



The guidance mentioned here may take into account, for example, the fact that the applicant has mentioned having family members in another Member State or that they have resided in another Member State.

2.2.2. Guidance and assistance

In the responsibility determination procedure, legal counselling should **guide and assist** applicants in **providing information** that could help determine the Member State responsible and provide **assistance in filling out the template** referred to in Article 22(1) AMMR ⁽⁴⁸⁾.

The guidance and assistance therefore refer to the elements that the applicant needs to substantiate and inform the authorities about, and which may be decisive in determining the Member State responsible. The legal counselling should guide and support the applicant in identifying the elements and evidence that the applicant thinks are relevant in their individual situation and provide specific indications on the information that an applicant should provide.

Assistance in the responsibility determination procedure also means support in identifying and providing relevant information for the compilation of the family-tracing template where the applicant has mentioned they have a family member or relative in another Member State. This assistance should help the applicant understand how the template will be used by the competent authorities; it should include support in filling in the template, and explain the proof and circumstantial evidence that are considered relevant by the authority to assess the applicability of a criteria and existence of the family tie (e.g. residence documents, marriage certificates) ⁽⁴⁹⁾. By supporting the quality and completeness of the information mentioned in the template, legal counselling may limit the need for subsequent corrections and prevent delays linked to the collection of missing information at a later stage.

⁽⁴⁸⁾ As mandated by the AMMR, the EUAA has developed the template referred to in Article 22(1) AMMR for use by the Member States. The family tracing forms are accompanied by a two-part practical guide: EUAA, [Family Tracing Form – Adult](https://euaa.europa.eu/publications/family-tracing-form-adult), 2025, accessed 21 July 2025, <https://euaa.europa.eu/publications/family-tracing-form-adult>; EUAA, [Family Tracing Form – Child](https://euaa.europa.eu/publications/family-tracing-form-child), 2025, accessed 21 July 2025, <https://euaa.europa.eu/publications/family-tracing-form-child>; EUAA, [Practical Guide on Family Tracing – Part I: Principles and practices on family tracing in the EU+ and third countries](https://euaa.europa.eu/publications/practical-guide-family-tracing-part-i-principles-practices), April 2025, accessed 21 July 2025, <https://euaa.europa.eu/publications/practical-guide-family-tracing-part-i-principles-practices>; EUAA, [Practical Guide on Family Tracing – Part II: Tracing and identifying family members under the asylum and migration management regulation](https://euaa.europa.eu/publications/practical-guide-family-tracing-part-ii-tracing-AMMR), April 2025, accessed 21 July 2025, <https://euaa.europa.eu/publications/practical-guide-family-tracing-part-ii-tracing-AMMR>.

⁽⁴⁹⁾ The list of proof and circumstantial evidence as referred to in Article 40(4) AMMR will be included in the Implementing Act to be adopted by the European Commission.



3. When should free legal counselling be provided?

3.1. Provision of information on the right to free legal counselling

The applicant should be informed, as soon as possible, of their right to request free legal counselling in the administrative procedure ⁽⁵⁰⁾ and in the responsibility determination procedure ⁽⁵¹⁾, at the latest by the date of the registration of the application ⁽⁵²⁾.

The information provided on the right to request free legal counselling should also cover information on the modalities of that request, the scope of the legal counselling provided under each procedure and how to access the legal counselling in practice ⁽⁵³⁾. Additionally, the information may include that legal counsellors have gone through an appointment or accreditation process by relevant national authorities and that applicants can trust that legal counsellors have the necessary competence and knowledge of the asylum procedure.

If the scope of counselling does not cover aspects for which the applicant needs further information or assistance, it is good practice that legal counsellors inform the applicant on appropriate bodies or authorities that would be able to provide such information (e.g. on working rights during the asylum procedure, on access to psychological support) or assistance (e.g. writing documents on their behalf).

3.2. Provision of free legal counselling upon request

Free legal counselling during the administrative and responsibility determination procedures should be provided upon the applicant's request ⁽⁵⁴⁾. Specific national procedural rules have to set the modalities for the filing and processing of such requests ⁽⁵⁵⁾. The access to free legal counselling may be limited to specifically appointed providers (e.g. those who are mentioned on a list) or to any provider who fulfils the set legal conditions (e.g. lawyers registered at the national bar and who are specialised in asylum law). Also, national law should define whether

⁽⁵⁰⁾ Recital 16, Article 8(2), first subparagraph, Article 8(2)(d) and second subparagraph and Article 15(2) APR.

⁽⁵¹⁾ Article 19(1)(l) AMMR.

⁽⁵²⁾ Article 19(1) AMMR and Article 15(2), second subparagraph APR.

⁽⁵³⁾ The content of information provision in the asylum procedure and in the responsibility determination procedure is further detailed in the EUAA, *Practical Guide on Information Provision in the Asylum Procedure*, December 2024, accessed 27 August 2025, <https://euaa.europa.eu/publications/practical-guide-information-provision-asylum-procedure>, and in the EASO, *Practical Guide on Information Provision in the Dublin Procedure*, December 2021, accessed 27 August 2025, <https://euaa.europa.eu/publications/practical-guide-information-provision-dublin-procedure>.

⁽⁵⁴⁾ Article 16(1) APR and Article 21(2) AMMR.

⁽⁵⁵⁾ Article 19(2) APR and Article 21(5) AMMR.



the applicant has the choice of the person or organisation they would like to receive free legal counselling from.

Member States may also apply existing rules for domestic claims of a similar nature. In such a case, the procedural rules should not be more restrictive and should not render access to free legal counselling impossible or excessively difficult ⁽⁵⁶⁾. Approaches on how to request free legal counselling may differ, depending for example on the way the Member State organises the making, registration and lodging and whether these happen at different steps or together.



Efficiency considerations in relation to the request for legal counselling

- National rules should specify whether the request covers both the administrative and the responsibility determination procedures or if separate requests should be filed and processed separately. To avoid any unnecessary administrative burdens, and to make the access to legal counselling easier for the applicant, it is recommended that any request for legal counselling be considered for both the asylum and responsibility determination procedures.
- Member States may also decide that, upon one single initial request, the applicant is authorised to access the legal counselling that is made available based on the modalities defined at national level throughout the procedure.
- Member States may also provide that legal counselling is made available to all applicants without the need for any specific request or that the request is implicit for all. They may also provide that no request is needed for certain categories of applicants (e.g. for vulnerable applicants who may find it challenging to make a request) or that certain categories of staff may support them in making the request.
- The possibility to have a joint request covering both the administrative and responsibility determination procedures is particularly relevant if the applicant is heard by the authority for both the lodging and the responsibility determination at the same moment. Though, technically, these are two different procedural steps, for the applicant they may be seen as one.
- To assess the efficiency of the system, it is advisable to keep an oversight of how many counselling sessions have taken place, how many applicants were involved, how long they took etc. .



The request for legal counselling in the admissibility, accelerated and border procedures

The above considerations are options that national authorities may particularly consider in the context of the admissibility, accelerated and border procedures, due to the specific time constraints these procedures involve and the possible efficiency gains those measures may bring. For example, providing legal counselling to all applicants subjected to the asylum border procedure, without necessarily waiting for them to request it. Or allowing them to

⁽⁵⁶⁾ Article 19(2) APR.

make one single request and be oriented systematically to the legal counsellors available when a request is made.

3.3. Period during which free legal counselling should be made available

Legal counselling should be made available in a timely manner, throughout all stages of the administrative and responsibility procedures. This allows applicants to exercise their right to effectively request legal counselling, receive it and take any steps based on it enabling them to promptly exercise their rights and comply with their obligations in relation to the relevant procedural steps. For example, to prepare for their personal interview(s), applicants should be given sufficient time to consult with a legal counsellor ⁽⁵⁷⁾.



Efficiency considerations in relation to the early availability of free legal counselling

A good practice may consist in making free legal counselling available as soon as an application has been made ⁽⁵⁸⁾. Third-country nationals who have made an application at the time of the screening ⁽⁵⁹⁾ could directly benefit from free legal counselling on the following steps of the asylum procedure as it is evident already at that stage that they will be referred to the asylum procedure. Free legal counselling on the asylum procedure at that stage may, for example, include information on the personal circumstances that the applicant should make known to the authorities and that may have an impact on the referral process to a special procedure (i.e. asylum border procedure or accelerated examination procedure on the territory) or to the regular procedure, or have an impact on the responsibility determination procedure. In such cases, free legal counselling may be made available at the time of the screening, but would not cover the screening process as such.

In the responsibility determination procedure, free legal counselling should be made available as soon as possible after the registration of the application. Indeed, the responsibility determination procedure starts after the registration of the application ⁽⁶⁰⁾ and applicants have the right to consult a legal counsellor in an effective manner ‘at all stages of the procedure for determining the Member State responsible’ ⁽⁶¹⁾. As outlined in section [2.2 ‘In the responsibility determination procedure’](#), the obligation to provide free legal counselling under the AMMR is

⁽⁵⁷⁾ Recital 14 APR.

⁽⁵⁸⁾ Article 15(1) APR and 21(1) AMMR refer to the right of the applicant to consult a legal counsellor at all stages of the administrative procedure and responsibility determination procedure. ‘Making an application for international protection’ is mentioned in Article 26 APR, in Chapter III APR on the ‘Administrative Procedure’, and Section I on the ‘Access to the Procedure’.

⁽⁵⁹⁾ The screening we are referring to here is the screening of third-country nationals carried out in application of [Regulation \(EU\) 2024/1356 of the European Parliament and of the Council of 14 May 2024 introducing the screening of third-country nationals at the external borders and amending Regulations \(EC\) No 767/2008, \(EU\) 2017/2226, \(EU\) 2018/1240 and \(EU\) 2019/817 \(OJ L, 2024/1356, 22.5.2024\)](#).

⁽⁶⁰⁾ Article 38(1) AMMR.

⁽⁶¹⁾ Article 21(1) AMMR.

limited to the procedure for determining the Member State responsible and does not extend to the take back notification or the relocation procedure ⁽⁶²⁾.

Considering the short procedural deadlines in the AMMR, legal counselling at an early stage of the responsibility determination procedure could help to ensure that applicants proactively seek out and provide relevant information to support the responsibility determination, in a timely way.

In the administrative procedure, free legal counselling should be made available as soon as possible after the registration of the application ⁽⁶³⁾ in a way that allows the applicant to have effective access to it before the lodging, considering that:

- the applicant should be informed on their right to free legal counselling at the latest when registering the application; and that
- legal counselling should provide, among others, assistance on the lodging of the application.

Member States need therefore to organise the initial access to legal counselling in accordance with the way they organise the access to the asylum procedure. Since all applicants should enjoy the guarantees provided for in Article 8 APR, the right to free legal counselling in the administrative procedure and, in particular, the right to assistance for the lodging of the application, should be guaranteed.

Moreover, legal counselling in the administrative procedure should be provided throughout the entire administrative procedure. Indeed, guidance should be made available on legal issues arising ‘in the course of the procedure’ and applicants have the right to consult a legal counsellor ‘at all stages of the procedure’ ⁽⁶⁴⁾. For more information on the modalities of the provision of legal counselling, see Chapter [5. How can legal counselling be provided?](#)

In Member States where the making, registration and lodging take place separately, the twenty-one-day period between the registration and the lodging allows to ensure effective access to legal counselling for the purpose of the lodging of the application. This gives the applicant time to gather the elements and evidence for the lodging based on the guidance they may receive from a legal counsellor. The early gathering of relevant information is important for an efficient preparation of the personal interview.

In Member States that have organised the access to the procedure in such a way that the **making, registration and lodging take place at the same time** ⁽⁶⁵⁾, access to free legal counselling should be organised immediately, to ensure this guarantee may be exercised in practice.

The information provision on the right to legal counselling and the actual legal counselling may take place at the same location and closely together. Considering the very short

⁽⁶²⁾ Article 21(1) AMMR.

⁽⁶³⁾ Article 16 APR read in conjunction with recital 16 APR, also considering that to be able to request free legal counselling, the applicant for international protection has to be identified as such.

⁽⁶⁴⁾ Article 15(1) APR.

⁽⁶⁵⁾ Article 28(7) APR.



timelapse and the initial focus of the legal counselling on the assistance on the lodging, the provision of legal counselling at this stage should cover at least the very next steps of the procedure. This can include, for example, all elements that the applicant may have questions about regarding the registration/lodging step and their rights and obligations in the procedure that are immediately relevant to these procedural steps.

Examples of ways in which the access to legal counselling may be organised in Member States where the making, registration and lodging happen simultaneously

- In the registration/lodging centre, basic information on the right to legal counselling as well as on the first steps of the procedure can be provided through leaflets and information screens. Additionally, legal counsellors could be visibly present (e.g. wearing a coloured jacket) to provide first basic legal counselling to applicants in need of further information. Further legal counselling could be provided, for example, in the reception centre once the applicant has lodged their application.
- It may be envisaged to make free legal counselling available to applicants, where applicable, in the period during which the screening is carried out.

Further legal counselling should be made available as soon as possible right after the registration/lodging to allow the applicant to prepare meaningfully for the personal interview, which may occur soon after. In particular, the legal counselling may focus on guidance on gathering supporting documentation that the applicant may have not been able to submit during the registration/lodging.



Recital 14 APR

The applicant should be provided with an effective opportunity to present all elements available to him or her which substantiate the application or are relevant for the procedures in accordance with this Regulation to the competent authorities. For this reason, the applicant should, subject to limited exceptions, enjoy the right to be heard through a personal interview on the admissibility or on the merits of his or her application, as appropriate ... The applicant should be given sufficient time to prepare and consult with his or her legal adviser or other counsellor admitted or permitted as such under national law to provide legal advice (the 'legal adviser') or a person entrusted with providing legal counselling.



**Efficiency considerations on having the registration and lodging as two separate steps that allow for sufficient time for legal counselling before the lodging**

Note that having a registration step that is separate from the lodging of the application strengthens the overall lodging process. If sufficient time is allocated between the registration and the lodging, and consequently for legal counselling on the lodging, this benefits the quality of the information and evidence that may be gathered and submitted by the applicant when the lodging takes place. This increases the likelihood for the authority to have the relevant elements at the early stages of the procedure, before the personal interview takes place. This may in turn increase the efficiency of the personal interview, as the case officer will be able to better prepare the personal interview and to cover the relevant aspects of the application more efficiently, where information and evidence has already been provided.

Legal counselling sessions may take place at different stages of the procedure. However, several aspects of the legal counselling may occur at the same time and should not be considered separately. For example, the assistance on the lodging of the application should be paired with the provision of guidance on procedures, to give applicants not only assistance on the lodging, as a procedural step, but also the best possible understanding of what awaits them in the respective procedure.

Similarly, the information, guidance and assistance provided in the context of the responsibility determination procedure aim to allow for the understanding of the criteria in the responsibility determination procedure and to make sure the applicant is informed of the possible steps they may take. The different tasks of legal counselling should therefore be considered as a whole.

National authorities may decide the best moment to provide legal counselling on some aspects of the procedure. For example, it may be premature to provide detailed information on the way the personal interview will be carried out in the national context if the responsibility determination procedure is ongoing and is likely to result in the transfer of the applicant. Providing detailed information of potential future steps of the procedure at this stage may confuse the applicant and create undue expectations.

For further information on the way legal counselling may be provided, see Chapter [5. How can legal counselling be provided?](#)

3.4. Possible exclusions and restrictions from the access to free legal counselling

3.4.1. Exclusions

It is possible for Member States to provide for exclusions from the access to free legal counselling. Exclusions from the access to free legal counselling are therefore optional and



need to be provided for in national rules ⁽⁶⁶⁾. The possibilities to exclude an applicant from the access to free legal counselling are also exhaustive. The decision of the competent national authorities to exclude an applicant from the access to free legal counselling should be individual. Where the conditions for exclusion are no longer met, the applicant should be informed of their right to request free legal counselling.

Member States should apply the APR and AMMR in conformity with fundamental rights, including relevant provisions of the EU Charter of Fundamental Rights ⁽⁶⁷⁾. Since exclusions from the access to free legal counselling imply a restriction to the rights of applicants, the interpretation of such exclusions grounds should be strict and their individual application, where relevant, should be proportionate.

In the context of the administrative procedure, the applicant may be excluded from free legal counselling when:

- ‘the application is a first subsequent application considered to have been lodged merely in order to delay or frustrate the enforcement of a return decision which would result in the applicant’s imminent removal from the Member State;’ ⁽⁶⁸⁾
- ‘the application is a second or further subsequent application;’ ⁽⁶⁹⁾
- ‘the applicant is already assisted and represented by a legal adviser.’ ⁽⁷⁰⁾

It should be noted that the grounds for exclusion from free legal counselling in the administrative procedure, as opposed to the exclusion from free legal assistance and representation in the appeal procedure, do not include any consideration based on the financial situation of the applicant or the prospect of success of the procedure ⁽⁷¹⁾. However, Member States may provide for certain monetary or time restrictions to the counselling provided (see section immediately below).

Example related to the proportionate application of exclusions from the access to free legal counselling in the administrative procedure

An applicant who has made a second or further subsequent application may, depending on national law, be excluded from the access to free legal counselling. When envisaging the proportionality of the exclusion of a particular applicant, the competent authority may consider, for example,

- whether the previous applications were made in another Member State,
- and that subsequent applications are subject to specific procedural rules and consequences.

Indeed, depending on the situation, the applicant may not be familiar with the procedure as it is applied in the Member State where the second or further subsequent application has been made or with how to exercise their rights or comply with their obligations there.

⁽⁶⁶⁾ Article 19(3) APR and Article 16(3)(a) APR, and Article 21(7) AMMR.

⁽⁶⁷⁾ See recitals 108 APR and 87 AMMR.

⁽⁶⁸⁾ Article 16(3)(a) APR.

⁽⁶⁹⁾ Article 16(3)(b) APR.

⁽⁷⁰⁾ Article 16(3)(c) APR.

⁽⁷¹⁾ See Article 16(3) as compared to Article 17(2) APR.



In the **responsibility determination procedure**, an applicant may only be excluded from accessing free legal counselling when

- ‘the applicant is already assisted and represented by a legal adviser’ ⁽⁷²⁾.

3.4.2. Monetary or time limits

Monetary and time limits should not result, in practice, in the exclusion from free legal counselling.

Member States may impose monetary limits or time limits on the provision of free legal counselling **in the administrative procedure under the APR** ⁽⁷³⁾. Such restrictions should not be arbitrary and should not unduly restrict the access to free legal counselling. If fees and costs are provided for in the national system of free legal counselling, the treatment of applicants should not be less favourable than the treatment generally given to nationals in matters where legal assistance may be requested ⁽⁷⁴⁾.

Examples of time limits

- A system that adjusts the duration of (individual) counselling sessions in accordance with the step of the procedure during which the counselling is provided.
- A system that provides for a global amount of time for legal counselling sessions to be used throughout the administrative procedure.

Note that the AMMR does not provide explicitly for the possibility to provide for monetary or time limits to the provision of legal counselling in the context of the **responsibility determination procedure**. However, Member States may nonetheless organise the provision of legal counselling in accordance with their national systems ⁽⁷⁵⁾, which may allow for limitations.

⁽⁷²⁾ Article 21(7) AMMR.

⁽⁷³⁾ Article 19(4) APR.

⁽⁷⁴⁾ Article 19(4) APR.

⁽⁷⁵⁾ Article 21(4) AMMR.



4. Who may provide legal counselling?

4.1. Persons and organisations that may provide legal counselling

The persons and organisations that may provide legal counselling are identified in similar terms in the APR and in the AMMR.



Article 19(1) APR

Free legal counselling, assistance and representation shall be provided by legal advisers or other counsellors, admitted or permitted under national law to counsel, assist or represent the applicants or by non-governmental organisations accredited under national law to provide legal services or representation to applicants.



Article 21 AMMR

Free legal counselling shall be provided by legal advisers or other counsellors admitted or permitted under national law to counsel, assist or represent applicants or by non-governmental organisations accredited under national law to provide legal services or representation to applicants.

The provision of free legal counselling must be done by:

- legal advisers or other counsellors admitted or permitted under national law to counsel, assist or represent the applicants; or
- non-governmental organisations (referred to in this guide as civil society organisations (CSOs)) accredited under national law to provide legal services or representation to applicants.

It follows from these provisions that it is for the national law to determine who is entrusted with the provision of free legal counselling in the context of the administrative procedure and in the responsibility determination procedure. This provides Member States with a wide flexibility that allows the adaptation of the system of free legal counselling to their specific national context. It is therefore for the national law to identify the categories of persons and organisations that may be entrusted with the provision of legal counselling but also for setting up the requirements that they need to fulfil in terms of qualifications, including academic degree, experience and training.

The sections below describe the requirements that may be considered for the admission or permission of persons entrusted with the provision of legal counselling. The considerations here may apply to all legal counsellors, including those who have a (contractual) tie to a CSO. The benefits of working with a CSO are described in Section [4.4 Civil society organisations entrusted with the provision of legal counselling](#).



4.2. Qualifications of legal counsellors

The inclusion of ‘other counsellors’ in the definition of legal counsellors allows for the consideration of several profiles. The profiles may include lawyers and persons with a degree in law and may be extended to other professionals with relevant qualifications and training.

National requirements in relation to the capacity and qualifications of legal counsellors should be determined by taking into account both the content of the legal counselling to be provided and the objectives of legal counselling in the procedure. Having also efficiency objectives in mind, investing in high-quality legal counselling may benefit the asylum procedure as a whole, from the making to the end of the appeal procedure. A quality service depends to a large extent on the skills of those who provide it.

4.2.1. Technical skills and knowledge

Legal counsellors should have the capacity to provide accurate, timely and relevant legal advice to applicants during the procedure at hand, hence have sufficient technical skills and know the procedures thoroughly. It is for national rules to establish which requirements are necessary in the national context, to what extent they need to be fulfilled and how they may be combined with one another to achieve that legal counsellors have a relevant level of skills and knowledge. The list below is limited to providing recommendations on the elements that may be considered by Member States when setting up their national system of legal counselling.

(a) Minimum education background

Setting a relevant education background is one of the elements that may ensure that legal counsellors are able to understand the subtleties and interrelations of the procedures they have to explain and provide advice on.

It is for national rules to establish the level of education that is deemed sufficient considering, for example, other criteria that may be applied in combination (e.g. the level of experience or training of the legal counsellor).

Having a higher-education background can be considered as beneficial to this role. Lawyers and holders of a degree in law have specific expertise to understand and assimilate the intricacies of the law and related procedures, which are part of a broader legal context. Depending on the national context, other higher education paths may also be considered as particularly relevant, for example degrees in political or social sciences or equivalent qualifications.

National rules may also provide for a system of accreditation exams that may allow to access the profession regardless of the academic qualifications or education background of the aspiring legal counsellor.



(b) Relevant training

Legal counsellors may be required to undergo appropriate training on the CEAS and on the specificities of its application in the national context.

The needs for training and its content should be defined at national level. As a primary source of training, national authorities may refer legal counsellors to the EUAA Training Catalogue ⁽⁷⁶⁾. Other more national-specific and regular trainings may ensure that counsellors are updated on relevant developments. CSOs specialised in legal aid and assistance in the context of migration and asylum procedures may also be a source of relevant training sessions, as well as specialised academic networks.

Legal counsellors who are informed through appropriate training on special procedural guarantees for persons in a vulnerable position, may better raise the awareness of applicants on the importance of mentioning any aspects that they should share with the relevant authorities in that respect.

The training should be continuous to ensure legal counsellors are updated on any development that could have an impact on the relevance and quality of their legal counselling. For that purpose, legal counsellors may also find relevant information to increase their competencies through publicly available information by the EUAA and other organisations, as detailed in the box below.

Examples of useful resources for legal counsellors

EUAA resources publicly available on EUAA website

- The EUAA Practical guides and tools ⁽⁷⁷⁾
- The EUAA Case Law Database ⁽⁷⁸⁾
- The EUAA Training Catalogue ⁽⁷⁹⁾
- The EUAA Judicial Publications ⁽⁸⁰⁾

Other resources

- Human Rights Education for Legal Professionals (HELP) – Trainings courses from the Council of Europe ⁽⁸¹⁾
- UNHCR handbooks and toolkits ⁽⁸²⁾, legal policy and guidance ⁽⁸³⁾
- FRA Handbook on European law relating to asylum, borders and immigration – Edition 2020 ⁽⁸⁴⁾
- Legal resources from AsyLex, 'For Legal Advisors' ⁽⁸⁵⁾

⁽⁷⁶⁾ The EUAA Training courses catalogue is publicly available. See EUAA, [Training Catalogue](https://euaa.europa.eu/training-catalogue), August 2022, accessed 23 May 2025, <https://euaa.europa.eu/training-catalogue>.

⁽⁷⁷⁾ <https://euaa.europa.eu/practical-tools-and-guides>

⁽⁷⁸⁾ <https://caselaw.euaa.europa.eu/Pages/default.aspx>

⁽⁷⁹⁾ <https://euaa.europa.eu/training-catalogue>

⁽⁸⁰⁾ <https://euaa.europa.eu/publications/catalogue-euaa-judicial-publications>

⁽⁸¹⁾ <https://www.coe.int/en/web/help/courses>

⁽⁸²⁾ <https://www.unhcr.org/what-we-do/reports-and-publications/handbooks-and-toolkits>

⁽⁸³⁾ Consult the UNHCR's Global Law and Policy Database at <https://www.refworld.org/>

⁽⁸⁴⁾ <https://fra.europa.eu/en/publication/2020/handbook-european-law-relating-asylum-borders-and-immigration-edition-2020>

⁽⁸⁵⁾ <https://rightsindexile.org/legal-resources/>



Depending on national law and practice, the issue of accreditation may be subject to proof of specific training being completed by the aspiring legal counsellor or of the passing of an accreditation exam. The renewal of accreditation may also be subject to proof of ongoing training of the legal counsellor, or to proof of passing a re-accreditation exam after a certain amount of time.

(c) Relevant experience

Depending on national rules, legal counsellors may be required to have a certain level of practical experience in providing counselling or a certain level of other relevant experience in supporting asylum seekers or adjudicating asylum cases before they may be accredited or before they are considered to be autonomous and are authorised to provide legal counselling on their own. Legal counsellors may also be required to provide counselling in a minimum number of cases per year to maintain their experience. Hands-on experience is important for legal counsellors to understand in a much more practical way the specificities of the asylum and responsibility determination procedures, as well as the challenges applicants may face in accessing their rights and complying with their obligations. The quality of the counselling they may provide highly depends on their practical experience.

4.2.2. Communication skills

Legal counselling implies good communication skills to engage with the applicant and create a rapport of trust. This may allow for fruitful interactions in which:

- the applicant feels safe and heard, is able to ask questions to make sure they understand the counselling that was given and may make informed decisions;
- the legal counsellor is able to gather relevant information and therefore provide adequate counselling to support the applicant and the asylum procedure.

4.2.3. Independence, absence of conflict of interest and confidentiality

Core safeguards that are applicable to any legal aid system should apply to persons providing legal counselling in the administrative and responsibility determination procedures. These include independence, absence of conflict of interest and confidentiality.

These safeguards create the conditions that allow for the objectives of legal counselling to be met and support a system of good administration. They enable applicants to put forward the elements essential to the procedure and to the examination of their application. Applicants should trust that the information they discuss with the legal counsellor will not be shared further with the bodies responsible for the registration, lodging and/or decision-making process or with any other third party. Uncertainty in this respect may affect the applicant's confidence in the legal counselling process and lead them to refraining from asking the questions that are on their mind or refraining from sharing openly with the legal counsellor the concerns they may have. This would undermine the impact legal counselling can have on strengthening the transparency and efficiency of asylum procedures. Similarly, the applicant



needs to be able to understand clearly that the information they have shared with the legal counsellor is, as such, not part of their asylum application.

Moreover, the legal counselling should be organised in a way that allows for the respect of confidentiality. The absence of adequate privacy safeguards can undermine the effectiveness of counselling, as applicants may feel unable and unsafe to disclose relevant information. This, in turn, may prevent legal counsellors from providing accurate and informed guidance. For this reason, the space in which legal counselling is provided should allow for the protection of the privacy of the counselling session (e.g. a relatively calm and private space).

Since lawyers must respect the core principles of independence, absence of conflict of interest and confidentiality, and their activities are regulated and supervised by their professional bodies, resorting to lawyers as legal counsellors warrants that those safeguards are complied with. When legal counsellors are not lawyers, ensuring in the national system of legal counselling that legal counsellors respect those safeguards plays a key role to meet the objectives of legal counselling.

Where the authorities have civil servants or public employees providing legal counselling, measures need to be put in place which show that these safeguards are being respected. Below are some recommended measures in this regard. This list is not exhaustive.

- Avoid that the civil servants providing legal counselling are part of the same organisational unit or division which is directly responsible for the implementation of the decision-making process or that this is perceived as such.
- Resort to civil servants who work for another administration than that which is competent for the registration, lodging or examination, (e.g. case officers that are detached from their administration for a set period to fulfil that specific role in another office).
- Have a code of conduct or a deontological document for persons entrusted with legal counselling, containing specific safeguards in relation to the independence of the counselling they provide.
- Have legal counselling provided in a space which is clearly separated from the spaces where the registration, lodging or examination takes place.
- Limit the counselling provided by civil servants to early stages of the procedure only, as a complement to general information provision.

The cumulative application of these recommendations would increase the (perception of) independence.

A complaints mechanism may ensure that applicants have the possibility to report shortcomings in the independence, absence of conflict of interest and confidentiality of the counselling that is provided.





Considerations related to legal counselling provided in person in the asylum border procedure

Depending on the national set-up, national authorities may envisage to have specific locations for the provision of legal counselling at the border facility or where the border procedure is being carried out, including border crossing points and transit zones ⁽⁸⁶⁾. Dedicated spaces will allow for the confidentiality of the legal counselling provided.

4.2.4. Additional skills and requirements

Depending on the national context, legal counsellors may be required to fulfil additional conditions for them to be accredited as such. Below are some examples.

- The registration with certain professional associations, such as the lawyers bar association.
- Specific language requirements (e.g. passive or active knowledge of English).
- Socio-pedagogical skills, i.e. abilities and competences that legal counsellors should possess to effectively interact with and support the learning and understanding of information by applicants. These may include empathy and active listening, cultural competences, emotional intelligence, coaching skills, group management and conflict resolution.
- Having a clean criminal record, especially when counselling unaccompanied children or other vulnerable groups.

4.3. Selection and quality assurance process

A national framework should provide for the rules applicable to the selection process of legal counsellors working independently, working in or for a public authority and legal counsellors working in or for a CSO.

- It is for national authorities to decide who should carry out the selection (e.g. a public authority, the CSO entrusted with the provision of legal counselling, a professional association, or a combination of those).
- The national framework should include clear specifications on the qualifications that legal counsellors should fulfil, the recurrence of the selection process and the duration of the validity of the accreditation, where relevant.
- National conditions for funding and reimbursement procedures should be made available in a clear and transparent way for candidates to make informed decisions. See also Chapter [6 Funding of legal counselling](#).

⁽⁸⁶⁾ Article 18(3) APR.



Cooperation with national stakeholders

Coordination among all actors involved in providing legal counselling may help ensure a high-quality process throughout the entire procedure. It is recommended that national authorities in charge of organising the national system of legal counselling consult the actors that may contribute to its organisation. National professional associations (such as national bar associations) or CSOs that have expertise in the provision of legal aid can be important interlocutors as they have insights based on that professional expertise that may be relevant to all the aspects of the provision of legal counselling. Where it is envisaged that their members or staff will be entrusted with the provision of legal counselling, their participation in the discussions on legal counselling can be a significant element to achieve an efficient and qualitative organisation of legal counselling. They may take part in discussions, for example on:

- the selection criteria and selection process of legal counsellors, including the qualifications they must fulfil;
- funding-related matters;
- the identification of needs in (human) resources, communication between authorities and providers of legal counselling for the correct planification of needs and ensuring availability of legal counsellors also in situations of fluctuating needs;
- the modalities for the operational provision of legal counselling;
- quality assurance measures.

Such inclusion may facilitate the buy-in of these partners and will encourage that all actors work towards a similar objective, that of the general improvement of the national asylum system, to the benefit of both asylum authorities and applicants.

The coordination with relevant stakeholders may also allow for the identification of common quality standards that may be applicable at national level to allow for consistency in the quality of the legal counselling that is provided. Putting in place a coordination structure (e.g. via an umbrella CSO or a professional association, such as national bar associations) may also allow national authorities to have counterparts with whom to discuss and address shortcomings in the system. This could ensure that a uniform standard of quality of counselling is provided to all applicants.

- **Quality assurance**

It is recommended that Member State set up a system to regularly assess the quality of the legal counselling that is provided to applicants. National rules may provide for the conditions under which the quality assurance may be carried out, including the authority or organisation tasked with it. Some examples that may be included are described below.

- Using the four-eye principle or on-the-job coaching, in particular with inexperienced legal counsellors or on more complex questions or topics.
- Providing relevant material. For example, checklists, lists of procedural elements to address, standard operational procedures or workflows.

- Reviewing the legal counselling provided, if the counselling is collected in a database or a file and the information is anonymised.
- Conducting interviews with legal counsellors.
- Conducting interviews with applicants and/or providing them the possibility to give feedback (e.g. by filling in a form for the service provided and suggestions for improvement)
- Observing counselling sessions regularly.
- Checking the understanding of applicants of the procedure after they have received legal counselling.
- Setting up a complaints mechanism to allow applicants to report the misconduct of a legal counsellor and uphold safeguards such as the absence of conflict of interest (see further on this in Section [4.2.3 Independence, absence of conflict of interest and confidentiality](#)).
- Putting in place quality assurance tools and review of the activities of the legal counsellors on an ongoing basis.

In addition to those tools, the quality of the legal counselling provided may also be assessed indirectly at aggregate level by considering observable improvements, or lack of such improvements, in the understanding of the procedures by applicants. For example, the improvement of the completeness of the file before the personal interview (e.g. how many times documents that could have been submitted before the personal interview, were submitted after it) and the preparedness of applicants during personal interviews.

- **Recording of data**

Recording relevant information on the provision of legal counselling allows to document it, monitor its use and its quality. The recorded data may also be used as a tool to improve the organisation of the provision of legal counselling and its planning. This may be a particularly relevant tool in the context of the asylum border procedure to ensure the access to legal counselling to all applicants who request it. The system may include the recording of anonymised information on:

- the requests that are made (when, where, how many and who makes requests for legal counselling);
- the time spent in providing the legal counselling;
- the requests that are denied and the reasons for refusal;
- a short summary of the content, in particular if questions were asked, and how these were answered, as long as this data is recorded anonymously.

The collection of data implies the setting up of specific rules in relation to safekeeping confidential information and data protection and security.



4.4. Civil society organisations entrusted with the provision of legal counselling

The principles in the section above are also applicable to the legal counsellors who are working for an umbrella CSO accredited through a specific grant or procurement procedure to provide legal services or representation to applicants. The CSOs will then manage the legal counsellors and ensure that the legal counselling is conducted in line with national law and that any contractual obligations are respected.

Some specificities may however be highlighted here about the way national authorities may interact and capitalise on the expertise that CSOs may have in the provision of legal counselling.

- National authorities may establish structured dialogue with umbrella CSOs to discuss improvements and address practical challenges in the organisation of legal counselling. This could foster mutual understanding and alignment of priorities between public institutions and service providers.
- By working closely with (umbrella) CSOs, national authorities may enhance communication and coordination among CSOs, legal service providers and independent legal counsellors. This could help ensure the availability of legal counselling when needed. For instance, national authorities could share relevant data (e.g. number of applications at borders) with CSOs, enabling them to adjust their interventions to anticipated demand in specific locations or timeframes. In turn, CSOs might provide feedback and insights to authorities, supporting a more responsive and resource-efficient system.
- CSOs can be made responsible for the organisation of a recruitment process that allows for rapid and flexible deployment of legal counsellors, potentially ensuring timely support in dynamic settings like special procedures or detention scenarios.
- CSOs can be tasked with making shared expertise and resources available to legal counsellors, such as up-to-date training, jurisprudential analysis, and tools for legal counsellors, which can strengthen the consistency and quality of the legal counselling provided.
- Through collaboration with CSOs, national authorities may support the implementation of quality assurance mechanisms, ensuring that legal counselling aligns with national legal standards. CSOs could contribute by embedding quality control into their internal systems, potentially leading to a more reliable and standardised service delivery model for applicants and public authorities alike.

National associations of professional legal counsellors, such as national bar associations, may also play a role in the communication, coordination, quality control and monitoring of legal counselling.



4.5. The European Union Agency for Asylum

To implement free legal counselling in the administrative and responsibility procedures, Member States may request the EUAA's assistance ⁽⁸⁷⁾. This practical guide supports Member States in their reflections on the way they may implement Articles 16, 18 and 19 APR and Article 21 AMMR and organise their national system of free legal counselling.

Additionally, the EUAA may provide operational and technical assistance based on its mandate ⁽⁸⁸⁾.

⁽⁸⁷⁾ Article 16(4) APR and 21(8) AMMR.

⁽⁸⁸⁾ Articles 16 to 28 of [Regulation \(EU\) 2021/2303](#) of the European Parliament and of the Council of 15 December 2021 on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010 (*OJ L 468*, 30.12.2021).



5. How can legal counselling be provided?

It is for Member States to organise their national system of free legal counselling. The way legal counselling is provided has to be included in the national law. Listed below are some principles that may be considered when organising the way legal counselling is provided.

- Member States may determine the modalities and times, namely when and where legal counsellors are available, as long as effective access to legal counselling is ensured at all stages of the procedure for every applicant who requests it ⁽⁸⁹⁾.
- Resorting only to the tools used for information provision, such as information leaflets or videos, is not sufficient to meet the objectives of legal counselling. Legal counselling entails a personal interaction between the applicant and the legal counsellor and more detailed and/or specific responses to the applicant's questions.
- The legal counsellor should have access to closed areas, such as detention facilities and transit zones, for the purpose of counselling ⁽⁹⁰⁾. In those areas, legal counselling should be provided in an appropriate setting that allows for confidentiality.
- National authorities may decide who is in the best position to provide legal counselling at each stage of the procedure. Therefore, the legal counsellor and their qualifications may vary throughout the procedure.
- The appointment of a person for the legal counselling dedicated to one step of the procedure, in particular the initial steps, may be an advantage to provide targeted counselling within very short timeframes. However, the multiplication of people providing legal counselling during the procedure may become a hindrance to the establishment of a relationship of trust between the legal counsellors and the applicant, which may diminish the positive impact of the counselling provided. The lack of continuity may also be detrimental to the quality of the legal counselling. Having one legal counsellor follow up on the applicant's situation throughout the procedure may facilitate better support. In organising the provision of legal counselling, a good practice may be to allow applicants, where possible and reasonable, to request a legal counsellor of the sex they prefer. This implies to have a mix of legal counsellors of each sex available to provide legal counselling.



Continuity in the admissibility, accelerated and border procedures

National authorities may consider whether to make arrangements so that legal assistants or representatives provide legal counselling throughout the responsibility determination, administrative, and appeal procedures. This would enable them to follow up on the situation of the applicant. It may also facilitate the fulfilment of all procedural guarantees to ensure both the access to the asylum procedure and to the appeal procedure within the very short timeframes in which an appeal has to be lodged.

⁽⁸⁹⁾ Articles 15(1) APR and 21(1) AMMR.

⁽⁹⁰⁾ Article 18(3) APR.



5.1. Individual or collective counselling

Legal counselling may be provided by the legal counsellor during individual sessions or to several applicants at the same time ⁽⁹⁾. It is for national authorities to decide whether such ‘collective’ legal counselling sessions may be provided in the national context. Considering the flexibility that Member States have in organising the provision of legal counselling, different combinations between individual and collective sessions of legal counselling may also be considered. When envisaging the set-up of one or the other, the envisaged stage of the procedure, the target group and the content of legal counselling are considerations to keep in mind. In particular, if any vulnerabilities of the applicant have been identified, they should be taken into account.

5.1.1. Individual legal counselling

One-to-one interactions with legal counsellors cover the applicant’s specific questions (to the extent they fall within the scope of legal counselling) and increase the likelihood that appropriate actions are taken by the applicant. Additionally, allowing the applicant, where possible, to resort to the same legal counsellor(s) throughout the procedure may forge a rapport based on trust and drive them to accept and follow the advice better. Such individual counselling may also increase the quality of the counselling, as the applicant’s situation is already known to the legal counsellor.

When legal counselling is provided in the context of legal issues arising in the course of the procedure or entails assistance to the applicant (e.g. for the lodging and for filling the family tracing template), it is recommended that one-to-one sessions are made available. In these instances, the legal counselling requires a more tailored approach to the situation of the applicant (see Chapter [2. Content of legal counselling](#)) and may involve more complex situations.

It is a good practice to have individual sessions for vulnerable applicants, in particular children, victims of torture, victims of human trafficking and applicants with diverse sexual orientations, gender identities, gender expressions and sex characteristics (SOGIESC), and victims of gender-based violence.

When the counselling is provided to several applicants at the same time, it is recommended that group sessions are followed by the possibility to have an individual interaction (see immediately below).

5.1.2. Legal counselling to several applicants at the same time

Providing legal counselling to several applicants ‘at the same time’ may take different forms. The organisation of collective legal counselling sessions may involve, for example:

- the provision of legal counselling to a group of people gathered together;

⁽⁹⁾ Article 21(3) AMMR and Article 16(1), second subparagraph APR.



- the provision of legal counselling by having legal counsellors available for questions in the facility where several applicants go through specific procedural steps. Though the counsellors are available to all applicants present at that time, the counselling would rather be regarded as individual.

For example, legal counsellors may be available in a specific room or may be approached in the waiting room (e.g. before the lodging occurs in Member States where the registration and the lodging occur at the same time), while information provision is ongoing (e.g. applicants may receive information on the procedure and be informed of the availability of legal counsellors, e.g. dressed in a specific way, to ask further questions). In such cases, the legal counselling may be limited to the procedural step that is about to occur (see Chapter [2. Content of legal counselling](#)).

Providing group legal counselling sessions may allow for an efficient use of time and financial resources in certain circumstances. The relevance and efficiency of holding group counselling sessions may depend on the appropriate definition of the aspects described in the following points.

The target group for the session is defined to ensure that the content is tailored to its needs: the target group could be, for example, applicants who are in a similar procedural situation and at the same procedural step. This could be, for example, newly arrived applicants who are from the same country of origin and/or to whom specific procedural consequences may apply (e.g. an accelerated procedure in the context of the application of the concept of safe country of origin; applicants who have all family members in another Member State). This is important to ensure that the content of the legal counselling is as close as possible to the more individual needs of each applicant that receives such group counselling. In such a setting, the answers provided to questions asked by some applicants may be of interest to the others.



Collective legal counselling for applicants undergoing the same procedure

For example, applicants undergoing admissibility, accelerated, or border procedures may benefit from an initial group session to address common issues. This approach could improve efficiency by consolidating initial information-sharing and reducing redundancy in repeated one-to-one sessions where applicable.

The purpose and the scope of the group session is considered: collective settings may be more appropriate when legal counselling involves guidance and explanations on general procedural aspects. In such cases, a group setting may allow for explanations with the use of a specifically targeted tools (e.g. a presentation tool showcasing important evidence, documents or steps of the procedure), which may prove to be efficient as a first step of the counselling. The explanations provided may also be supported by videos (e.g. of the path that the applicant will follow to reach the room where the fingerprints will be taken or where the personal interview takes place and how the process is conducted).



The size of the group is appropriate: the size of the group is important to ensure effective communication, interaction and attention to individual concerns. Applicants should feel safe in asking questions relevant to their procedural situation within the scope of legal counselling (see Chapter [2. Content of legal counselling](#)). Large groups may discourage such questions, in particular from more vulnerable groups, such as children, women, victims of torture, victims of human trafficking and applicants with diverse SOGIESC. Applicants may not want to ask questions in a group setting or may need more one-to-one counselling, for example because they feel uncomfortable or threatened by the presence of fellow nationals or because of the sensitivity of the points they want to address.

If collective sessions are envisaged for the assistance on the lodging of the application, it is recommended that the size of the group is kept small and/or that it is complemented by one-to-one sessions.

There is a possibility to ask questions in one-to-one sessions: it is recommended that applicants have the possibility to ask questions in a confidential setting in a one-to-one session with a legal counsellor. This may be organised, for example, by allowing the applicants in the group to have a private conversation with the legal counsellor(s) for a determined period after the group counselling session has taken place. This aspect, combined with the more tailored advice that the legal counsellor may provide to the applicant, constitutes the key added value of legal counselling when compared to general information provision.

If applicants with clear indications of special needs have been identified in the audience, it is a good practice that legal counsellors approach them to suggest them one-to-one sessions, as they may have apprehensions to request them on their own. Also, reaching proactively to applicants present during a group session to offer one-to-one legal counselling may ensure all applicants receive legal counselling on equal terms.

The languages in which collective sessions are held are considered: collective counselling sessions may prove challenging to organise if applicants who take part in them do not speak the same language. Organising collective sessions with applicants who speak the same language implies the planning of dedicated sessions in that language and specific interpretation and/or cultural mediation services. Such sessions may be more appropriate for languages that are common to many applicants who are undergoing the same procedural steps.

The space that is allocated to the collective session is adequate and allows for some confidentiality (e.g. in a closed space dedicated to the counselling session where the discussion cannot be overheard).

5.2. In-person or remote legal counselling

The flexibility that is provided to national authorities to set up their system of legal counselling allows the use of in-person legal counselling, remote counselling sessions or in-person legal counselling with the use of interpreters supporting remotely. National rules should set the



context in which in-person legal counselling should be provided and when remote legal counselling or in-person legal counselling with remote interpretation may be used, and the procedural steps to which each set-up may apply.



Efficiency considerations on remote or in person legal counselling

Resorting to remote legal counselling may be needed in some circumstances (e.g. when legal counselling has to be provided in remote locations that may be more difficult to reach by legal counsellors, in the context of the asylum border procedure or in times where the increase in requests for legal counselling calls for additional flexibility). However, in-person legal counselling is best suited to ensure that the objectives of legal counselling are met. Not all applicants are comfortable with the use of technology. A legal counsellor that is present physically with the applicant may better perceive cues of misunderstanding, distress or doubt and will be in a better position to build rapport and react to the non-verbal communication of the applicant, therefore achieving a more meaningful legal counselling. It is therefore recommended to limit the use of remote legal counselling to exceptional circumstances and to favour the use of in person legal counselling in general.

The way remote legal counselling is organised should ensure the following.

- The access to legal counselling is fully guaranteed.
- The procedural steps in which it takes place and its scope are fully considered not to jeopardise its objectives.
- The communication among the legal counsellor, the applicant and the interpreter may occur seamlessly.
- Interpretation services are available where relevant and effective.
- All safeguards in relation to the confidentiality of the exchange are satisfied.
- Minimum technical requirements and assistance are in place. This includes, for example, proper internet connection to ensure the quality of the communication if the legal counselling session takes place through videoconference.



Related EUAA publication

The procedural safeguards and recommendations that are applicable to the holding of remote personal interviews are a relevant source of inspiration for the organisation of remote legal counselling sessions. See further in EUAA, [Guidance on Remote Interviews](#), April 2025 ⁽⁹²⁾.

Remote legal counselling may be carried out via videoconference provided that the above safeguards are met.

⁽⁹²⁾ EUAA, [Guidance on Remote Interviews](#), April 2025, accessed 26 May 2025, <https://euaa.europa.eu/publications/guidance-remote-interviews>.



Remote settings that do not allow the parties (i.e. legal counsellor, interpreter and applicant) to see each other (e.g. phone calls, chat conversations) are not appropriate channels to provide legal counselling as they increase language and communication barriers, in contradiction with the objectives of legal counselling. Hence, they should not be used.

The fact that the persons cannot see each other may create misunderstandings. For example, non-verbal communication that may indicate lack of understanding, confusion or doubt is lost. These immaterial counselling sessions may also impair the creation of an atmosphere of trust, which may ultimately affect the objectives of procedural efficiency. The interaction via chat requires that the applicant is proficient in writing and reading when covering topics that may be complex. It may also be challenging in such a context to ensure adequate interpretation services. Considering that the access to free legal counselling aims to ensure a better understanding of the procedure, such tools should not be used.

If legal counsellors are permitted to provide legal counselling remotely, they should ensure confidentiality ⁽⁹³⁾. The legal counsellor should make the counselling environment as professional as possible. IT equipment and a proper internet connection should be in place.



Arrangements for applicants with special procedural needs

When special procedural needs have been identified, specific arrangements should be put in place to allow the applicant to participate in the remote legal counselling on equal footing with other applicants. For example, where relevant:

- having an online sign language interpreter;
- providing the appropriate equipment such as hardware/software tools (e.g. assistive technology);
- setting up the room in the appropriate way (a wheelchair should fit under the desk, the keyboard should be close enough so that it may be operated easily).

The principles of non-discrimination, inclusiveness and participation are crucial to ensure all applicants can benefit from legal counselling. These principles are even more important to applicants with special needs. In particular, inclusiveness entails a proactive approach to remove barriers to the enjoyment of rights in a way that all persons have equal access to services and opportunities.

It is important to note, however, that for certain vulnerable groups, such as children, victims of torture, applicants with diverse SOGIESC or highly traumatised applicants, a videoconference setting may not be appropriate.

⁽⁹³⁾ EUAA, [Guidance on Remote Interviews](https://euaa.europa.eu/publications/guidance-remote-interviews), April 2025, accessed 26 May 2025, <https://euaa.europa.eu/publications/guidance-remote-interviews>.



5.3. Interpretation

To be effective and accessible, legal counselling should be provided to the applicant in a language that they understand or are reasonably supposed to understand. Language barriers may impair the effective access to legal counselling and undermine the efficiency objectives of legal counselling. Hence, interpretation services will be needed in many cases to secure the full understanding between the legal counsellor and the applicant. In establishing a system of legal counselling, sufficient funding of interpretation services needs to be considered. The quality of interpretation services would also have to be ensured. For reasons of confidentiality and/or quality of the interpretation, it is not recommended to use family members as interpreters. Also to support an effective access to legal counselling, a good practice is to allow the applicant, to the extent possible and where reasonable, to be assisted by an interpreter of the sex that they prefer.

Where this is possible under national law, the pool of interpreters on which the asylum authorities or the reception centre rely could be expanded and be used also for the purpose of legal counselling. In such a case, it is recommended that the same interpreter that was present during the counselling session of an applicant is not present during the procedural steps before the asylum authorities to avoid any impression of possible conflict of interest.

More specifically, it is recommended that interpreters follow the EUAA training module on interpretation () to ensure the key principles guiding the work of the interpreters: professionalism and integrity, accuracy and completeness, confidentiality and impartiality, and neutrality (). Guidance is also provided to interpreters on how to behave in challenging situations. Other national, tailor-made training courses for interpreters would also be beneficial in enhancing the quality of the interpretation. Specialised training on vulnerable groups is another requirement that may be set for legal counsellors as well as interpreters.

The use of remote interpretation may mean solving the challenge of finding interpreters where interpreters in a certain language are scarce. The safeguards mentioned in the section immediately above should also be met when providing interpretation services remotely.



Related EUAA products

For further information on the interpretation in the asylum procedure, refer to the guidance from the EUAA and Intergovernmental consultations on migration, asylum and refugees available at the webpage '[Interpretation in the Asylum Procedure](#)'. It comprises a practical guide, a poster of the ten essential interpretation rules and checklists.

You may also refer to the modules on interpretation available in the EUAA Training Catalogue: [Modules on interpretation](#) ⁽⁹⁴⁾. Information on how to register for training may be found on the [EUAA Learning Portal](#).

⁽⁹⁴⁾ EUAA, '[Modules on interpretation](#)' in *Training Catalogue*, August 2022, accessed 26 May 2025, <https://euaa.europa.eu/training-catalogue/modules-interpretation>.



5.4. Measures to ensure availability of legal counsellors and interpreters

In organising the access to legal counselling, a sufficient number of legal counsellors and interpreters should be made available to meet the requests of applicants for legal counselling, both on-site and remotely, as applicable. This requires forecasting to ensure timely access to legal counsellors and interpretation services.

To that end, the organisation of the availability of legal counselling may consider, for example:

- the scope of legal counselling within specific procedural steps;
- the time to be allocated to applicants who request legal counselling at each step of the administrative and responsibility procedures, considering the complexity of the questions that may arise during such steps.;
- the number of applicants who are expected to request legal counselling at each procedural step;
- among those, the proportion of applicants that may be considered as having vulnerabilities that would require more sustained or tailored legal counselling;
- the identification of trends and seasonal fluctuations to assess the needs that may be expected, considering, for example, the number of applicants, their nationalities, the languages mainly spoken by applicants, while thinking of ways to keep flexibility in the system.

In addition to ensuring that adequate spaces for the provision of legal counselling are available, and that technical requirements are in place for adequate and confidential communication, different systems may be envisaged, for example:

- having an appointment system;
- having recurring collective sessions to which applicants may attend freely (for example in the most commonly spoken languages);
- maintaining a pool of legal counsellors and interpreters rotating in a roster, or providing a walk-in service permanently available during working hours, for example at reception centres, to meet the immediate needs of applicants without appointment.

Additionally, depending on the way the access to legal counselling is organised at national level, the organisation of legal counselling may need to consider the request of the applicant to talk to a legal counsellor and interpreter of the same sex.

A system of planning may allow to efficiently organise the provision of legal counselling and allocate resources, in particular in the context of admissibility examinations, accelerated or border procedures. For example, the planning could consider the number and category of applicants recently registered that are expected to request assistance for the lodging. The number of applicants, the type of counselling likely to be needed, etc are aspects that may support in allocating the appropriate number of legal counsellors and interpreters to meet the demand as well as the likely relevant timespan needed for the expected counselling sessions.



Considerations related to the availability of legal counsellors and interpreters in admissibility, accelerated and border procedures

- Having a service of legal counsellors and interpreters either permanently at the national authorities facilities (always available on site) or on-call at a close distance, in particular when it comes to the asylum border procedure (available on short notice). The use of one and/or the other option may apply in different combinations. For example, a fixed number of legal counsellors and interpreters are available permanently on-site (e.g. for the main nationalities/languages of applicants mostly subjected to the admissibility of special procedure), with a buffer of legal counsellors and interpreters available on-call in case of unexpected demand or specific needs (e.g. for certain less spoken languages).
- Resorting to remote legal counselling and/or remote interpretation when the conditions allow for it (see Section [5.2. In-person or remote legal counselling](#)).

6. Funding of legal counselling

The funding of free legal counselling should cover the remuneration of legal counsellors, as well as other costs that the provision of free legal counselling entails. The costs incurred by legal counsellors should be appropriately funded. Applicants should be clearly informed that persons entrusted with free legal counselling are not allowed to ask them for any form of remuneration or compensation for their work or costs they may incur.

These costs may include those related to, for example, the:

- rental of premises or the cost of making office space available;
- interpretation services or the presence of cultural mediators;
- supporting or administrative staff, depending on the size of the organisation providing legal counselling;
- general functioning (heat, electricity, IT systems, etc.);
- training;
- travel costs;
- human resources in the Member State authority, that may be needed for the management of contracts with legal counsellors;
- implementation of a quality assurance system.

It is important that Member States ensure that the remuneration of legal counsellors is fair. They must ensure that reimbursement procedures are designed in such a way that they do not create an unreasonable administrative burden and they are not so lengthy as to compromise the timely remuneration of legal counsellors and, consequently, jeopardise the stability of the service of legal counselling.

The legal status under which legal counsellors provide their service and their remuneration system (e.g. work contract or fee-for-service basis) is an important point to assess that may have financial repercussions. Similarly, a reflection on the interplay between legal counselling in the administrative and responsibility determination procedures with legal assistance and representation at the appeal level, may be an opportunity to rethink of the overall system of legal advice within the asylum procedure.

Member States have the possibility to resort to financial support through EU funds for the actions they take for putting in place free legal counselling in accordance with the APR and AMMR ⁽⁹⁵⁾.

⁽⁹⁵⁾ Article 16(4) and Article 76 APR and Article 21(8) AMMR.



Annex 1. The differences between legal counselling, information provision, legal assistance and representation

Table 1. Comparative table on key aspects relating to the actions that may be taken by legal advisers who represent, assist or are entrusted with the provision of legal counselling and information providers in the administrative procedure

This table aims to reflect the different aspects of legal aid under the APR. Depending on national law, the actions the professionals mentioned below are authorised to perform, may vary.

Role	Legal adviser who represents the applicant	Legal adviser who does not represent but assists the applicant	Person entrusted with the provision of free legal counselling	Information provider
Actions				
They may act on behalf of the applicant . They are allowed to submit legal documents and evidence on behalf of the applicant.	✓	⊗	⊗	⊗
They may deliver the explicit withdrawal of the application by the applicant on their behalf ⁽⁹⁶⁾ .	✓	⊗	⊗	⊗
They should be granted access to the information in the applicant's file on the	✓	⊗	⊗	⊗

⁽⁹⁶⁾ Article 40(1) APR.





Role	Legal adviser who represents the applicant	Legal adviser who does not represent but assists the applicant	Person entrusted with the provision of free legal counselling	Information provider
Actions				
basis of which a decision is or will be taken ⁽⁹⁷⁾ .				
They should be granted access to the country of origin information that is required for the examination of applications and to the information provided by experts, where the determining authority has taken that information into consideration for the purpose of making a decision on the application ⁽⁹⁸⁾ .	✓	✓	⊗ unless this is provided for in national law.	⊗
They should be granted access to restricted information or sources as described in Article 18(2) APR.	✓ if they have undergone a security check and in so far as the information is relevant for examining the application or for taking	⊗ unless this is allowed by national law and is done in compliance with the conditions provided for in national law.	⊗	⊗

⁽⁹⁷⁾ Article 18(1) APR.

⁽⁹⁸⁾ Article 8(5) APR.





Role	Legal adviser who represents the applicant	Legal adviser who does not represent but assists the applicant	Person entrusted with the provision of free legal counselling	Information provider
Actions				
	a decision to withdraw international protection.			
They should be allowed to be present during the personal interview ⁽⁹⁹⁾ .	✓	✓	⊗ unless otherwise provided in national law.	⊗
They may recommend a certain path of action to the applicant.	✓	✓	⊗	⊗
They may provide explanations, guidance and assistance on procedural aspects considering the profile of the applicant to allow them to make an informed decision on the steps to take.	✓	✓	✓	⊗
They may provide information on the asylum procedure and answer questions from the applicant .	✓	✓	✓	✓

⁽⁹⁹⁾ Article 13(4) APR and recital 14 APR. See also Article 22(4) APR for accompanied children and 23(8) APR for unaccompanied children.



Role	Legal adviser who represents the applicant	Legal adviser who does not represent but assists the applicant	Person entrusted with the provision of free legal counselling	Information provider
Actions				
They should be granted access to closed areas.	✓ ⁽¹⁰⁰⁾	✓ ⁽¹⁰¹⁾	✓ ⁽¹⁰²⁾	✓ ⁽¹⁰³⁾
They may be allowed to support the representative of an unaccompanied child or the person designated while the representative is appointed for the tasks mentioned in Articles 23(6) and (8) APR ⁽¹⁰⁴⁾ .	✓	✓	✓ within the scope of legal counselling.	✗
They may be notified of the decision instead of the applicant.	✓ ⁽¹⁰⁵⁾	✗ but they may be notified of the decision along with the applicant, depending on national practice, to allow them to assist the applicant at appeal level.	✗	✗

⁽¹⁰⁰⁾ Article 18(3) APR.

⁽¹⁰¹⁾ Article 18(3) APR.

⁽¹⁰²⁾ Article 18(3) APR.

⁽¹⁰³⁾ Article 8(1) APR, considering this provision applies to all applicants regardless of the area in which they are located.

⁽¹⁰⁴⁾ Articles 23(6) and (8) APR.

⁽¹⁰⁵⁾ Articles 8(6) and 36(1) APR. See also Article 36(4) APR.



Role	Legal adviser who represents the applicant	Legal adviser who does not represent but assists the applicant	Person entrusted with the provision of free legal counselling	Information provider
Actions				
They may lodge an appeal on behalf of the applicant.	✓	⊗ but they may assist the applicant in the appeal procedure.	⊗	⊗
For an appeal, they may prepare the procedural documents required under national law, they may prepare the appeal and, in the event of a hearing, they may participate in that hearing before a court or tribunal ⁽¹⁰⁶⁾ .	✓	✓	⊗	⊗
Their support in the administrative procedure is free of charge for the applicant ⁽¹⁰⁷⁾ .	⊗ it is at the applicant's expense, unless otherwise provided in national law.	⊗ it is at the applicant's expense, unless otherwise provided in national law.	✓ unless the applicant is excluded from free legal counselling.	✓

⁽¹⁰⁶⁾ Article 17(1) APR.

⁽¹⁰⁷⁾ Articles 15(2) and (3) APR.





Role	Legal adviser who represents the applicant	Legal adviser who does not represent but assists the applicant	Person entrusted with the provision of free legal counselling	Information provider
Actions				
Their intervention in the appeal procedure is free of charge for the applicant ⁽¹⁰⁸⁾ .	<div>✓</div> <p>unless the applicant is excluded from free legal assistance and representation.</p>	<div>✓</div> <p>unless the applicant is excluded from free legal assistance and representation.</p>	Not applicable.	Not applicable.

⁽¹⁰⁸⁾ Article 17 APR.





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